

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss

SUPERIOR COURT

ROBERT WOODWARD and TIMOTHY KING, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

NORTH COTTAGE PROGRAM, INC.,

Defendant.

Case No. 2473CV00710

JOINT DECLARATION OF COUNSEL

1. We are counsel for Plaintiffs in the above-captioned case. This declaration supports the Motion for Attorney Fees, Costs, and Service Awards.

2. We have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

3. On September 24, 2024, Plaintiff Timothy King filed a class action complaint in Plymouth Superior Court, Case No. 2483CV00803 (the “King Action”).

4. On October 10, 2024, Plaintiff Robert Woodward filed his initial complaint in this Court.

5. Then, on December 10, 2024, Plaintiff Timothy King voluntarily dismissed the King Action without prejudice.

6. On January 14, 2025, Plaintiffs Timothy King and Robert Woodward jointly filed the operative Amended Class Action Complaint (the “Amended Complaint”).

7. On July 25, 2025, Plaintiffs and Defendant (together, the “Parties”) engaged in a full-day mediation session with Michael N. Ungar, a highly experienced mediator who is the Chair of the Litigation Department at the national law firm UB Greensfelder.

8. Mr. Ungar is a highly experienced mediator who is the Chair of the Litigation Department at the national law firm UB Greensfelder.

9. During the mediation session, the Parties evaluated and discussed the relevant facts and law and carefully weighed the risks and uncertainties of continued litigation. Under the mediator’s guidance, the Parties engaged in extensive arm's length negotiations and advocated vigorously on behalf of their respective clients.

10. The negotiations were hard fought, and the Parties were unable to reach an agreement during the mediation. Despite this, the Parties made substantial progress towards settlement.

11. Following the mediation, the Parties continued to engage in good-faith negotiations over the ensuing weeks and months, ultimately reaching agreement on all material terms of the Settlement.

12. Notably, to avoid any conflicts of interest, the Parties did not discuss attorney fees or expenses throughout the mediation and negotiation process-until after reaching an agreement on the benefits provided to Settlement Class Members. Over the following months, the Parties negotiated the finer terms of the Settlement.

13. On March 25, 2026, Plaintiffs moved for Preliminary Approval.

14. On January 12, 2026, the Court held a hearing wherein it requested the Parties to make changes to the proposed notices and order before it would grant Preliminary Approval of the Settlement. Specifically, the Court requested that the Parties (a) remove all references to opt-out

or exclusion procedures contained in the Settlement Agreement and its exhibits; and (b) include Massachusetts IOLTA notice language in the proposed Preliminary Approval Order.

15. Thereafter, the Parties collaborated and made the necessary changes to the settlement documents. On April 27, 2026, Plaintiffs moved for Preliminary Approval of the amended Settlement documents. And on April 30, 2026, the Court held a hearing and endorsed the motion for preliminary approval.

16. Here, Class Counsel have invested 248.8 hours over the past twenty-one (21) months—which equates to a lodestar of \$189,949.00. A breakdown of the time spent to date by Class Counsel is listed below.

Strauss Borrelli PLLC

Name	Position	Hourly Rate	Hours	Lodestar
Samuel Strauss	Partner	\$800	11.8	\$9,440.00
Raina Borrelli	Partner	\$800	3	\$2,400.00
Cassandra Miller	Partner	\$725	98.9	\$71,702.50
Andrew Gunem	Associate	\$550	9.7	\$5,335.00
Sarah Soleiman	Associate	\$550	10.2	\$5,610.00
Stephen Pigozzi	Associate	\$600	6.8	\$4,080.00
Megan Wang	Paralegal	\$200	0.5	\$100.00
John Erickson	Legal Assistant	\$150	0.3	\$45.00
TOTAL			141.20	\$98,712.50

EKSM, LLP

Name	Position	Hourly Rate	Hours	Lodestar
Leigh S. Montgomery	Partner	\$950	55.3	\$52,535.00
John P. Kristensen	Local Counsel	\$1,000	15	\$15,000.00
Jarett Ellzey	Partner	\$1,000	12.5	\$12,500.00
Steve Rauls	Associate	\$850	4.8	\$4,080.00
Samuel Brown	Associate	\$650	5.6	\$3,640.00
Alice Newlin	Paralegal	\$260	6.9	\$1,794.00
Katheryn Orms	Paralegal	\$225	3.4	\$765.00
Raya Jacob	Paralegal	\$225	4.1	\$922.50
TOTAL			107.6	\$91,236.50

17. Class Counsel incurred \$2,189.07 in reasonable and necessary costs for, *inter alia*, filing fees, process service, travel costs, and *pro hac vice* fees.

<i>Expense Type</i>	<i>Amount</i>
Filing Fees and Court Costs – EKSM, LLP	\$305.58
Process Service – EKSM, LLP	\$250.00
Hotel – Strauss Borrelli PLLC	\$276.01
Transportation – Straus Borrelli PLLC	\$917.49
Meals – Strauss Borrelli PLLC	\$77.32

Westlaw Research Fees – EKSM, LLP	\$3.07
<i>Pro Hac Vice</i> Fees – EKSM, LLP	\$355.00
Miscellaneous – Strauss Borrelli PLLC	\$4.60
TOTAL	\$2,189.07

18. Class Counsel will pay for these costs, and thus the “net” amount of the requested Fee Award is \$237,810.93 (i.e., \$240,000.00 minus the costs of \$2,189.07). The out-of-pocket costs to Class Counsel will increase, including travel to attend the Final Approval Hearing.

19. Currently, the requested Fee Award conservatively equates to a multiplier of approximately 1.25 (i.e., \$237,810.93 divided by \$189,949.00 equals 1.251972529).

20. Notably, this lodestar multiplier will only decrease as the litigation proceeds—and Class Counsel anticipates spending significant additional time and expense in this matter, including, *inter alia*, drafting the motion for final approval, preparing for and attending the final approval hearing, overseeing the claims process, and overseeing the distribution of funds to Settlement Class Members.

21. The hourly rates of Settlement Class Counsel broadly align with *Shedd* and those of complex class action litigators in Massachusetts. Moreover, Settlement Class Counsel routinely survey hourly rates charged by lawyers around the country in published surveys. Based upon Settlement Class Counsel’s research, Settlement Class Counsel’s rates are within the range of lawyers with their level of experience, practicing in this field, especially in the Boston area.

22. Class Counsel diligently prosecuted this case for approximately twenty-one (21) months and invested 248.8 hours—including through preparing the initial complaints, drafting the

amended complaint, exchanging informal discovery, attending formal mediation with Michael Ungar of UB Greensfelder, and engaging in several months of extensive arm's length negotiations.

23. Class Counsel have substantial experience in analogous complex litigation—and a specific expertise in data breach class actions. Indeed, Class Counsel are currently litigating over one-hundred data breach class actions in state and federal courts across the country.

24. Thus, Class Counsel have both the experience and ability to navigate the pitfalls of data breach litigation. And Class Counsel were able to effectively represent Plaintiffs and the Settlement Class and secure the Settlement in a timely manner.

* * * * *

Pursuant to 28 U.S.C. § 1746, we declare and sign under penalty of perjury of the United States of America that the foregoing is true and correct.

Executed this 14th day of July, 2026.

/s/ Michael Appel
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***Attorneys for Plaintiffs and the Proposed
Settlement Class***

**Admitted Pro Hac Vice*