THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISON

CARLOS RAMIREZ, on behalf of himself and all others similarly situated, Plaintiff, v. THE PARADIES SHOPS, LLC, a Georgia limited liability company, Defendant.	Case No. 1:21-cv-03758-ELR

CO-CLASS COUNSEL'S DECLARATION IN SUPPORT OF REPRESENTATIVE PLAINTIFF'S MOTION FOR SERVICE AWARD, LITIGATION COSTS, AND ATTORNEY'S FEES

John A. Yanchunis and Ryan D. Maxey declare as follows:

1. We are Class Counsel[1] in this matter. We have personal knowledge of all the matters addressed in this Declaration, including the negotiations that culminated with the filing of the proposed settlement (the "Settlement") now before the Court.

John A. Yanchunis

[1] The parties to the settlement are Carlos Ramirez, the Representative Plaintiff, on behalf of the proposed Settlement Class, and Defendant The Paradies Shops, LLC ("Paradies"). Capitalized terms used in this Brief have the same meaning as in the Settlement Agreement ("S.A."), attached to the motion for preliminary approval as Ex. 1 (ECF No. 48-1).

2. John Yanchunis leads Morgan & Morgan's class action group. Morgan & Morgan is America's largest injury law firm with over 1,000 lawyers in offices throughout the United States. Its depth as a trial firm, and its self-funded financial resources, allow it to undertake the largest and most significant cases throughout the country. Mr. Yanchunis—whose career as a trial lawyer began over 41 years ago following the completion of a two-year clerkship with United States District Judge Carl O. Bue, Southern District of Texas (now deceased)—has efficiently and expeditiously led many privacy-related Multidistrict Litigation (MDL) and non-MDL class action proceedings, including as Lead or Co-Lead Counsel in some of the largest privacy class actions. He has focused his practice on class action litigation for over 28 years.

3. Mr. Yanchunis began his work in privacy litigation in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based on the placement of cookies on hard drives of internet users. Beginning in 2003, he served as co-Lead Counsel in the successful prosecution and settlement of privacy class action cases involving the protection of privacy rights of more than 200 million consumers under the Driver's Protection Privacy Act (DPPA) against the world's largest data and information brokers, including Experian, R.L. Polk, Acxiom, and Reed Elsevier (which owns Lexis/Nexis). *See Fresco v. Automotive Directions, Inc.*, No. 03-61063-JEM (S.D.

Fla.), and *Fresco v. R.L. Polk*, No. 07-cv-60695-JEM (S.D. Fla.). Subsequently, he also served as co-Lead Counsel in the DPPA class cases, *Davis v. Bank of America*, No. 05-cv-80806 (S.D. Fla.) ($10 million class settlement), and *Kehoe v. Fidelity Fed. Bank and Trust*, No. 03-cv-80593 (S.D. Fla.) ($50 million class settlement).

4. As a result of his experience in insurance and complex litigation, beginning in 2005, he was selected by Tom Gallagher, the Chief Financial Officer for the state of Florida and a member of the Florida Cabinet, to serve as lead counsel for the Florida Department of Financial Services and the Florida Department of Insurance Regulation (the insurance regulators of Florida) in their investigations of the insurance industry on issues concerning possible antitrust activity and other possible unlawful activities regarding the payment of undisclosed compensation to insurance brokers. He served as lead regulator counsel and worked with a core group of state Attorneys General from the National Association of Attorneys General, which were selected to conduct the investigations. The insurance regulator for Florida was the only insurance regulator in the group. The litigation that was filed and the related investigations netted millions of dollars in restitution for Florida consumers and resulted in significant changes in the way commercial insurance is sold in Florida and across the country.

5. During his career, he has tried numerous cases in state and federal courts, including one of the largest and longest insurance coverage cases in U.S.

history, which was filed in 1991 by the Celotex Corporation and its subsidiary, Carey Canada, Inc. During the seventeen years the case pended, he served as lead counsel for several insurance companies regarding coverage for asbestos and environmental claims. The case was tried in three phases over several years beginning in 1992. He was also lead counsel for these parties in the subsequent appeals that followed a judgment in favor of his clients.

6. He has been appointed and served in leadership positions in most of the largest data breach cases filed in the area of privacy and data breaches: *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.) (settlement for $190,000,000 approved for 98 million consumers). With almost no assistance from any other firms other than to assist in preparing their individual clients for deposition, Mr. Yanchunis and his two co-lead attorneys took this case almost to trial before Capital One and Amazon agreed to settle the case . In his order approving the settlement, United States District Judge Anthony Trenga found that:

> In pursuing this complex, years-long litigation, Class Counsel engaged in, inter alia, extensive discovery—including reviewing nearly three million pages of documents and taking nearly fifty depositions—and significant motion practice—including for class certification, summary judgment, and expert exclusion. In total, Class Counsel devoted more than 65,000 hours to what Plaintiffs call "almost undoubtedly, the most heavily litigated data breach case in history.

IN RE: Capital One Consumer Data Security Breach Litigation, 1:19-md-02915-AJT (E.D. Va.) [Doc. No. 2231] at 1.

7. In an order approving the proposed attorneys' fees, Judge Trenga wrote:

> Factor 1, Results for the Class: This Court previously commended Class and Defense Counsel at the September 8, 2022 Final Approval Hearing for the "exceptional outcome for all the parties given the difficult legal issues," calling it an "outstanding result" attributed "in no small measure, to counsel, counsel's efforts, and . . . the level of competence and professionalism that they've brought to every aspect of this case." [Doc. No. 2261] at 30:19-31:3. The Court stands by that statement. Class Counsel effectively and efficiently pursued the case, resulting in purportedly the second largest data breach settlement to date, in addition to the injunctive relief.

8. *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) ("Yahoo") (Lead Counsel, which led a four firm plaintiffs steering committee) (Court approved $117,500,000.00 common fund settlement for approximately 194 million US residents and 270,000 Israeli citizens); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (Co-Lead Counsel)(four- member PSC) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of $29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, No. 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs' Steering Committee) (final judgment entered approving $380.5 million

fund for 145 million consumers); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, No. 1:15-mc-01394-ABJ (D.D.C.) ("OPM") (member of the Executive Committee) (motion for preliminary approval of a $60,000,000 common fund); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers).

9. His court-appointed leadership experience in non-MDL, data breach class actions is likewise significant, and to just name a few: *Schmidt, et al., v. Facebook, Inc.*, No. 3:18-cv-05982 (N.D. Cal.) (Co-Lead Counsel) ("Facebook") (class certified over Facebook's opposition for 8 million residents, subsequently settlement of the class was approved by the court); *Walters v. Kimpton Hotel & Restaurant*, No. 3:16-cv-05387 (N.D. Cal.) (Lead Counsel) (class action settlement final approval order entered July 11, 2019); and *In re: Arby's Restaurant Group, Inc. Data Security Litigation*, Nos. 1:17-cv-514 and 1:17-cv-1035 (N.D. Ga.) (co-Liaison Counsel) (final approval of a class settlement entered June 6, 2019); and *Jackson, et al., v. Wendy's International*, LLC, No. 6:16-cv-210-PGB (M.D. Fla.) (final approval of a class settlement entered February 26, 2019); *Henderson v. Kalispell Regional Healthcare*, No. CDV-19-0761 (Montana Eighth Judicial Court – Cascade County) (final approval of class settlement entered January 5, 2021); *In re: Citrix Data Breach Litigation*, No. 19-cv-61350 (S.D. Fla.) (preliminary approval of class

action settlement entered on January 26, 2021); *Kuss v. American HomePatient, Inc., et al.*, No. 18-cv-2348 (M.D. Fla.) (final approval of class action settlement entered on August 13, 2020); *Fulton-Green v. Accolade, Inc.*, No. 18-cv-274 (E.D. Pa.) (final approval of class action settlement entered September 23, 2019); *Nelson v. Roadrunner Transportation Systems, Inc.*, No. 18-cv-7400 (N.D. Ill.) (final approval of class action settlement entered September 15, 2020).

10. He has also been appointed co lead counsel in a data privacy case that was certified as a class over Google's opposition, *Brown. et al., v. Google, LLC*, No. 20-cv-03664 (N.D. Cal.). The case was settled weeks before the commencement of trial, and final approval of the class action settlement benefitting well over a hundred million consumers is set for August 7, 2024. In another data privacy case against Google pending in the Northern District of California, San Francisco Division, *Rodriguez, et al, v. Google, LLC*, No. 20-cv-04688 (N.D. Cal.), he, along with his co-counsel, have been appointed as co-lead counsel for a class certified over Google's opposition. This class case will be tried over two weeks beginning August 18, 2025. He was one of the very few lawyers who has litigated through contested certification privacy class cases. He does not have a reputation for filing and then settling class cases.

11. In 2023 and in data breach cases, and as a thought leader in the area of data privacy, Mr. Yanchunis lead a team of lawyers in his firm and obtained reversals

of lower courts in the Eleventh Circuit and the Second Circuit Courts of Appeals: *Bohnak v. Marsh & McLennan Companies*, No. 22-319 (2d Cir. 2023), *Ramirez v. The Paradies Shops, LLC*, No. 22-12853-HH (11th Cir. 2023), and *Sheffler v. Americold Realty Trust*, No. 22-11789-CC (11th Cir. 2023). On December 7, 2023, he presented argument before the Fourth Circuit in the successful appeal of a lower court decision -*Ford v Sandhills Medical Ctr., Inc.*, No.22-2268 (4th Cir. 2023), cert denied (2025), a class case arising out of a data breach at a health care facility.

12. He now serves as an appointed member of the newly formed Cyber Security and Privacy Subcommittee of The Florida Bar.

13. Mr. Yanchunis was recognized in 2020 for the second year in a row by Law360 as one of four MVPs in the area of Cybersecurity and Privacy. Similarly, in 2016 and then in 2020, Mr. Yanchunis was recognized by the National Law Journal as a Trailblazer in the Area of Cybersecurity & Data Privacy. In 2020, Mr. Yanchunis was named Florida Lawyer of the Year by the Daily Business Review, and in 2022, he was awarded the Best Mentor award in the state of Florida by the same publication. In 2023, he was named Consumer Lawyer of the Year by The Florida Bar's Consumer Protection Committee for his accomplishments in the area of data privacy. Again for his accomplishments in the area of data privacy and cyber security, in 2023, he was recognized as a Titan of the Plaintiffs' Bar by Law360. In 2024, he was named a finalist for Attorney of the Year by ALM/Law360 and he is a

finalist for Lawyer of Year by The National Law Journal (winner to be announced in New York City on July 11, 2024). In 2024, the class action practice group that he leads at his firm was awarded Litigation Department of the Year in the state of Florida by ALM/Law360, and his practice group is a national finalist for Litigation Department of the Year by The National Law Journal (winner to be announced on July 11). He will receive a Lifetime Achievement Award in July at a dinner hosted by ALM/360. IN 2025 , He was recognized by Law Dragon in the following categories : 500 Leading Lawyers in America , 500 Leading Global Cyber Lawyers ,500 Global Plaintiff Lawyers , and 500 Leading Plaintiff Lawyers in America .

14. Because of his experience in the area of cyber security and privacy and data breach litigation, he is a frequent speaker nationally and internationally. He spoke on these topics in May of this year in London, and he is scheduled to speak in London and Lisbon in the fall at two separate symposiums on data privacy and cyber security. Presently, he is organizing with several universities in the United States, the European Union, and Israel, a symposium to focus on data privacy. It is planned to be held in Rome in 2025. He also is a frequenter lecturer at Baylor College of Law in its LLM program on cyber security, most recently in June 2024.

15. Exhibiting his leadership skills and his ability to work collaboratively with others, Mr. Yanchunis has served in leadership positions on many professional committees and boards, most prominently as a member of the Board of Directors of

The Florida Bar Foundation, a member of The Florida Board of Bar Examiners appointed by the Florida Supreme Court (5-year term, and he continues by appointment to date as an Emeritus Member), and an elected member for two terms to The Board of Governors of The Florida Bar, and to The Young Lawyers Division of The Florida Bar. He has served on The Florida Bar's Consumer Protection Committee, including serving as its Chair. He has also served as an expert in ethical issues in class litigation for The Florida Bar in disciplinary proceedings.

16. In his profession, he received the Florida Bar Foundation President's Award of Excellence, the Public Justice Impact Change Award, and for his work in representing a class of elderly indigent Floridians on Medicaid in a suit against the state of Florida, which resulted in an increase in the benefits to class members, he was awarded The Florida Bar Elder Law Section Chair's Honor Award.

17. He has been recognized as a Super Lawyer for over two decades and is AV rated by Martindale Hubbell.

Ryan D. Maxey

18. Mr. Maxey has been practicing law for more than 15 years (3 as a law clerk to a federal judge, the remainder as a civil litigator). His skill and commitment to protecting the rights of class members in data breach cases are reflected in his successful appeal of 4 such cases dismissed for failure to state a claim or for lack of subject-matter jurisdiction. Appeals of such dismissals are rare, particularly in

"smaller" cases impacting less than 200,000 individuals, yet he chose to continue to fight for the benefits of putative class members. His oral arguments before the Eleventh Circuit Court of Appeals in *Ramirez v. Paradies Shops, LLC*, 69 F.4th 1213 (11th Cir. 2023) and *Sheffler v. Americold Realty Tr.*, No. 22-11789, 2023 WL 3918491 (11th Cir. June 9, 2023), both of which had been dismissed below for failure to state a claim, resulted in these cases being remanded for further proceedings. In another federal appeal that was resolved without oral argument, the Second Circuit Court of Appeals reversed the dismissal of a data breach case for failure to state a claim and remanded it for further proceedings. *See Bohnak v. Marsh & McLennan Companies, Inc.*, 79 F.4th 276 (2d Cir. 2023). The Fourth Circuit Court of Appeals reversed and remanded another action that was dismissed for lack of subject-matter jurisdiction based on a patient's failure to comply with the Federal Tort Claims Act. *See Ford v. Sandhills Med. Found., Inc.*, 97 F.4th 252 (4th Cir. 2024).

19. He has also litigated dozens of smaller data breach class action matters, including the following in which he was appointed class counsel in connection with settlements that were finally or preliminarily approved from 2022 to 2025: *Ramirez v. The Paradies Shops, LLC*, No. 1:21-cv-03758-ELR (N.D. Ga.) (preliminary approval granted Apr. 14, 2025); *Everetts v. Personal Touch Holding Corp.*, No. 2:21-cv-02061-JMA-LGD (E.D.N.Y.) (final approval granted Mar. 28, 2025);

Tanner v. Plavan Commercial Fueling, Inc., Case No. 3:24-cv-1341-BTM-JLB (S.D. Cal.) (preliminary approval granted Feb. 18, 2025); *Phelps, et al. v. Circles of Care, Inc.*, No. 2023-CA-010840 (Brevard County, Fla.) (final approval granted Dec. 18, 2024); *Florence et al. v. Order Express, Inc.*, Case No. 1:22-cv-07210 (N.D. Ill.) (final approval granted Nov. 26, 2024); *Hummel v. Teijin Automotive Techs.*, Case No. 2:23-ccv-10341 (E.D. Mich.) (final approval granted Sept. 24, 2024); *Domitrovich, et al. v. M.C. Dean, Inc.*, 1:23-cv-00210-CMH-JFA (E.D. Va.) (final approval granted Aug. 27, 2024); *May, et al. v. Five Guys Enterprises, LLC*, No. 1:23-cv-00029-CMH-JFA (E.D. Va.) (final approval granted July 12, 2024); *Hoover, et al. v. Camping World Group, LLC*, et al., No. 2023LA000372 (DuPage County, Ill.) (final approval granted May 23, 2024); *Bitmouni v. Paysafe Payment Processing Solutions LLC*, No. 3:21-cv-00641-JCS (N.D. Cal.) (final approval granted Feb. 2, 2024); *Morales v. Orlando Family Physicians, LLC*, No. 2021-ca-009153-o (Orange County, Fla.) (final approval granted Sept. 14, 2023); *Farmer v. Humana Inc., et al.*, No. 8:21-cv-01478-MSS-SPF (M.D. Fla.) (final approval granted Feb. 13, 2023); *Gamez, et al. v. PCS Revenue Control Systems, Inc.*, No. 2:21-cv-08991-JXN-AME (D. N.J.) (final approval granted Feb. 6, 2023).

20. A settlement was not obtained in this action until after a motion to dismiss was fully briefed, this Court entered its ruling, Representative Plaintiff appealed that ruling, and the Eleventh Circuit remanded the case for further

proceedings.

21. To explore and potentially negotiate a class-wide settlement, on November 17, 2023, the Parties participated in a mediation facilitated by an experienced mediator, retired Judge John Thornton. After mediation, the Parties remained at an impasse. Following adjournment, the Parties resumed litigating the case, including serving discovery requests and negotiating a confidentiality order and a protocol for discovery of electronically stored information. In April 2024, the Parties resumed discussions regarding a potential settlement, and on May 13, 2024, the Parties reached an agreement in principle, the terms of which were later finalized in this Settlement Agreement and the attached exhibits.

22. The mediation session held before Judge Thornton required substantial preparation. Thereafter, significant time was devoted to negotiating and drafting the Settlement Agreement, the preliminary approval process, and to all actions required thereafter pursuant to the preliminary approval order, including researching and preparing this motion and the final approval motion.

23. The negotiations were hard-fought throughout, and the process was conducted at arm's length and non-collusive. The subject of attorneys' fees, costs, and expenses, subject to Court approval, was negotiated only after all substantive terms of the Settlement were agreed upon by the parties.

24. Representative Plaintiff spent time reviewing and approving the

complaint and the settlement agreement and agreed to pursue an appeal.

25. Representative Plaintiff expects to incur at least $3,000.00 in additional litigation costs associated with Class Counsel traveling from Florida to Georgia for the final approval hearing.

26. In undertaking to prosecute this case on a contingent fee basis, Class Counsel assumed a significant risk of nonpayment or underpayment.

27. The progress of this case to date, including its dismissal and survival after appeal solely as to a negligence claim, shows the inherent risk faced by Class Counsel in accepting and prosecuting this matter on a contingency fee basis. Despite Class Counsel's effort in litigating this case, Class Counsel remain uncompensated for the time invested, in addition to the expenses they advanced.

28. Prior to and after initiating this action, Class Counsel devoted substantial time to investigating the claims against Paradies. Class Counsel also expended resources researching and developing the legal claims at issue.

29. The appeal of this action also required considerable time and labor, both in researching and preparing the required briefing and in presenting oral argument before an Eleventh Circuit panel.

30. After the appeal, the Parties engaged in formal discovery, including Class Counsel preparing and serving requests for production and proposed topics for a Rule 30(b)(6) deposition. Class Counsel also prepared a Stipulated Protective

Agreement and Stipulated ESI Protocol for Paradies' consideration.

We declare under penalty of perjury that the foregoing is true and correct. Executed on June 16, 2025.

/s John A. Yanchunis

John A. Yanchunis

/s Ryan D. Maxey

Ryan D. Maxey