

1 M. Anderson Berry (SBN 262879)
2 **CLAYEO C. ARNOLD,**
3 **A PROFESSIONAL LAW CORP.**
4 865 Howe Avenue
5 Sacramento, CA 95825
6 Telephone: (916)239-4778
7 Facsimile: (916) 924-1829
8 aberry@justice4you.com

9 Jeffrey S. Goldenberg (*pro hac vice*)
10 **GOLDENBERG SCHNEIDER, LPA**
11 4445 Lake Forest Drive, Suite 490
12 Cincinnati, OH 45242
13 Telephone: (513) 345-8297
14 Facsimile: (513) 345-8294
15 jgoldenberg@gs-legal.com

16 *Attorneys for Plaintiffs*

17 [additional counsel listed on signature page]

18 **THE UNITED STATES DISTRICT COURT**
19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

20 KEN HASHEMI, STEVE
21 ALTES, SANDRA JOHNSON-
22 FOSTER, GREGORY BOUTE
23 RAFAEL ARTIME, and JOHN
24 BOWDEN as individuals and all
25 others similarly situated,

26 Plaintiffs,

27 vs.

28 BOSLEY, INC.,

Defendant.

Case No.: 2:21-cv-00946-PSG(RAOx)

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR ATTORNEYS'
FEES AND COSTS AND SERVICE
AWARDS**

Date: August 5, 2022
Time: 1:30 p.m.
Courtroom: 6A
Judge: Hon. Philip S. Gutierrez

29 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF**
30 **RECORD:**

31 **PLEASE TAKE NOTICE THAT** on August 5, 2022, at 1:30 PM, or as
32 soon thereafter as counsel may be heard, before the Honorable Philip S. Gutierrez,

1 at First Street Courthouse, 350 West 1st Street, Courtroom 6A, 6th Floor, Los
 2 Angeles, California 90012-4565, Plaintiffs will and hereby do move this Court,
 3 pursuant to Federal Rule of Civil Procedure 23, for an order granting Plaintiffs'
 4 Motion for Attorneys' Fees and Costs and Service Awards

5 Plaintiffs base their Motion for Attorneys' Fees and Costs and Service
 6 Awards: this Notice; the Memorandum of Points and Authorities filed in support
 7 thereof; the Declarations of M. Anderson Berry, Jeffrey S. Goldenberg, Charles E.
 8 Schaffer and Gary E. Mason in Support of Plaintiffs' Motion for Attorneys' Fees
 9 and Costs and Service Awards; and all other records and papers on file in this
 10 action; any oral argument on the Motion; and all other matters properly before the
 11 Court.

12 This Motion is made following the conference of counsel pursuant to L.R.
 13 7-3 which took place at the mediation on August 27, 2021, and at numerous times
 14 and on numerous dates thereafter.

15
 16
 17 Date: July 7, 2022

Respectfully Submitted,

18 /s/ M. Anderson Berry

19 M. ANDERSON BERRY (SBN 262879)

20 **CLAYEO C. ARNOLD,**
A PROFESSIONAL LAW CORP.

21 865 Howe Avenue

22 Sacramento, CA 95825

23 Tel: (916) 239-4778

Email: aberry@justice4you.com

24 Jeffrey S. Goldenberg (*pro hac vice*)

25 **GOLDENBERG SCHNEIDER, LPA**

26 4445 Lake Forest Drive, Suite 490

Cincinnati, OH 45242

27 Tel: (513) 345-8297

Email: jgoldenbergs@gs-legal.com

28 Charles E. Schaffer (*pro hac vice*)

LEVIN SEDRAN & BERMAN, LLP

1 510 Walnut Street, Suite 500
Philadelphia, PA 19106
2 Tel: (215) 592-1500
Email: cschaffer@lfsblaw.com

3 Ex Kano S. Sams II (SBN 192936)
4 **GLANCY PRONGAY & MURRAY**
5 **LLP**
1925 Century Park East, Suite 2100
Los Angeles, California 90067
6 Tel: 310-201-9150
Email: esams@glancylaw.com

7 Gary E. Mason
8 Danielle L. Perry
9 **MASON LLP**
5101 Wisconsin Avenue NW, Suite 305
Washington, DC 20016
10 Tel: 202-429-2290
Fax: 202-429-2294
Email: gmason@masonllp.com
11 Email: dperry@masonllp.com

12 David K. Lietz (*pro hac vice*)
13 **MILBERG COLEMAN BRYSON**
14 **PHILLIPS GROSSMAN, PLLC**
5335 Wisconsin Avenue NW
Suite 440
15 Washington, D.C. 20015-2052
Telephone: (866) 252-0878
16 Facsimile: (202) 686-2877
Email: dlietz@milberg.com

17 *Attorneys for Plaintiffs and the Proposed*
18 *Classes*

1 M. Anderson Berry (SBN 262879)
2 **CLAYEO C. ARNOLD,**
3 **A PROFESSIONAL LAW CORP.**
4 865 Howe Avenue
5 Sacramento, CA 95825
6 Telephone: (916)239-4778
7 Facsimile: (916) 924-1829
8 aberry@justice4you.com

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20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
21

22 KEN HASHEMI, STEVE ALTES,
23 SANDRA JOHNSON-FOSTER,
24 GREGORY BOUTE RAFAEL
25 ARTIME, and JOHN BOWDEN
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Defendant.

Case No.: 2:21-cv-00946-PSG(RAOx)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS AND
SERVICE AWARDS**

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I. INTRODUCTION

Plaintiffs Ken Hashemi, Steve Altes, Sandra Johnson-Foster, Gregory Boute, Rafael Artime, and John Bowden (“Plaintiffs”) and Defendant Bosley, Inc. (“Bosley” or “Defendant”) have agreed to a proposed settlement resolving the claims of Bosley customers and employees who had their personally identifiable information (“PII”) stolen as a result of a data breach of Defendant’s computer system. The proposed settlement provides substantial benefits to the Class Members, including compensation for ordinary out-of-pocket losses and lost time at a rate of \$20 per hour up to four hours, up to \$300 per Settlement Class Member, and for extraordinary out-of-pocket losses up to \$5,000 per Settlement Class Member. Defendant will also provide monetary payment to the California Settlement Subclass for California statutory damages in the amount of \$50 each. The total Class-wide recovery for these monetary claims only is capped at \$500,000.

Defendant will also pay, separately and not as part of the \$500,000 cap, to have all Settlement Class members automatically provided with free access to Aura’s Financial Shield Services for a period of two years from the Effective Date without the need to submit a claim. Plaintiffs will simply need to register for the free Financial Shield Services benefit on the Settlement website, after the Effective Date.

Defendant will also pay, separately from the \$500,000 cap, for Claims Administration, service awards to the Class Representatives, and attorneys’ fees and expense reimbursement as approved by the Court.

Finally, Plaintiffs and Class Members have and will continue to receive a benefit from substantial business practice changes aimed at preventing further unauthorized access to their sensitive personally identifiable information (“PII”) entrusted to Bosley. The cost of these business practice changes is also not included in the \$500,000 cap.

This hard-struck bargain did not come easily. Rather, it took considerable time, effort, and skill from Class Counsel. To reach this result, Class Counsel

1 expended extensive resources to investigate this case, interviewed potential
2 plaintiffs, drafted the complaints and the amended complaint, consolidated cases into
3 a single class action lawsuit, engaged in months long settlement negotiations and
4 lengthy mediation, before ultimately achieving the final result for the Class.

5 The Settlement Agreement provides that Defendant will pay Class Counsel
6 attorneys' fees and expenses, as approved by this Court, up to \$262,500.
7 Importantly, Defendant's payment of attorneys' fees, expenses, and service award
8 will not reduce any of the settlement benefits available to the Class.

9 As of July 6, 2022, Class Counsel had spent nearly 551.75 hours litigating this
10 case and implementing this Settlement. Declaration of M. Anderson Berry in
11 Support of Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards ("Berry
12 Decl."), ¶11, attached as Exhibit A. Applying Class Counsel's current hourly rates,
13 this results in a combined lodestar of \$358,684.30. *Id.* at ¶37. Class Counsel has
14 also incurred \$27,013.43 in reimbursable expenses. *Id.* at ¶41. In other words,
15 Plaintiff's requested fee award represents a *negative* lodestar multiplier of
16 approximately 0.66. *Id.* at ¶37. "This resulting multiplier of less than one,
17 (sometimes called a negative multiplier) suggests that the negotiated fee award is a
18 reasonable and fair valuation of the services rendered to the class by class counsel."
19 *Chun-Hoon v. McKee Foods Corp.*, 716 F. Supp. 2d 848, 854 (N.D. Cal. 2010).

20 Lastly, the Settlement Agreement provides that Defendant will pay a \$1,250
21 service award to each Plaintiff as compensation for his or her time and efforts
22 participating in the case. Courts routinely approve such awards as "presumptively
23 reasonable." *Pierce v. Rosetta Stone, Ltd.*, No. C 11-01283 SBA, 2013 WL 5402120,
24 at *6 (N.D. Cal. Sept. 26, 2013) ("In this district, a \$5,000 payment is presumptively
25 reasonable.") (citing cases).

26 As discussed more fully below, the requested fee, expense, and service awards
27 are reasonable and should be approved.

II. FACTUAL AND PROCEDURAL HISTORY

A. Plaintiffs' Allegations and Claims

This litigation arose out of allegations of a Data Incident in or about August 2020 whereby cyber-criminals uploaded a virus onto Bosley's systems, encrypting Bosley's data, including personally identifiable information ("PII") of certain customers and employees. Plaintiffs allege, but Bosley denies, that, as a result of this Data Incident, unauthorized users accessed Representative Plaintiffs' and Settlement Class Members' PII including Social Security numbers, driver's license numbers, financial account information, medical information and/or health insurance information. First Amended Complaint ("FAC") ¶ 1.

B. The Litigation and Settlement

Plaintiff Hashemi and Altes filed the Hashemi Action on February 1, 2021. Thereafter, on April 9, 2021, Plaintiff Bowden filed a separate putative class action complaint against Bosley arising out of the same Data Incident. *See Bowden v. Bosley, Inc.*, case No. 2:21-cv-03357-MWF (AGR) (the "*Bowden Action*"). Shortly thereafter, counsel for Plaintiffs Hashemi and Altes, and counsel for Plaintiff Bowden decided to consolidate the *Bowden Action* into the *Hashemi Action*, and also to add claims on behalf of Plaintiffs Johnson-Foster, Boute, and Artime. Pursuant to stipulation of the Parties and approval of the Court, Plaintiffs filed the FAC in the Hashemi Action on May 3, 2021.

The FAC alleges twelve claims and was filed on behalf of six named plaintiffs: (1) Negligence; (2) Breach of Confidence; (3) Violation of the California Unfair Competition law, Cal. Bus. & Prof. Code § 17200, *et seq.* – Unlawful Business Practices; (4) Violation of the California Unfair Competition law, Cal. Bus. & Prof. Code § 17200, *et seq.* – Unfair business practices; (5) Violation of the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA") Fla. Stat. §§ 501.201, *et seq.*; (6) Violation of the California Consumer Privacy Act ("CCPA") Cal. Civ. Code §§ 1798.100, *et seq.*; (7) Breach of Implied Contract; (8) Violation of the Confidentiality

1 of Medical Information Act (“CMIA”), Cal. Civ. Code §§ 56, *et seq.*; (9) Violation of
2 the California Consumer Records Act (“CCRA”) Cal. Civ. Code § 1798.80, *et seq.*;
3 (10) Violation of the New York General Business Law § 349; (11) Intrusion into
4 Private Affairs; and (12) Declaratory Judgment. *See generally*, FAC.

5 Over the course of several months, the Parties engaged in settlement
6 negotiations. Joint Declaration of M. Anderson Berry and Jeffrey S. Goldenberg in
7 Support of Plaintiffs’ Unopposed Motion for Preliminary Approval, ECF No. 43
8 (“Joint Decl.”), ¶ 9. The parties then agreed to participate in mediation and prior to
9 doing so, informally exchanged discovery under Federal Rule of Evidence 408 on a
10 variety of topics, including Bosley’s insurance coverage for this incident (which,
11 without revealing confidential information, was limited). Joint Decl., ¶ 9. The parties
12 selected Bennett G. Picker, Esq., of Stradley Ronan, a well-regarded private mediator
13 with considerable experience mediating data breach class actions, to preside over the
14 mediation. Joint Decl., ¶ 9. The parties drafted and exchanged detailed mediation
15 briefs prior to mediation, and participated in pre-mediation sessions with Mr. Picker.
16 Joint Decl., ¶ 9.

17 At the all-day mediation on August 27, 2021, the parties agreed in principle to
18 the majority of the terms of a Settlement, but could not come to final agreement on
19 all terms. Joint Decl., ¶ 9. Mr. Picker ultimately made a mediator’s proposal, and both
20 parties ultimately accepted that proposal. Joint Decl., ¶ 9. The parties spent the next
21 few weeks negotiating additional details of the Settlement, and then spent several
22 weeks preparing the Settlement Agreement and its exhibits, a process that was
23 somewhat slowed by the illness of counsel. The parties executed the Settlement
24 Agreement on January 6, 2022. ECF No. 43-1.

25 Preliminary Approval was granted on February 22, 2022. Preliminary
26 Approval Order, ECF No. 46. Among other benefits provided to Settlement Class
27 Members, Section 2.5 of the Settlement Agreement provides two years of Aura’s
28 Financial Shield service beginning on the Effective Date of the Settlement, with

1 enrollment available at any time up to the end of the two-year period. Settlement
2 Agreement (“S.A.”) §2.5. Counsel for the Parties met with Claims Administrator
3 CPT Group, Inc. (“CPT”) and representatives for the Aura identity theft protection
4 services on March 9, 2022, and Aura informed the parties that the originally
5 envisioned rolling enrollment would be difficult to implement and manage.
6 Declaration of Teresa C. Chow In Support of Joint Notice of *Ex Parte* Application to
7 Modify Terms of Class Action Settlement, ECF No. 49-1, (“Chow Decl.”), ¶ 6. After
8 conferring with CPT and Aura, the Parties agreed, subject to Court approval, to
9 modify the terms of the Settlement Agreement to instead provide a 90-day enrollment
10 period, after which the full two years of Aura Financial Shield services would begin
11 for all enrollees. Chow Decl., ¶ 7. The parties therefore made a Joint Ex Parte
12 Application to Modify the Terms of the Settlement Agreement to this Court. ECF
13 No. 49. Included as an exhibit to that Application was the Amended Settlement
14 Agreement. ECF No. 49-2. On March 24, 2022, this Court granted the Parties’
15 Application to Modify the Terms of the Settlement Agreement. ECF No. 50.

16 The Class Notice advised Class Members that Class Counsel will request the
17 Court’s approval of an award for attorneys’ fees and reasonable costs and expenses
18 of up to \$262,500. The objection deadline was June 7, 2022 (60 days after the Notice
19 Commencement Date). S.A., § 1.19.

20 As of the date of this filing, Class Counsel is aware of two objections by Class
21 Members which are addressed in Plaintiffs’ Motion for Final Approval and below at
22 Section III(C)(6).

23 **III. ARGUMENT**

24 **A. Legal Standard**

25 Rule 23(h) provides that parties may agree to an award of reasonable attorneys’
26 fees and nontaxable costs in a certified class action. Fed. R. Civ. P. 23(h).

27 Federal Rule of Civil Procedure 23(h) permits the court to award reasonable
28 attorney’s fees and costs in class action settlements as authorized by law or by the

1 parties' agreement. Fed. R. Civ. P. 23(h). "Courts in this circuit determine attorney's
2 fees in class actions using either the lodestar method or the percentage-of recovery
3 method." *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539, 570 (9th Cir. 2019)
4 (citing *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998)). The lodestar
5 method "may prove more convenient" in a case where "valuing the settlement is
6 difficult or impossible." *Id.* at *47 (citations omitted).

7 "Because this is not a common fund case and attorney's fees will be assessed
8 against defendant without reducing the relief available to the class, it appears the
9 lodestar method is the appropriate method for determining whether the attorney's fees
10 provision at issue is reasonable at this stage." *Wilson v. Metals USA, Inc.*, 2019 U.S.
11 Dist. LEXIS 39854, at *23 (E.D. Cal. Mar. 12, 2019)) (collecting cases); *Yamada v.*
12 *Nobel Biocare Holding AG*, 825 F.3d 536, 546 (9th Cir. 2016) (finding lodestar
13 method appropriate "where the relief sought and obtained is not easily monetized,
14 ensuring compensation for counsel who undertake socially beneficial litigation").

15 **B. Class Counsel's Lodestar is Reasonable**

16 "The lodestar calculation begins with the multiplication of the number of hours
17 reasonably expended by a reasonable hourly rate." *In re Hyundai*, 926 F.3d at 570
18 (quoting *Hanlon*, 150 F.3d at 1029).

19 **1. The number of hours billed is reasonable.**

20 The current billing rates for each attorney or staff who contributed to this case,
21 along with the hours billed and resulting lodestar as of July 1, 2022, are set forth in
22 Exhibits A to D, attached hereto.¹ Class Counsel maintained contemporaneous and
23 detailed time records, which include a description of all work performed and expenses
24 incurred.² The time committed by each firm was necessary to the successful resolution
25 of this litigation, and all attorneys made sure to efficiently allocate work, coordinate

26 ¹ Exhibit A is the Declaration of M. Anderson Berry; Exhibit B is the Declaration of
27 Jeffrey S. Goldenberg; Exhibit C is the Declaration of Charles E. Schaffer; Exhibit
28 D is the Declaration of Gary E. Mason.

² Pursuant to the Court's Preliminary Approval Order, Plaintiffs are providing the
Court with Class Counsel's detailed time entries, which are attached to Exhibits A
through D.

1 assignments, and prevent the unnecessary duplication of work. Berry Decl., ¶ 33.

2 The 551.75 hours billed by Class Counsel were reasonable, appropriate, and
3 necessary for the effective prosecution of this case. *Id.*, ¶ 11. This time included
4 investigating this case; drafting and finalizing complaints; attentively tracking news
5 and announcements concerning the Data Incident; amending complaints;
6 consolidating the cases before this Court; conducting informal discovery leading up
7 to the mediation; preparing for and attending mediation; obtaining post-mediation
8 information; negotiating a complex Settlement Agreement; discussing the notice and
9 administration plans with the Claims Administrator to ensure compliance with Due
10 Process; moving for and successfully obtaining preliminary approval; working in
11 concert with the Claims Administrator; preparing notices; monitoring the Notice
12 Program and claims administration; applying to the Court for leave to amend the
13 Settlement Agreement and amending the Settlement Agreement in light of
14 complications in effectuating the original terms of the Settlement Agreement. *Id.*, ¶
15 34.

16 Class Counsel's lodestar is not bloated by unnecessary duplication or
17 inefficiencies. Berry Decl., ¶ 33. The number of attorneys and firms working on this
18 case was relatively small, and the team was a tightly knit group of lawyers who had
19 experience working with each other in other data breach cases. *Id.* Class Counsel
20 endeavored to prevent duplication of work and avoid inefficiencies that might
21 otherwise have resulted from multiple firms working on this case. *Id.* Tasks were
22 managed so as to promote efficiency and ensure continuity. *Id.* Because complex
23 litigation often requires a team structure, courts have compensated time spent in
24 collaborative efforts. *See Horsford v. Board of Trustees*, 132 Cal. App. 4th 359, 397,
25 33 Cal. Rptr. 3d 644 (2005) (finding time reasonable where multiple attorneys
26 represented plaintiffs to prepare notes, attend conferences to discuss strategies, and
27 assign tasks, as part of a "supervision structure within the plaintiffs' litigation team").

28 Although Plaintiffs were able to resolve the action before trial, courts recognize

1 that Class Counsel “should not be ‘punished’ for efficiently litigating[.]” *In re*
2 *Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prod. Liab. Litig.*, 2017 WL
3 1352859, at *6 (N.D. Cal. Apr. 12, 2017); *see also Rivera v. Agreserves, Inc.*, 2017
4 WL 445710, at *13 (E.D. Cal. Feb. 1, 2017) (“[a]warding Plaintiff a lesser amount of
5 fees based on a lower multiplier would penalize Plaintiff’s counsel for achieving a
6 stellar result with maximum efficiency”).

7 Moreover, Class Counsel’s responsibility for this case is far from over. Class
8 Counsel necessarily must continue to work with the Claims Administrator and Aura
9 Financial Shield provider, review and respond to questions about the Settlement and
10 the claims adjudication process, and oversee the final administration of benefits to
11 Class Members. Class Counsel will likely expend dozens of additional hours in this
12 regard. Berry Decl., ¶ 40.

13 **2. The hourly rates are reasonable.**

14 “[P]revailing market rates in the relevant community set the reasonable hourly
15 rate for purposes of computing the lodestar amount.” *Gonzales v. City of Maywood*,
16 729 F.3d 1196, 1205 (9th Cir. 2013). In general, “the relevant community is the forum
17 in which the district court sits,” *id.*, and because counsel should be compensated for
18 the delay in payment, it is appropriate to apply each biller’s current rates for all hours.
19 *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1305 (9th Cir. 1994).
20 Counsel’s rates are reasonable if they are within the range charged by and awarded to
21 attorneys of comparable experience, reputation, and ability for similar work, i.e.,
22 complex class action litigation. *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984).

23 The hourly rates sought by Class Counsel here range from \$150-\$208 for
24 paralegals/legal assistants, \$353-575 for associates, and \$650-975 for partners/senior
25 attorneys. Berry Decl., ¶38. These rates are consistent with the prevailing market rates
26 in this forum for attorneys of comparable experience, reputation, and ability and have
27 been approved by the Ninth Circuit and judges in the Central District. See, e.g.,
28 *Marshall v. Northrup Grumman Corp.*, 2020 WL 5668935, at *7 (C.D. Cal. Sept. 18,

2020) (approving attorney rates between \$490 and \$1,060 per hour); *Alikhan v. Goodrich Corp.*, 2020 WL 4919382, at *8 (C.D. Cal. June 25, 2020) (approving rates of up to \$950 per hour); *Edwards v. First Am. Corp.*, 2016 WL 8999934, at *5 (C.D. Cal. Oct. 4, 2016) (rates of up to \$990 found reasonable); *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir. 2010) (2008 hourly rates of up to \$875 for a partner, and \$700 for an attorney with 23 years of experience); *Urakhchin v. Allianz Asset Mgmt. of Am., L.P.*, 2018 WL 8334858, at *6 (C.D. Cal. July 30, 2018) (approving billing rates between \$600 and \$825 per hour for attorneys with more than ten years of experience, and \$325 to \$575 per hour for attorneys with 10 or fewer years of experience, and \$250 per hour for paralegals and clerks); *Gutierrez v. Wells Fargo Bank, N.A.*, 2015 U.S. Dist. LEXIS 67298, at *14-15 (N.D. Cal. May 21, 2015) (rates ranging \$475-\$975 for partners, \$300-\$490 for associates, \$150-\$430 for paralegals and \$250-\$340 for litigation support staff); *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, & Prods. Liab. Litig.*, 2013 WL 12327929, at *33 n.13 (C.D. Cal. July 24, 2013) (rates ranging from \$150 to \$950). Further, Class Counsel’s hourly rates sought here have been previously approved by other federal courts. *See* Exhibits A to D.

C. The lodestar is reasonable and should not be adjusted up or down.

As the Ninth Circuit has held, the lodestar “presumptively provides an accurate measure of reasonable attorney’s fees.” *Harris v. Marhoefer*, 24 F.3d 16, 18 (9th Cir. 1994). Once calculated, the lodestar should be adjusted only in rare or exceptional cases. *See, e.g., Velez v. Wynne*, 220 F. App’x 512 (9th Cir. 2007) (district court abused its discretion by reducing the presumptively reasonable lodestar without an explanation of the exceptional circumstances supporting such reduction). There is a “strong presumption... that the lodestar figure represents a reasonable fee” *Johnson v. Powers*, 2019 U.S. Dist. LEXIS 79596, at *7-8 (E.D. Cal. May 10, 2019) (quoting *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1119 n.4 (9th Cir. 2000)).

Here, the fee requested by Plaintiffs actually represents a significant *negative*

multiplier on counsel's lodestar. This strongly suggests that Plaintiff's requested fee is reasonable. *See, e.g., Lymburner v. U.S. Fin. Funding, Inc.*, No. C-08-00325 EDL, 2012 WL 398816, at *6 (N.D. Cal. Feb. 7, 2012) (negative multiplier supports reasonableness of the fee request).

Courts in the Ninth Circuit consider a number of factors in setting an appropriate fee, including: (1) the results achieved; (2) the risks of litigation; (3) whether there are benefits to the class beyond the immediate generation of a cash fund; (4) whether the percentage rate is above or below the market rate; (5) the contingent nature of the representation and the opportunity cost of bringing the suit; (6) reactions from the class; and (7) a lodestar cross-check. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-52 (9th Cir. 2002); *see also Kissel v. Code 42 Software Inc.*, 2018 WL 6113078, at *4 (C.D. Cal. Feb. 20, 2018). These factors support Class Counsel's fee request.

1. Class Counsel achieved a favorable result for the Class.

"The overall result and benefit to the class from the litigation is the most critical factor in granting a fee award." *Graham v. Capital One Bank (USA), N.A.*, 2014 WL 12579806, at *5 (C.D. Cal. Dec. 8, 2014); *see also In re Heritage Bond Litig.*, 2005 WL 1594389, *8 (C.D. Cal. Jan. 10, 2005) ("result achieved" is a major factor in making fee award). As this Court has preliminarily found, the Settlement at issue provides "a significantly greater value per Class Member as compared to similar data breach class action settlements." Preliminary Approval Order, ECF No. 46, p. 11.

Here, the Settlement provides a range of recovery the Class Representatives and Settlement Class Members likely would have recovered at trial: Settlement Class Members can receive compensation for ordinary unreimbursed out-of-pocket losses amounting to \$300, including up to four (4) hours at \$20 per hour of lost time; up to \$5,000 per claim for extraordinary out-of-pocket expenses that occurred as a result of the Data Incident; \$50 in payment for California Statutory Claims to the members of the California Subclass; and two years of Aura Financial Shield Services providing

1 credit monitoring, fraud coverage, identity theft protection, and a \$1,000,000
2 insurance policy protecting each subscribing Class Member. S.A., §§ 2.1-2.3, 2.5.
3 By settling and paying Class Members now, practical remedies that have been absent
4 become imminently available. Even if Plaintiffs achieved a successful judgment,
5 relief to Class Members would likely be forestalled for years following the exhaustion
6 of appeals.

7 The results achieved here are substantial, and support Class Counsel's fee
8 request.

9 **2. Class Counsel performed superior quality work to achieve the**
10 **Settlement.**

11 "Courts have recognized that the 'prosecution and management of a complex
12 national class action requires unique legal skills and abilities.'" *In re Toyota*, 2013
13 WL 12327929, at *31 (quoting *Knight v. Red Door Salons, Inc.*, 2009 WL 248367, at
14 *6 (N.D. Cal. Feb. 2, 2009)). When evaluating this factor, the "single clearest factor
15 reflecting the quality of class counsels' services to the class are the results obtained."
16 *In re Heritage*, 2005 WL 1594389, at *12 (citations omitted). As set forth above, the
17 results achieved are excellent.

18 Moreover, in setting fee awards, courts also consider counsel's experience and
19 skill. *Hanlon*, 150 F.3d at 1029; *Chambers*, 214 F. Supp. 3d at 902. Class Counsel's
20 skill and experience in complex class action litigation also favor the requested fee
21 award here. The descriptions of the backgrounds of Class Counsel demonstrate that
22 Class Counsel are experienced in the highly specialized field of class action litigation,
23 well credentialed, and equal to the difficult and novel tasks at hand. Exhibit A, ¶¶ 1-
24 10; Exhibit B, ¶¶ 1, 2, 14; Exhibit C, ¶¶ 1-15; Exhibit D, ¶¶ 1-8. Class Counsel's fee
25 request is commensurate with that experience, which they were able to leverage to
26 procure the settlement. The skill demonstrated by Class Counsel in developing the
27 Complaints, consolidating the cases, developing the Amended Complaint, mediating
28 the case and settling the action early further supports the fees requested. *See Vizcaino*,

1 290 F.3d at 1050, n.5; *Zepeda v. PayPal, Inc.*, 2017 WL 1113293, at *20 (N.D. Cal.
2 Mar. 24, 2017) (class counsel’s consumer class action expertise allowed for a result
3 that “would have been unlikely if entrusted to counsel of lesser experience or
4 capability” given the “substantive and procedural complexities” and the “contentious
5 nature” of the settlement); *Allagas v. BP Solar Int’l, Inc.*, 2016 U.S. Dis. LEXIS
6 187785, at *5 (N.D. Cal. Dec. 22, 2016) (class counsel that were “highly experienced
7 in prosecuting and settling complex class actions” factors in favor of requested fee).

8 Class Counsel were also equal to the experience and skill of the lawyers
9 representing Bosley, a factor to be considered here. *See In re Am. Apparel, Inc.*
10 *S’holder Litig.*, No. CV 10-06352 MMM (JCGx) 2014 U.S. Dist. LEXIS 184548, at
11 *72 (C.D. Cal. July 28, 2014) (“In addition to the difficulty of the legal and factual
12 issues raised, the court should also consider the quality of opposing counsel as a
13 measure of the skill required to litigate the case successfully.”) (citing *Wing v. Asarco*
14 *Inc.*, 114 F.3d 986, 989 (9th Cir. 1997)). Defendants were represented in this case by
15 a national, highly respected law firm (Baker & Hostetler LLP) with significant
16 resources and substantial experience defending consumer and data breach class
17 actions. This factor, therefore, weighs in favor of the requested fee award.

18 **3. The litigation was risky, complex, and expensive.**

19 Another factor to consider in determining attorneys’ fees is the risk counsel
20 took of “not recovering at all, particularly in a case involving complicated legal
21 issues.” *In re Toyota*, 2013 WL 12327929, at *31 (C.D. Cal. July 24, 2013) (internal
22 alterations and citations omitted); *see also In re Heritage*, 2005 WL 1594389, at *14
23 (“The risks assumed by Class Counsel, particularly the risk of non-payment or
24 reimbursement of costs, is a factor in determining counsel’s proper fee award.”);
25 *Vizcaino*, 290 F.3d at 1048 (“Risk is a relevant circumstance.”).

26 Although nearly all class actions involve a high level of risk, expense, and
27 complexity—undergirding the strong judicial policy favoring amicable resolutions,
28 *Linney v. Cellular Alaska P’ship*, 151 F.3d 1234, 1238 (9th Cir. 1998)—this is a

1 complex class in an especially risky area. Historically, data breach cases have faced
2 substantial hurdles in making it past the pleading stage. *See, e.g., Antman v. Uber*
3 *Techs., Inc.*, No. 3:15-cv-01175, 2015 U.S. Dist. LEXIS 141945, at *29 (N.D. Cal.
4 Oct. 19, 2015) (holding that the risk that plaintiff's identity could be stolen was
5 insufficient to confer standing based on a data breach exposing plaintiff's name and
6 driver's license number); *In re Sony Gaming Networks & Customer Data Sec. Breach*
7 *Litig.*, 903 F. Supp. 2d 942, 966 (S.D. Cal. 2012) (loss of personal information and
8 allegations of a heightened risk of identity theft, without more, calls standing into
9 question); *Hammond v. Bank of N.Y. Mellon Corp.*, No. 08 Civ. 6060 (RMB), 2010
10 U.S. Dist. LEXIS 71996, at *2-4 (S.D.N.Y. June 25, 2010) (collecting cases and
11 noting that "every court to [analyze data breach cases] has ultimately dismissed under
12 Rule 12(b)(6) . . . or under Rule 56 following the submission of a motion for summary
13 judgment"). *See also In re Countrywide Fin. Corp. Customer Data Sec. Breach Litig.*,
14 No. 3:08-MD-01998, 2010 U.S. Dist. LEXIS 87409, at *25-26 (W.D. Ky. Aug. 23,
15 2010) (approving a data breach settlement in part because "proceeding through the
16 litigation process in this case is unlikely to produce the plaintiffs' desired results").

17 Success at class certification has also been mostly nonexistent in these cases.³
18 Even if this Court had granted in full Plaintiffs' motion for class certification, the
19 inherent risks attendant to trying a data breach class action would have only magnified
20 the difficult legal questions at issue here. *See, e.g., In re Anthem*, 2018 U.S. Dist.
21 LEXIS 140137, at *107 ("[C]lass certification was not guaranteed, in part because
22 Plaintiffs had a scarcity of precedent to draw on."); *In re Equifax*, 2020 U.S. Dist.
23 LEXIS 118209, at *191. Although Plaintiffs believe they would have prevailed in

24 ³ *See Adkins v. Facebook, Inc.*, No. C 18-05982 WHA, 2019 U.S. Dist. LEXIS
25 206271, *691 (N.D. Cal. Nov. 26, 2019) (granting motion to certify injunctive-only
26 class, but denying motion to certify damages and issues classes in data breach class
27 action); *In re Hannaford Bros. Co. Customer Data Sec. Breach Litig.*, 293 F.R.D. 21
28 (D. Me. 2013) (denying class certification in data breach action); *In re TJX Cos. Retail*
Sec. Breach Litig., 246 F.R.D. 389 (D. Mass. 2007) (same). *Cf In re Brinker Data*
Incident Litig., No. 3:18-cv-686-TJC-MCR 2021 U.S. Dist. LEXIS 71965, at *40
(M.D. Fla. Apr. 14, 2021) ("The Court acknowledges it may be the first to certify a
Rule 23(b)(3) class involving individual consumers complaining of a data breach
involving payment cards....").

1 this action, a verdict for the defense was entirely possible.

2 To the extent the law has gradually accepted this relatively new type of
3 litigation, the path to a class-wide monetary judgment remains unforged, particularly
4 in the area of damages. Data breach cases are among the riskiest and uncertain of all
5 class action litigation, making settlement the more prudent course when a reasonable
6 deal is available.

7 Here, the litigation was fraught with numerous risks. While Class Counsel were
8 confident in Plaintiffs' claims, there is a recognized element of risk in any litigation,
9 particularly complex and expensive data breach class litigation. *See In re Omnivision*
10 *Techs.*, 559 F. Supp. 2d 1036, 1047 (C.D. Cal. 2008) ("The risk that further litigation
11 might result in plaintiffs not recovering at all, particularly a case involving
12 complicated legal issues, is a significant factor in the award of fees.").

13 **4. Class Counsel worked on a contingent basis.**

14 "Attorneys are entitled to a larger fee award when their compensation is
15 contingent in nature." *In re Toyota*, 2013 WL 12327929, at *32 (citing *Vizcaino*, 290
16 F.3d at 1048-50); *see also Kissel*, 2018 WL 6113078, at *5. "[W]hen counsel takes
17 cases on a contingency fee basis, and litigation is protracted, the risk of non-payment
18 after years of litigation justifies a significant fee award." *Bellinghausen v. Tractor*
19 *Supply Co.*, 306 F.R.D. 245, 261 (N.D. Cal. 2015). The potential of receiving little or
20 no recovery in the face of increasing risk weighs in favor of the requested fee. *See In*
21 *re Washington*, 19 F.3d 1291, 1299; *Ching v. Siemens Indus.*, 2014 U.S. Dist. LEXIS
22 89002, at *25 (N.D. Cal. Jun. 27, 2014) ("Courts have long recognized that the public
23 interest is served by rewarding attorneys who assume representation on a contingent
24 basis with an enhanced fee to compensate them for the risk that they might be paid
25 nothing at all for their work."); *Brown v. 22nd Dist. Agric. Ass'n*, 2017 U.S. Dist.
26 LEXIS 115321, at *22 (S.D. Cal. July 21, 2017) (recognizing that "class counsel was
27 forced to forego other employment in order to devote necessary time to this litigation"
28 and the substantial risk associated with taking the matter on a contingent basis

1 warranted “an upward adjustment to the fee award”).

2 Here, Defendant adamantly denied (and continues to deny) any wrongdoing,
3 much less a legal entitlement to class certification or any recovery. The path to
4 establishing liability was particularly challenging given these risks. Class Counsel
5 have already exceeded the \$262,500.00 fee and expense request, having invested
6 \$358,684.30 in lodestar in a case that could have failed, and advanced over \$
7 27,013.43 in litigation expenses. Berry Decl., ¶¶37, 41. In all, Class Counsel and their
8 staff have spent approximately 551.75 hours investigating, analyzing, researching,
9 litigating, and negotiating a favorable resolution of this case, as well as incurring
10 \$27,013.43 in necessary litigation expenses. *Id.* Class Counsel expended these
11 resources despite the genuine risk that they would never be compensated at all—not
12 only in this litigation, but also with competing cases in other Districts that could have
13 settled without Class Counsel’s involvement. Moreover, Class Counsel faced a
14 Defendant with ample resources to vigorously fight the litigation, represented by
15 experienced counsel. Forgoing other work, Class Counsel litigated this class action
16 on a purely contingent basis, *Id.* at ¶11, and the risk of non-recovery is sufficiently
17 substantial to justify the instant fee request.

18 **5. The reaction of the Class supports the fee request.**

19 “The absence of objections or disapproval by class members to Class Counsel’s
20 fee request further supports finding the fee request reasonable.” *In re Heritage Bond*
21 *Litig.*, 2005 U.S. Dist. LEXIS 13555, at *71 (C.D. Cal. June 10, 2005). As of the filing
22 of this motion, Class Counsel is aware of only two class members who have filed
23 objections out of approximately 100,853 class members. These two objectors are also
24 named plaintiffs in a copycat class action filed in California state court. See *Cohorst*
25 *v. BRE Properties, Inc.*, No. 3:10-CV-2666-JM-BGS, 2011 WL 7061923, at *22 (S.D.
26 Cal. Nov. 14, 2011), report and recommendation adopted as modified, No. 10CV2666
27 JM BGS, 2012 WL 153754 (S.D. Cal. Jan. 18, 2012) (rejecting objection filed by
28 counsel prosecuting competing state court action, noting it had an “odor of sour grapes

1 to it.”). The absence or relatively small number of objections is further evidence that
2 the amount of attorneys’ fees is reasonable. *See, e.g., Jarrell v. Amerigas Propane,*
3 *Inc.*, 2018 U.S. Dist. LEXIS 58619, at *8-9 (N.D. Cal. Apr. 5, 2018); *In re Carrier*
4 *iQ, Inc., Consumer Privacy Litig.*, 2016 U.S. Dist. LEXIS 114235, at *30 (N.D. Cal.
5 Aug. 25, 2016). The objections made by these two objectors are, as described in
6 Plaintiffs’ Motion for Final Approval and below in Section V.C.6, without merit.

7 **6. Although unnecessary, a percentage crosscheck confirms the**
8 **reasonable of the fee request.**

9 The Ninth Circuit recently said that it does “not require courts employing the
10 lodestar method to perform a ‘crosscheck’ using the percentage method.” *In re*
11 *Hyundai*, 926 F.3d at 571. This would make “little logical sense,” it explained,
12 because “the lodestar method yields a fee that is presumptively [reasonable].” *Id.*
13 (internal citations omitted).

14 However, if the Court were inclined to conduct a percentage crosscheck, it
15 would only confirm reasonableness of Class Counsel’s request. Objectors Jude
16 Milson and Peter Henderson (and their counsel) (collectively, “Objectors”), contend
17 that the amount of attorneys’ fees sought by Class Counsel are disproportionate to the
18 \$500,000 aggregate cap provided for monetary benefits under the proposed
19 Settlement. ECF No. 56, p. 5. Objectors are wrong and misguided.

20 Fundamentally, Objectors’ proportionality argument completely ignores that in
21 addition to the potential cash benefits outlined above, all Settlement Class members
22 will be provided free access to Aura’s Financial Shield Services (“Financial Shield”)
23 for a period of two years from the Effective Date by simply registering for the benefit
24 on the settlement website. Joint Decl., ¶ 19. Financial fraud coverage will be provided
25 through Financial Shield, which focuses on protecting financial assets, freezing
26 identity at 10 different bureaus including the three main credit bureaus, home and
27 property title monitoring, income tax protection and other services. *Id.* This service is
28 integrated with Early Warning Services (“EWS”) to provide real-time monitoring of

1 financial accounts. *Id.* Financial Shield also carries a \$1 million policy protecting the
2 subscriber. *Id.* Based upon Class Counsel’s independent research and previous
3 experience, Financial Shield Services from Aura, like those provided for by the
4 Settlement Agreement, retail for \$135 per year. Joint Decl., ¶¶ 20-21. Thus, the retail
5 value of these services for 24 months is at least \$270 per person. *Id.* The maximum
6 value of the Financial Shield services provided by the Settlement is approximately
7 \$27 million (\$270 x 100,853 class members). *Id.* However, even if only 1 percent of
8 the Settlement Class opts to use the Shield Services, the value of the benefit equates
9 to a conservative \$272,303. *Id.*

10 In data breach class actions where a component of the recovery is the provision
11 of credit monitoring and identity protection services, the retail value per Class
12 Member of such a product has been included in determining the value of the
13 settlement for purposes of assessing the reasonableness of class counsel’s fee
14 requests. For example, in *Aguallo, et al. v. Kemper Corp.*, the Court granted final
15 approval and approved plaintiffs’ counsel’s fees and expenses request of \$2,500,000
16 based on a valuation of the settlement at \$17.1 million, which included the value of
17 Aura Financial Shield (the same product offered to Class Members in the instant
18 action), which was valued as being worth “conservatively” \$12.1 million in that
19 matter even if only 1 percent of the Class claimed those benefits. *See Aguallo, et al.*
20 *v. Kemper Corp.*, No. 1:21-cv-01883, Final Approval Order and Judgment, Docket
21 No. 53 (N.D. Il. March 18, 2022); *Aguallo, et al. v. Kemper Corp.*, No. 1:21-cv-01883,
22 Memorandum in Support of Plaintiffs’ Unopposed Motion for Approval of Attorneys’
23 Fees Award, Expense Reimbursement, and Service Awards to Representative
24 Plaintiffs, Docket No. 46-1 (N.D. Il. December 23, 2021).

25 Objectors in this matter urge the Court to ignore the significant value of the
26 Financial Shield Services when valuing the Settlement for purposes of awarding
27 attorneys’ fees because they are “intangible and vague.” ECF No. 56, pp. 5-6 (citing
28 *Roes, 1-2 v. SFBSC Mgmt., LLC*, 944 F.3d 1035, 1052 (9th Cir. 2019); *McKinney-*

1 *Dombros v. Oreshack*, 16 F.4th 594, 608 (9th Cir. 2022)). But Objectors' own
2 authorities only require the district court to "explain[] why the value of the injunctive
3 relief's benefits to individual class members was readily quantifiable and worth" the
4 purported amount. *Roes*, 1-2, 944 F.3d at 1056. This the Court has already done in
5 its preliminary approval order. See Preliminary Approval Order, pp. 10-11.
6 (accepting estimated value of Shield Services). The value of the Financial Shield
7 Services is both substantial and quantifiable: Objector's position is unsustainable.

8 Perhaps more importantly, Objectors' own counsel included and relied heavily
9 upon the value of the credit monitoring services in their own motion for a whopping
10 **\$810,000** in attorneys' fees and costs recently filed and granted in *Jessie Serrano et*
11 *al. v. Inmediata Corp. and Inmediata Health Group Corp.*, Case No. 3:19-cv-01811
12 (USDC P.R.), ECF 50 at p. 2 (April 21, 2022). *Serrano* was a similar data breach
13 class action. Objectors' Counsel made this precise argument in *Serrano*:

14 Under the terms of the Settlement Agreement, Class Counsel have
15 obtained a proposed settlement valued at more than \$14 million. The
16 Settlement Agreement provides a one-year subscription to Kroll's Web
17 Watcher identity theft service to all Settlement Class Members, which
18 carries a retail value of approximately \$47 per person. Considering that
19 there are 1,565,338 class members, if only 20% of the class made a
20 claim, the potential benefit of the settlement is greater than \$14 million.

21 *Id.* This is, of course, precisely what Plaintiffs show the Court here about the value of
22 the Financial Shield Services. Objectors' Counsels' assertions that the value of the
23 Financial Shield Services is "vague and unsubstantiated" border on mendacious when
24 juxtaposed against their own statements made in a sworn declaration in the *Serrano*
25 case.

26 Even at a 1 percent valuation for the Aura Financial Shield services offered to
27 the Class, the aggregate value of the settlement for purposes of this crosscheck would
28 be \$1,103,803. This sum is derived from adding: 1. \$500,000 in funds available for

1 reimbursement of out-of-pocket losses, lost time, and California statutory claims; 2.
2 \$262,500 request for attorneys' fees and costs; 3. \$69,000 estimated Notice and
3 Administration expenses (Joint Decl., ¶ 39); and 4. \$272,303 for 1 percent of the value
4 of the Aura Financial Shield services offered to the class. Using the same
5 calculations, but using the full value of the Aura Financial Shield services, yields a
6 value of the settlement of \$28,061,810.

7 Plaintiffs' attorneys' fees and costs request is reasonable as a percentage of the
8 recovery using either of these values. If the full value of the Aura Financial Shield
9 benefit is used, Plaintiffs' attorneys' fees and costs request represents less than 1
10 percent of the value of the settlement (\$262,500/\$27,061,810). If the more
11 conservative valuation of the Aura Financial Shield benefit is used, Plaintiffs'
12 attorneys fees and costs request still represents less than 24 percent of the value of the
13 settlement (\$262,500/\$1,103,803).⁴

14 Both of these methods to value the Aura Financial Shield benefits shows
15 Plaintiffs' attorneys' fee and cost reimbursement request to be more than reasonable
16 and below the 25 percent "benchmark." *See Vizcaino*, 290 F.3d at 1048-50.

17 **D. Class Counsel should be reimbursed for their litigation expenses.**

18 "Attorneys may recover their reasonable expenses that would typically be

19 ⁴ The Court has asked Class Counsel to address whether, "in data breach class actions
20 have justified attorneys' fees by reference to the reimbursement fund alone or the
21 entire settlement value." Preliminary Approval Order, p. 16. Class Counsel
22 respectfully submit that In data breach cases involving claims-made settlements like
23 this one, courts usually award fees using the lodestar method and consider the value
24 of the proposed settlement only for purposes of conducting (an optional) crosscheck.
25 *See, e.g., Giroux v. Essex Prop. Tr., Inc.*, No. 16-CV-01722-HSG, 2019 WL 1207301,
26 at *5 (N.D. Cal. Mar. 14, 2019) (awarding \$140,000 in attorneys' fees using lodestar
27 method (negative multiplier) because data breach settlement provided a "hybrid" of
28 monetary and non-monetary relief (including credit monitoring) whose value was not
"self-evident"); *Bahnmaier v. Wichita State Univ.*, No. 220CV02246JARTJJ, 2021
WL 3662875, at *1 (D. Kan. Aug. 18, 2021) (similar); *Abubaker v. Dominion Dental
USA, Inc.*, No. 119CV01050LMBMSN, 2021 WL 6750844, at *6 (E.D. Va. Nov. 19,
2021) (approving \$1 million fee request using lodestar method (negative multiplier)
with percentage crosscheck using the total settlement benefits (monetary and non-
monetary)); *Fulton-Green v. Accolade, Inc.*, No. CV 18-274, 2019 WL 4677954, at
*11 (E.D. Pa. Sept. 24, 2019) (approving \$300k in fees using lodestar method
(negative multiplier) with percentage cross check (21%) using total monetary and
non-monetary benefits (including credit monitoring)).

1 billed to paying clients in non-contingency matters.” *Kissel*, 2018 WL 6113078, at
2 *6. “Expenses such as reimbursement for travel, meals, lodging, photocopying, long-
3 distance telephone calls, computer legal research, postage, courier service, mediation,
4 exhibits, documents scanning, and visual equipment are typically recoverable.” *Rutti*
5 *v. Lojack Corp., Inc.*, 2012 WL 3151077, *12 (C.D. Cal. July 31, 2012).

6 Here, Settlement Class Counsel request reimbursement of expenses of
7 \$27,013.43. Berry Decl., ¶41. The attached declarations detail Settlement Class
8 Counsel’s costs. These expenditures were necessary to Settlement Class Counsel’s
9 prosecution of the action and are particularly reasonable given the complexities of
10 this case. Such costs are regularly billed to clients in hourly fee cases, and routinely
11 awarded in contingency fee cases. *See, e.g., In re Yahoo! Inc. Customer Data Breach*
12 *Litig.*, 2020 WL 4212811, at *42 (approving reimbursement of expenses related to
13 expert witness fees, case-related travel, transcript fees, document management,
14 copying, mailing, and serving documents, operation of a call center to respond to
15 Settlement Class Member inquiries, electronic research, and filing and court fees); *In*
16 *re Capacitors Antitrust Litig.*, No. 14-cv-03264, 2018 WL 4790575, at *6 (N.D. Cal.
17 Sept. 21, 2018) (“Reasonable reimbursable litigation expenses include: those for
18 document production, experts and consultants, depositions, translation services,
19 travel, mail and postage costs.” (citations omitted)); *In re Lenovo Adware Litig.*, No.
20 15-md-0624, 2019 WL 1791420, at *9 (N.D. Cal. April 24, 2019) (reimbursing
21 counsel’s “professional service fees (experts, investigators, accountants), travel fees,
22 and discovery-related fees”).

23 **E. The Court should grant a Service Award for each Class**
24 **Representative.**

25 Class Counsel also request that the Court approve service awards in the amount
26 of \$1,250 for each of the six Class Representative (\$7,500 total). Service awards are
27 typical in class actions, and “are intended to compensate class representatives for
28 work done on behalf of the class, to make up for financial or reputational risk

1 undertaken in bringing the action, and, sometimes, to recognize their willingness to
2 act as a private attorney general.” *Rodriguez v. W. Publ’g Corp.*, 563 F.3d 948, 958-
3 59 (9th Cir. 2009).

4 Each of the Plaintiffs expended considerable effort on behalf of the Class by,
5 among other things, (1) meeting with Class Counsel at the outset of the case; (2)
6 assisting with investigation of the facts; (3) reviewing the complaint prior to filing;
7 (4) and consulting with Class Counsel during the litigation and settlement
8 negotiations. Their commitment to the Class’s interests and desire to remedy these
9 issues, not just for themselves, but also the entire Class, was essential to the successful
10 and timely prosecution of this class action and, in Class Counsel’s view, warrants
11 recognition in the form of the service awards requested. The work that each Plaintiff
12 performed, including their best estimate of the hours they spent in the prosecution of
13 this case, is contained in their declarations, to be filed prior to the Final Approval
14 Hearing.

15 The \$1,250 awards sought will not affect the benefits provided to any of the
16 Class Members and fall at the lower end of the spectrum of amounts awarded in
17 comparable cases. *See, e.g., Hawthorne v. Umpqua Bank*, No. 11-6700, 2015 WL
18 1927342, at *8 (N.D. Cal. Apr. 28, 2015) (“Many courts in the Ninth Circuit have
19 also held that a \$5,000 incentive award is ‘presumptively reasonable.’”) (citation
20 omitted); *In re Mego Fin. Corp.*, 213 F.3d at 457, 463 (service awards of \$5,000);
21 *Resnick v. Frank*, 779 F.3d 934, 941 (9th Cir. 2015) (approving service awards of
22 \$5,000 to class representatives in a consumer case).

23 Moreover, the service awards are reasonable compared to data breach cases
24 with similar recoveries for the class where equivalent incentive awards have been
25 approved. *See e.g. Kemper*, No. 1:21-cv-01883, at Docket No. 53 (approving \$1,500
26 incentive awards for Class Representatives on a settlement valued using the same
27 methods as used above). In its preliminary approval, the Court asked for supplemental
28 briefing on whether courts in other data breach cases have justified service awards by

1 reference to the reimbursement fund alone or the entire settlement value, reasoning
2 that “if considering only the reimbursement fund, Plaintiffs’ requested service awards
3 are 250 times greater than the \$5 share per Class Member, which is clearly
4 disproportionate to the available per-Class Member recovery.” Preliminary Approval
5 Order, p. 13. However, the Ninth Circuit has approved a larger \$5,000 incentive
6 award even though it was “roughly 417 times larger than the \$12 individual award,”
7 explaining that more important considerations are the “number of class
8 representatives, the average incentive award amount, and the proportion of the total
9 settlement that is spent on incentive awards.” *In re Online DVD-Rental Antitrust*
10 *Litig.*, 779 F.3d 934, 947 (9th Cir. 2015).

11 Here, as the Court recognized in granting preliminary approval, the six
12 requested service awards represent merely 1.5 percent of the \$500,000 reimbursement
13 or 0.02 percent of the total Settlement value. Preliminary Approval Order, p. 13.
14 Service awards equal to “1-2%” of the total settlement benefits are “consistent with
15 other court-approved settlements.” *Rhom v. Thumbtack, Inc.*, No. 16-CV-02008-
16 HSG, 2017 WL 4642409, at *8 (N.D. Cal. Oct. 17, 2017).⁵

17 In light of the Class Representatives’ willingness to step forward on behalf of
18 consumers on a class-wide basis, the Court should grant the requested Service
19 Awards.

20 ⁵ See also *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-MD-02752-
21 LHK, 2020 WL 4212811, at *6 (N.D. Cal. July 22, 2020) (approving service awards
22 ranging from \$2,500 to \$7,500 in data breach case: “Here, even assuming that a
23 claimant receives only \$40 in Alternative Compensation, with no corresponding
24 recovery of other Out-of-Pocket Costs, a \$7,500 Service Award is only 187.5 times
25 larger than a \$40 individual award. That reflects a lower factor than the one the Ninth
26 Circuit approved in *Online DVD*.”); *Giroux v. Essex Prop. Tr., Inc.*, No. 16-CV-
27 01722-HSG, 2019 WL 1207301, at *7 (N.D. Cal. Mar. 14, 2019) (approving \$5,000
28 service award in “hybrid” data breach settlement providing \$350,000 in monetary
benefits plus credit monitoring benefits with retail value of over \$1.2 million for all
class members); *Cheryl Gaston v. FabFitFun, Inc.*, No. 2:20-CV-09534-RGK-E,
2021 WL 6496734, at *4 (C.D. Cal. Dec. 9, 2021) (“Considering both the monetary
and non-monetary benefits ultimately negotiated, Class Members meaningfully
benefitted from Plaintiffs’ efforts. Finally, the service award is within the range of
this benchmark, is unopposed, and is less than 2% of the Settlement Fund. Therefore,
the Court AWARDS the Representative Plaintiffs a service award in the amount of
\$10,000”).

1
2 **IV. CONCLUSION**

3 For all of the foregoing reasons, Plaintiffs respectfully request that the Court
4 grant the instant motion for entry of an Order approving Class Counsel's request for:
5 (i) an attorneys' fees and expense reimbursement award in the amount of
6 \$262,500.00; and (ii) payment of incentive awards of \$1,250 to each of the six Class
7 Representatives.

8 Dated: July 7, 2022

Respectfully Submitted,

10 /s/M. Anderson Berry

11 M. ANDERSON BERRY (SBN 262879)
12 **CLAYEO C. ARNOLD,**
13 **A PROFESSIONAL LAW CORP.**
14 865 Howe Avenue
15 Sacramento, CA 95825
16 Tel: (916) 239-4778
17 Email: aberry@justice4you.com

18 Jeffrey S. Goldenberg (*pro hac vice*)
19 **GOLDENBERG SCHNEIDER, LPA**
20 4445 Lake Forest Drive, Suite 490
21 Cincinnati, OH 45242
22 Tel: (513) 345-8297
23 Email: jgoldenberg@gs-legal.com

24 Charles E. Schaffer (*pro hac vice*)
25 **LEVIN SEDRAN & BERMAN, LLP**
26 510 Walnut Street, Suite 500
27 Philadelphia, PA 19106
28 Tel: (215) 592-1500
Email: cschaffer@lfsblaw.com

Ex Kano S. Sams II (SBN 192936)
GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
Los Angeles, California 90067
Tel: 310-201-9150
Email: esams@glancylaw.com

Gary E. Mason
Danielle L. Perry
MASON LLP

1 5101 Wisconsin Avenue NW, Suite 305
2 Washington, DC 20016
3 Tel: 202-429-2290
4 Fax: 202-429-2294
5 Email: gmason@masonllp.com
6 Email: dperry@masonllp.com

7 David K. Lietz (*pro hac vice*)
8 **MILBERG COLEMAN BRYSON**
9 **PHILLIPS GROSSMAN, PLLC**
10 5335 Wisconsin Avenue NW
11 Suite 440
12 Washington, D.C. 20015-2052
13 Telephone: (866) 252-0878
14 Facsimile: (202) 686-2877
15 Email: dlietz@milberg.com

16 *Attorneys for Plaintiffs and the Proposed*
17 *Classes*
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25
26
27
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Exhibit A

1 M. Anderson Berry (SBN 262879)
2 **CLAYEO C. ARNOLD,**
3 **A PROFESSIONAL LAW CORP.**
4 865 Howe Avenue
5 Sacramento, CA 95825
6 Telephone: (916)239-4778
7 Facsimile: (916) 924-1829
8 aberry@justice4you.com

9 Jeffrey S. Goldenberg (*pro hac vice*)
10 **GOLDENBERG SCHNEIDER, LPA**
11 4445 Lake Forest Drive, Suite 490
12 Cincinnati, OH 45242
13 Telephone: (513) 345-8297
14 Facsimile: (513) 345-8294
15 jgoldenberg@gs-legal.com

16 *Attorneys for Plaintiffs*

17 [additional counsel listed on signature page]

18
19 **THE UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
21

22 KEN HASHEMI, STEVE ALTES,
23 SANDRA JOHNSON-FOSTER,
24 GREGORY BOUTE RAFAEL
25 ARTIME, and JOHN BOWDEN
26 as individuals and all others
27 similarly situated,

28 Plaintiffs,

vs.

BOSLEY, INC.,

Defendant.

Case No.: 2:21-cv-00946-PSG(RAOx)

**DECLARATION OF M. ANDERSON
BERRY IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES
AND COSTS AND SERVICE AWARDS**

1 I, M. Anderson Berry, being competent to testify, make the following declaration:

2 **PROFESSIONAL QUALIFICATIONS AND BACKGROUND**

3
4 1. I have been licensed to practice law in the state of California since 2009.
5 I am admitted to practice in the U.S. District Courts for Northern, Eastern and Central
6 Districts of California, the Northern District of Illinois, the Eastern District of
7 Michigan and the Southern District of Indiana. I submit this declaration in support of
8 Plaintiffs' Motion for Approval of Attorneys' Fees Award, Expense
9 Reimbursement, and Service Awards to Representative Plaintiff. Except as otherwise
10 noted, I have personal knowledge of the facts set forth in this declaration and could
11 and would competently testify to them if called upon to do so.

12
13 2. I practice law at Clayeo C. Arnold, A Professional Law Corporation dba
14 Arnold Law Firm (the "Arnold Law Firm"). Our principal counsel is Clayeo C.
15 Arnold, who has practiced civil litigation on behalf of consumers and individuals in
16 California since 1975. The firm generally employs ten attorneys practicing in the areas
17 of consumer class action, *qui tam*, employment, labor, and personal injury litigation.
18 I head the complex civil litigation group, specifically *qui tam* and data breach class
19 action matters.

20 3. The Arnold Law Firm attorneys have a long history of successfully
21 handling class actions across a range of industries, including data breach cases. I
22 bring substantial experience in complex litigation matters with a history of litigating
23 in an efficient and practical manner, including as Lead and Co-Lead Class Counsel in
24 numerous data breach class actions.

25 4. I was first selected as the Northern California Super Lawyers Rising Star
26 in 2015 in the field of complex civil litigation. Before joining the Arnold Law Firm
27 in 2017, I worked as an Assistant United States Attorney for the Eastern District of
28

1 California. As part of the Affirmative Civil Enforcement unit, I handled a wide variety
2 of complex cases, recovering millions of dollars for the United States.

3 5. Before working for the Department of Justice, I practiced at one of the
4 world's largest law firms, Jones Day, where I represented clients in international
5 arbitration and complex commercial litigation, including defending class action
6 allegations.

7 6. I attended the University of California, Berkeley, as an undergraduate
8 and for law school.

9 7. I have an extensive background in privacy and consumer/government
10 fraud litigation, actively participating in a currently sealed False Claims Act case
11 involving widespread cybersecurity fraud upon the United States. I am presently
12 litigating more than thirty class action cases across the country involving data
13 breaches, including the following recent matters in which I have a leadership position:
14 *In Re: Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D.Ill.) (Co-
15 Lead Counsel); *Rossi v. Claire's Stores*, No. 1:20-cv-05090 (N.D. Ill.) (Co-Lead
16 Counsel); *In re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523 (W.D.TX)
17 (Co-Lead Counsel); *A.A. ex rel. Altes v. AFTRA Ret. Fund*, No. 1:20-cv-11119
18 (S.D.N.Y.) (Co-Lead Counsel); *Desue v. 20/20 Eye Care Network, Inc. et al.*, 0:21-
19 cv-61275 (S.D. Fla.) (Executive Comm.); *Aguallo, et al. v. Kemper Corp., et al.*, No.
20 1:21-cv-01883-MMP (N.D. Ill.); *Pfeiffer v. RadNet, Inc.*, No. 2:20-cv-09553-RGK-
21 SK (C.D. Cal.) (Class Counsel); and *In Re: Morgan Stanley Data Security Litigation*,
22 No. 1:20-cv-05914 (S.D.N.Y.).

24 8. Alex Sauerwein practices in the data breach complex litigation group for
25 the Arnold Law Firm under my direct supervision. He has been licensed to practice
26 law in the state of California since 2021.

27 9. Gregory Haroutunian practices in the data breach complex litigation
28 group for the Arnold Law Firm under my direct supervision. He has been licensed to

1 practice law in the States of New York and New Jersey since 2013 and in the state of
2 California since 2020.

3 10. Leslie Guillon practices in the data breach complex litigation group for
4 the Arnold Law Firm under my direct supervision. She has been licensed to practice
5 law in the states of California since 2002 and Illinois since 2003.

6 **THE ARNOLD LAW FIRM'S WORK**

7 11. Class Counsel's efforts in this case over the course of this matter,
8 including over 551.75 hours of work, have resulted in a Class Settlement providing
9 substantial benefit for Settlement Class Members. I assert that the attorneys' fees
10 sought in the motion for attorneys' fees are reasonable and seeks fair and reasonable
11 compensation for undertaking this case on a contingency basis, and for obtaining the
12 relief for Plaintiffs and the Settlement Class. Throughout this action, Class Counsel
13 have been challenged by highly experienced and skilled Defense counsel who had the
14 ability to deploy substantial resources on behalf of their respective client.

15 12. My work on this matter includes: investigating this case; drafting and
16 finalizing complaints; attentively tracking news and announcements concerning the
17 Data Incident; amending complaints; consolidating the cases before this Court;
18 conducting informal discovery leading up to the mediation; preparing for and
19 attending mediation; obtaining post-mediation information; negotiating a complex
20 Settlement Agreement; discussing the notice and administration plans with the
21 Settlement Administrator to ensure compliance with Due Process; moving for and
22 successfully obtaining preliminary approval; working in concert with the Settlement
23 Administrator; preparing notices; monitoring the Notice Program and claims
24 administration; applying to the Court for leave to amend the Settlement Agreement
25 and amending the Settlement Agreement in light of complications in effectuating the
26 original terms of the Settlement Agreement. I provided assistance while being
27 mindful to avoid duplicative efforts both within my firm and with Co-Counsel.
28

1 13. As part of the Settlement Agreement Defendant has agreed to pay for the
2 entire cost of Claims Administration and Notice separately from any funds made
3 available to the class.

4 14. As a result of the Complaint and its allegations and the research and
5 efforts Plaintiff's Counsel performed in drafting it, Defendant agreed to settlement
6 negotiations and mediation to seek an early resolution to the dispute.

7 15. On August 27, 2021, the Parties reached an agreement as to the material
8 terms of the settlement, but could not come to final agreement all terms. Mediator
9 Bennett G. Picker, Esq. then made a mediator's proposal and both parties ultimate
10 accepted that proposal.

11 16. As part of the process co-counsels and I spent many hours crafting the
12 Confidential Term Sheet to memorialize the central terms of the settlement.

13 17. Over the course of the following weeks co-counsels and I diligently
14 negotiated, drafted, and finalized the settlement agreement, notice forms, and came to
15 an agreement on a claims process and administrator with Defense counsel.

16 18. The Settlement Agreement was finalized by the parties the first week of
17 January 2022 after extensive work by myself and co-counsels.

18 19. Co-counsels and I then diligently worked to effectuate the Settlement
19 Agreement including drafting and filing the Motion for Preliminary Approval and the
20 Motion for Final Approval, filed concurrently with the instant motion.

21 20. The Court Preliminarily approved the settlement on February 22, 2022.

22 21. Continuing through today I have continued to work with co-counsels,
23 Defendant and the Claims Administrator regarding claims administration and
24 processing as well as answering class members questions about the settlement and the
25 process.
26
27
28

1 22. Based on my experience I expect to spend additional hours seeking final
2 approval, defending the Settlement from objections, and supervising claims
3 administration and the distribution of proceeds.

4 23. Alex Sauerwein, Leslie Guillion, and Gregory Haroutunian assisted me
5 in this matter with respect to drafting motions and associated legal research. They
6 provided assistance while being mindful to avoid duplicative efforts.

7 24. Olya Velichko is a paralegal at the Arnold Law Firm, working
8 exclusively for me under my direct supervision. She assisted me in this matter with
9 respect to: investigating the cause and effects of this data breach, researching
10 Defendant's operations and background, organizing and calendaring events, drafting
11 and mailing the CCPA notice, drafting and revising motions and other papers filed in
12 this matter. She provided assistance while being mindful to avoid duplicative efforts.

13 25. The hourly rates of the professionals at the Arnold Law Firm reflect our
14 experience. The rates of \$740 per hour for me, \$575 for Gregory Haroutunian, \$400
15 for Leslie Guillion, \$353 for Alex Sauerwein and \$208 for Ms. Velichko are within
16 the lower end of the range of hourly rates charged by our contemporaries and are the
17 customary rates charged by the Arnold Law Firm.

18 26. The lawyers and other professional staff of the Arnold Law Firm
19 maintain and record their respective time and the specific services they perform
20 contemporaneously in a computerized system. Based upon the records in this system,
21 the lodestar of the Arnold Law Firm is in excess of 237.1 hours as of July 1, 2022,
22 amounting to \$129,942.30. This time includes the assistance detailed above by me,
23 Mr. Haroutunian, Ms. Guillion, Mr. Sauerwein, and Ms. Velichko.

24 27. Additional time will be spent to respond to any objections, prepare for
25 and attend the fairness hearing and obtain final approval, communicate with defense
26 counsel, the class administrator and Class Members, and to assist with any appeal.
27
28

28. I assert that the attorneys' fees sought for the Arnold Law Firm personnel in the motion for attorneys' fees are reasonable, and my firm seeks fair and reasonable compensation for undertaking this case on a contingency basis and for obtaining the relief for Plaintiff and the Class.

29. My rates have been recently approved in numerous other data breach class action cases in federal courts, including but not limited to: *Riggs v. Kroto, Inc.*, No. 1:20-cv-5822 (N.D. Ill. filed Sept. 30, 2020) (Co-Lead Counsel) (settled); *In re Hanna Andersson & Salesforce.com Data Breach Litig.*, No. 3:20-cv-00812-EMC (N.D. Cal. filed Feb. 3, 2020) (Class Counsel) (settled); *Gaston v. FabFitFun, Inc.*, No. 2:20-cv-09534-RGK-E (C.D. Cal. filed Oct. 16, 2020) (Class Counsel) (settled); *Llamas v. Truefire, LLC*, No. 8:20-cv-00857-WFJ-CPT (M.D. Fla. Filed May 14, 2020) (Class Counsel) (settled); *Pygin v. Bombas, LLC*, No. 4:20-cv-04412 (N.D. Cal. filed July 1, 2020) (Class Counsel) (settled).

30. The chart below reflects the amount of time spent by members of the Arnold Law Firm in the investigation and prosecution of this case through July 1, 2022:

Timekeeper	Rate	Total Hours	Total Amount
M. Anderson Berry, Attorney	740	121.1	\$89,614.00
Gregory Haroutunian, Attorney	575	34.6	\$19,895.00
Leslie Guillon, Attorney	400	8.80	\$3,520.00
Alex Sauerwein, Attorney	353	12.50	\$4,412.50
Olya Velichko, Paralegal	208	60.10	\$12,500.80
Totals:		237.1	\$129,942.30

29. We expended a significant amount of time litigating this matter and securing the Settlement. Because we are a small operation, the expenditure of time on this case precluded our employment on other cases. We took meaningful steps to ensure the efficiency of our work and to avoid duplicating efforts. I expect to maintain a high level of oversight and involvement, along with co-counsel, as the case continues, and anticipate incurring significant additional lodestar. Detailed billing records are attached hereto as **Exhibit 1**.

Costs: Inception to 7/1/2022		
Category	Description	Cost
Court Costs	USDC Filing Fee 02.01.2021	402.00
	Service of Process 02.12.2021	35.00
Postage	FedEx 1.26.2022	22.88
	UPS 09.29.2021	20.19
	UPS 09.29.2021	27.09
	UPS 09.27.2021	6.90
	USPS 07.26.2021	5.86
	USPS 02.02.2021	11.72
Research	Pacer – February 2022	1.40
	Pacer – January 2022	0.80
	Pacer – November 2021	3.10
	Westlaw - August 2021	263.39
	Pacer - June 2021	1.90
	Pacer - May 2021	1.40
	Westlaw - April 2021	6.39
	Pacer - April 2021	3.40
	Westlaw - March 2021	69.50
	Pacer - March 2021	1.00
	Westlaw - Feb. 2021	336.42
	Pacer - Feb. 2021	3.00
Expert	EKP, LLC dark web search 1.24.2022	8,250.00
Mediation	Mediator Fees 07.26.2021	5,887.50
	Total:	15,360.84

30. The Arnold Law Firm's costs and expenses, totaling \$15,360.84, are detailed above. I assert they are reasonable, that they were derived from a

1 computerized database maintained by individuals in the accounting office of my firm
2 and checked for accuracy.

3 31. The expenses incurred in this action are reflected on the books and
4 records of my firm. These books and records are prepared from expense vouchers,
5 check records, and other source materials and are an accurate record of the expenses
6 incurred. It is anticipated that costs may continue to accrue, including, but not limited
7 to, costs associated with preparation and filing of the motion for attorneys' fees and
8 motion for final approval of the settlement.

9
10 **CO-COUNSELS' WORK**

11 32. Class Counsel collectively have significant expertise in consumer class
12 actions, and data breach class actions in particular. The quality of their representation
13 is reflected in the work they performed throughout the case and, ultimately, in the
14 favorable settlement for the Settlement Class.

15 33. Each of us served as the principal lawyers in charge of all aspects of the
16 litigation and worked collaboratively in the case to ensure that Plaintiffs and the Class
17 which they sought to represent were zealously represented, while also ensuring
18 efficiency and reducing duplicative effort. We were able to do this to such a great
19 degree because we are a tightly knit group of attorneys who have had experience
20 working together in multiple data breach class actions.

21 34. Class Counsel performed a significant amount of work in this Action,
22 this work included investigating this case; drafting and finalizing complaints;
23 attentively tracking news and announcements concerning the Data Incident;
24 amending complaints; consolidating the cases before this Court; conducting informal
25 discovery leading up to the mediation; preparing for and attending mediation;
26 obtaining post-mediation information; negotiating a complex Settlement Agreement;
27 discussing the notice and administration plans with the Settlement Administrator to
28 ensure compliance with Due Process; moving for and successfully obtaining

1 preliminary approval; working in concert with the Settlement Administrator;
2 preparing notices; monitoring the Notice Program and claims administration;
3 applying to the Court for leave to amend the Settlement Agreement and amending the
4 Settlement Agreement in light of complications in effectuating the original terms of
5 the Settlement Agreement, preparing the Motion for Final Approval, and the instant
6 Motion for Attorneys' Fees and Costs and Service Awards to the Class
7 Representative.

8 35. Class Counsel requests an award of \$262,500 in attorneys' fees together
9 with costs and expenses, which will be paid by Defendant separate from any other
10 benefits to the Class. *See* S.A., § 7.2.

11 36. Class Counsel have incurred significant time, costs and expenses as well,
12 detailed in the Declarations of Counsel attached to the Memorandum of Points and
13 Authorities in Support of Plaintiffs' Motion for Attorneys' Fees and Costs and Service
14 Awards at Exhibits B-D. These include: \$62,227.50 in reasonable attorneys' fees,
15 and \$3,487.69 in costs and expenses for Goldenberg Schneider, LPA (Declaration of
16 Jeffrey S. Goldenberg); \$65,837.50 in reasonable attorneys' fees, and \$1,393.95 in
17 costs and expenses for Levin Sedran & Berman, LLP (Declaration of Charles E.
18 Schaffer); \$100,677.00 in reasonable attorneys' fees, and \$6,770.95 in costs and
19 expenses for Mason LLP (Declaration of Gary E. Mason).

20 37. The reasonableness of the proposed fee award is supported by the total
21 lodestar of Class Counsel. Class counsel collectively have so far spent a total of
22 551.75 hours on this matter through July 1, 2022, with a collective lodestar of
23 \$358,684.30. Thus, the requested fee award of \$262,500 represents a [negative]
24 multiplier of 0.66 of Class Counsel's total lodestar once the \$27,013.43 in expenses
25 (see below) is subtracted from the award.

26 38. The hourly rates sought by Class Counsel in support of the above
27 described reasonable attorneys' fees range from \$150-\$208 for paralegals/legal
28

1 assistants, \$353-575 for associates, and \$650-975 for partners/senior attorneys.

2 39. As confirmed in the respective declarations from each of the firms
3 involved in this Action (attached hereto as Exhibits B-D), the hourly rates used to
4 determine lodestar represent Class Counsel's customary professional rates.

5 40. Additional time will also be spent in the future to respond to any
6 objections, to prepare for and attend the fairness hearing and obtain final approval, to
7 defend any appeals taken from the final judgment approving the Settlement if such
8 appeals are taken, to respond to inquiries from Class Members about the case and the
9 Settlement, and ensure that the distribution of settlement proceeds to Class Members
10 is done in a timely manner in accordance with the terms of the Settlement.

11 41. Class Counsel have also incurred a total of \$27,013.43 in expenses for
12 which they request reimbursement. These include costs advanced in connection with
13 mediation, legal research, copying and mailing, and other customary litigation
14 expenses. As confirmed in the respective firm declarations, these expenses are based
15 on the books and records of the firms and represent an accurate recordation of costs
16 and expenses incurred in connection with this Action.

17 I declare under penalty of perjury of the laws of the State of California and the
18 United States that the foregoing is true and correct, and that this declaration was
19 executed in Sacramento, California on this 7th day of July, 2022.
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M. Anderson Berry

*Attorney for Plaintiff and the Proposed
Class*

Exhibit 1

Hashemi, Ken et al. v. Bosley, Inc. - Time Entries Report

Inception - July 1, 2022

Billed By:	Time Entry ID	Date	Task Type	Hours	Rate	Amount	Time Entry Description Long
Berry, Anderson Esq.	TE-000674	1/29/2021	Investigation	4	\$740.00	\$2,960.00	Investigate data breach (1.50); calls with clients (1.00); draft complaint (1.50)
	TE-001524	2/22/2021	Review/analyze	0.2	\$740.00	\$148.00	Review docket and plan next step; review CCPA notice timing
	TE-000676	3/1/2021	Communicate	3	\$740.00	\$2,220.00	Communicate with T. Chow re: defendant's time to respond to complaint and early mediation (.20); prepare for and call with T. Chow re: same and amending complaint (.80); calls and communicate with Bosley class reps and potential plaintiffs and related res
	TE-000677	3/2/2021	Phone Call	1.5	\$740.00	\$1,110.00	Call with Plaintiff Arttime and associated research (1.00); draft plaintiff vetting questionnaire for additional interviews (.20); review new Bosley breach letters that add medical information (.30)
	TE-000678	3/3/2021	Phone Call	0.7	\$740.00	\$518.00	Call with potential client Inella (.50); communicate with T. Chow re: conference call (.20)
	TE-000679	3/4/2021	Interview	1.5	\$740.00	\$1,110.00	Interview additional potential plaintiffs and associated research (.90); review new documents from plaintiffs (.40); communicate with T. Chow re: amending complaint (.20)
	TE-000680	3/5/2021	Prepare For	0.5	\$740.00	\$370.00	Prepare for and call with T. Chow re: amending complaint and extending time to respond
	TE-000681	3/11/2021	Communicate	0.3	\$740.00	\$222.00	Communicate with plaintiffs re: [REDACTED]
	TE-000682	3/16/2021	Draft/revise	1	\$740.00	\$740.00	Draft amended complaint, adding new plaintiffs and cause of action
	TE-000683	3/17/2021	Review/analyze	0.5	\$740.00	\$370.00	Review case file and respond to T. Chow re: mediation
	TE-000684	3/22/2021	Draft/revise	0.5	\$740.00	\$370.00	Read email from T. Chow (.10); revise amended complaint (.40)
	TE-000685	3/24/2021	Communicate	0.2	\$740.00	\$148.00	Communicate with T. Chow re: extension of time and mediation
	TE-000686	3/25/2021	Phone Call	1.1	\$740.00	\$814.00	Calls with clients re: facts and allegations for FAC
	TE-000687	3/30/2021	Draft/revise	5	\$740.00	\$3,700.00	Draft FAC and associated legal research (4.50); revise stip to extend time and communicate with defense counsel re: same (.50)
	TE-000688	4/5/2021	Draft/revise	0.4	\$740.00	\$296.00	Revise FAC
	TE-000689	4/6/2021	Draft/revise	0.6	\$740.00	\$444.00	Revise stip and FAC
	TE-000690	4/14/2021	Communicate	0.2	\$740.00	\$148.00	Communicate with T. Chow re: status of case
	TE-000691	4/16/2021	Prepare For	0.8	\$740.00	\$592.00	Prepare for and call with T. Chow re: FAC and mediation
	TE-000692	4/22/2021	Draft/revise	1.4	\$740.00	\$1,036.00	Draft term sheet and evaluate case for discussion with T. Chow (.90); call with G. Klinger re: case consolidation (.50)
	TE-000693	4/23/2021	Draft/revise	1.2	\$740.00	\$888.00	Revise sample term sheet for T. Chow and communicate with D. Lietz re: same (.40); calls with D. Lietz and MLK team and with T. Chow re: mediation and consolidation (.80)
	TE-000694	4/27/2021	Draft/revise	1.2	\$740.00	\$888.00	Revise FAC and communicate with D. Lietz re: same, communicate with T. Chow re: FAC and mediation
	TE-000695	4/28/2021	Draft/revise	1.1	\$740.00	\$814.00	Revise FAC and stip to file FAC and communicate with team and T. Chow re: same
	TE-000696	4/30/2021	Review/analyze	1.7	\$740.00	\$1,258.00	Review email from T. Chow (.20); revise stip and FAC (1.10); communicate with D. Lietz re: same (.20); file FAC and stip and communicate with team re: same (.20)
	TE-000697	5/18/2021	Communicate	0.3	\$740.00	\$222.00	Communicate with T. Chow re: mediation

TE-000698	5/24/2021	Communicate	0.2	\$740.00	\$148.00	Communicate with team re: call with defense counsel
TE-000699	5/25/2021	Phone Call	0.5	\$740.00	\$370.00	Call with D. Lietz re: status and next steps
TE-000645	6/1/2021	Meeting	0.5	\$740.00	\$370.00	Meeting with A. Sauerwein re: legal research project and case status
TE-000646	6/4/2021	Review/analyze	0.6	\$740.00	\$444.00	Review class admin quote from provider and communicate with them re: same
TE-000647	6/7/2021	Research	1.9	\$740.00	\$1,406.00	Legal research re: settlement issues
TE-000648	6/8/2021	Review/analyze	0.6	\$740.00	\$444.00	Review legal research memos from A. Sauerwein (1.00); communicate with team and OC re: mediation issues (.40); conduct additional legal research re: settlement issues (1.10)
TE-000649	6/9/2021	Communicate (other external)	0.4	\$740.00	\$296.00	Communicate with B. Picker and T. Chow re: mediation
TE-000650	6/10/2021	Phone Call	0.5	\$740.00	\$370.00	Call with B. Picker re: mediation (.30); communicate with T. Chow and team re: same (.20)
TE-000651	6/11/2021	Draft/revise	0.6	\$740.00	\$444.00	Revise legal research memo from A. Sauerwein
TE-000652	6/14/2021	Research	1.1	\$740.00	\$814.00	Additional legal research re: settlement issues
TE-000653	6/14/2021	Draft/revise	1	\$740.00	\$740.00	Revise FRE408 info requests to T. Chow
TE-000654	6/14/2021	Phone Call	0.5	\$740.00	\$370.00	Call with G. Klinger re: strategy and case status
TE-000655	6/14/2021	Draft/revise	0.9	\$740.00	\$666.00	Revise FRE408 requests and sent to T. Chow (.70); communicate with team re: requests and legal research
TE-000656	6/22/2021	Analysis/Strategy	0.5	\$740.00	\$370.00	Analyze whether to have a consultant locate class reps' PII on the dark web and review previous reports
TE-000657	6/23/2021	Analysis/Strategy	1.4	\$740.00	\$1,036.00	Further analyze whether to have a consultant locate class reps' PII on the dark web and review previous reports; communicate with team re: same (1.00); communicate with S. Altes re: [REDACTED] (.40)
TE-000658	6/24/2021	Communicate (in firm)	0.6	\$740.00	\$444.00	Communicate with consultant and team re: dark web searches (.60); Communicate with class reps re: dark web searches (1.00)
TE-000660	6/28/2021	Review/analyze	0.6	\$740.00	\$444.00	Review info from S. Altes re: [REDACTED] and send to T. Chow
TE-000659	6/29/2021	Review/analyze	1	\$740.00	\$740.00	Review consultant's work and communicate with him and team re: same
TE-000661	7/1/2021	Communicate	0.7	\$740.00	\$518.00	Communicate with T. Chow re: Altes fraud (.20); communicate with consultant re: searches (.50)
TE-000662	7/13/2021	Communicate	0.4	\$740.00	\$296.00	Communicate with team re: class administration quotes and info requests
TE-000663	7/14/2021	Communicate	0.3	\$740.00	\$222.00	Communicate with team re: mediation prep
TE-000664	7/15/2021	E-Mail	0.3	\$740.00	\$222.00	Email team re: mediation
TE-000665	7/16/2021	Draft/revise	0.5	\$740.00	\$370.00	Revise legal research memo re: settlement issues
TE-000666	7/26/2021	Communicate	0.6	\$740.00	\$444.00	Communicate with consultant and team re: searches (.30); communicate with team re: FRE408 doc requests (.30)
TE-000667	7/27/2021	Review/analyze	3.1	\$740.00	\$2,294.00	Review FRE408 materials and draft memo (2.80); communicate with team re: same (.30)
TE-000668	7/28/2021	Research	2.5	\$740.00	\$1,850.00	Research for mediation brief
TE-000669	7/30/2021	Draft/revise	1	\$740.00	\$740.00	Draft mediation brief
TE-000670	8/2/2021	Communicate	3	\$740.00	\$2,220.00	Communicate and calls with team re: mediation brief (.50); revise mediation brief (2.00); call with Picker and team re: mediation (.30); communicate with J. Thompson re: Aura (.20)

TE-000671	8/3/2021	Communicate	1.2	\$740.00	\$888.00	Communicate with J. Thompson re Aura (.20); revise mediation brief (.50); communicate with team re: same (.30); communicate with team and Picker re: mediation (.20)
TE-000672	8/5/2021	Draft/revise	0.9	\$740.00	\$666.00	Revise mediation brief and communicate with D. Lietz re same (.50); communicate with team and Picker re: mediation prep (.40)
TE-000673	8/9/2021	Prepare For	3	\$740.00	\$2,220.00	Prepare for and attend call with team and B. Picker re: mediation prep (2.00); follow up calls with team re: same (.50); legal research re: mediation issues (.50)
TE-001135	8/10/2021	Research	0.4	\$740.00	\$296.00	Research for a comm with B. Picker re settlement issues.
TE-001136	8/11/2021	Phone Call	0.8	\$740.00	\$592.00	Call with team re settlement issues (.50); call with team re mediation strategies (.30).
TE-001137	8/11/2021	Prepare For	0.6	\$740.00	\$444.00	Prepare for mediation and comm with team re legal research.
TE-000675	8/11/2021	Review/analyze	0.2	\$740.00	\$148.00	Review docket and plan next steps; review CCPA notice timing
TE-001138	8/12/2021	Prepare For	10.5	\$740.00	\$7,770.00	Prepare for and attend Zoom mediation with B. Picker, team and defense.
TE-001188	8/16/2021	Communicate	0.8	\$740.00	\$592.00	Comm with B. Picker re mediation prep (.20); prep mediation and for call with Picker and team set for 08/17/21 (.60)
TE-001189	8/17/2021	Prepare For	1	\$740.00	\$740.00	Prepare for and attend Zoom mediation call with team and B. Picker.
TE-001190	8/17/2021	Communicate	0.3	\$740.00	\$222.00	Comm with team re outstanding mediation issues.
TE-001191	8/17/2021	Prepare For	0.4	\$740.00	\$296.00	Prepare for mediation.
TE-001192	8/17/2021	Prepare For	6.5	\$740.00	\$4,810.00	Prepare for and attend Zoom mediation with B. Picker and team.
TE-002321	9/15/2021	Communicate	0.2	\$740.00	\$148.00	Communicate with T. Chow re: [REDACTED]
TE-002328	9/16/2021	Phone Call	0.5	\$740.00	\$370.00	Call with T. Chow and D. Lietz re: SA
TE-002745	10/13/2021	Communicate	0.2	\$740.00	\$148.00	Comm with T. Weiss re extension of tie for settlement agreement.
TE-002746	10/13/2021	Draft/revise	0.4	\$740.00	\$296.00	Revise stip to extend time.
TE-003309	11/2/2021	Communicate	0.7	\$740.00	\$518.00	Contact clients with updates.
TE-003379	11/8/2021	Research	0.8	\$740.00	\$592.00	Research re motion for preliminary approval
TE-003411	11/12/2021	Communicate	1.7	\$740.00	\$1,258.00	Communicate with team and clients re settlement agreement (1.00); revise agreement and MPA (.70).
TE-003456	11/18/2021	Phone Call	2.2	\$740.00	\$1,628.00	Calls with clients to update (.60); revise settlement agreement and exhibits (1.60).
TE-003461	11/23/2021	Phone Call	3.7	\$740.00	\$2,738.00	Call with client re [REDACTED]
TE-004360	11/26/2021	Draft/revise	1.4	\$740.00	\$1,036.00	Revise SA and exhibits and communicate with team re: same
TE-004361	11/26/2021	Draft/revise	1.8	\$740.00	\$1,332.00	Revise Mtn for preliminary approval (MPA) and exhs. F, G (1.50); communicate with team re: SA/MPA (.30)
TE-004362	12/1/2021	Review/analyze	0.2	\$740.00	\$148.00	Review docket for response to FAC
TE-004363	12/7/2021	Communicate	0.4	\$740.00	\$296.00	Communicate with defense counsel re: SA/MPA status/revisions
TE-004364	12/14/2021	Communicate	0.2	\$740.00	\$148.00	Follow up communications with defense re: SA/MPA
TE-004365	12/16/2021	Draft/revise	1.1	\$740.00	\$814.00	Revise SA declaration and exhibits
TE-004366	12/17/2021	Communicate	0.3	\$740.00	\$222.00	Communicate with D. Lietz and J. Goldberg re: MPA revisions
TE-004368	12/17/2021	Phone Call	0.5	\$740.00	\$370.00	Phone call with clients re: SA and status
TE-004367	12/20/2021	Draft/revise	0.5	\$740.00	\$370.00	Revisions to SA and communicate with team re: signatures
TE-004369	12/21/2021	Draft/revise	0.7	\$740.00	\$518.00	Revise claims notices and communicate with J. Goldberg re: same
TE-004370	12/22/2021	Communicate	0.1	\$740.00	\$74.00	Communicate with team re: next steps

TE-004371	12/30/2021	Communicate	0.2	\$740.00	\$148.00	Communicate with OC re: SA and Exhs. E, F, and G
TE-004372	12/31/2021	Draft/revise	1	\$740.00	\$740.00	Revise SA and MPA and prepare MPA for filing
TE-004373	1/3/2022	Communicate	0.2	\$740.00	\$148.00	Communicate with team re: filing MPA
TE-004374	1/5/2022	Communicate	0.9	\$740.00	\$666.00	Communicate with clients re: SA (.50); communicate with Aura rep re: credit monitoring (.40)
TE-004375	1/6/2022	Draft/revise	1.3	\$740.00	\$962.00	Revise MPA declaration (1.10); call with Aura re: [REDACTED] (.20)
TE-004376	2/3/2022	Communicate	0.2	\$740.00	\$148.00	Communicate with team re: MPA hearing
TE-004377	2/8/2022	Draft/revise	0.4	\$740.00	\$296.00	Revise remote requests and communicate with team re: hearing
TE-004378	2/9/2022	Phone Call	0.4	\$740.00	\$296.00	Call with client re: status
TE-004379	2/9/2022	Finalize	0.1	\$740.00	\$74.00	Finalize and file joint request for remote hearing
TE-004380	2/22/2022	Review/analyze	1	\$740.00	\$740.00	Review order granting PA (.50); communicate with clients re: same (.50)
TE-004381	3/15/2022	Communicate	0.3	\$740.00	\$222.00	Communicate with claims administrator re: process
TE-004382	3/15/2022	Communicate	0.3	\$740.00	\$222.00	Communicate with [REDACTED] re: claims notice and class admin
TE-004383	3/21/2022	Communicate	0.2	\$740.00	\$148.00	Communicate with [REDACTED] re: claims website
TE-004384	3/22/2022	Communicate	0.4	\$740.00	\$296.00	Communicate with team re: notice revisions and amending SA
TE-004385	3/23/2022	Draft/revise	0.9	\$740.00	\$666.00	Revise joint ex parte application and communicate with OC re: same
TE-004386	3/30/2022	Schedule	0.1	\$740.00	\$74.00	Schedule group call re: notice
TE-004387	4/1/2022	Review/analyze	0.6	\$740.00	\$444.00	Review draft settlement website
TE-004388	4/27/2022	Update	0.4	\$740.00	\$296.00	Update clients on status and review settlement website
TE-004390	5/27/2022	Communicate	0.2	\$740.00	\$148.00	Communicate with T. Chow re: adding reminder notice
TE-004389	5/27/2022	Review/analyze	0.5	\$740.00	\$370.00	Review claims rate update and website and communicate with team
TE-004391	5/31/2022	Phone Call	0.1	\$740.00	\$74.00	Call with team re: claims to date
TE-004392	5/31/2022	Schedule	0.1	\$740.00	\$74.00	Schedule call with T. Chow and team re: claims
TE-004393	6/1/2022	Prepare For	0.2	\$740.00	\$148.00	Prepare for and call with defense and team re: claims
TE-004394	6/3/2022	Review/analyze	0.3	\$740.00	\$222.00	Review emails for claims admin and [REDACTED]
TE-004395	6/10/2022	Review/analyze	0.1	\$740.00	\$74.00	Review objector papers
TE-004396	6/13/2022	Review/analyze	1.1	\$740.00	\$814.00	Review objector papers and associated research
TE-004397	6/14/2022	Phone Call	1	\$740.00	\$740.00	Phone call with D. Lietz and team re: objectors and other issues (.50); prepare for and Zoom with team re: same (.50)
TE-004398	6/15/2022	Plan	0.7	\$740.00	\$518.00	Plan response to objections (.50); and fees motion (.20)
TE-004399	6/16/2022	Draft/revise	0.5	\$740.00	\$370.00	Draft reminder claims notice and share with team
TE-004400	6/20/2022	Communicate	0.5	\$740.00	\$370.00	Communicate with team and revise reminder claims email
TE-004401	6/22/2022	Review/analyze	0.2	\$740.00	\$148.00	Review revisions to reminder claims email
TE-004402	6/23/2022	Communicate	0.1	\$740.00	\$74.00	Communicate with T. Chow re: reminder claims email

		TE-004403	6/24/2022	Phone Call	0.3	\$740.00	\$222.00	Calls to clients to update status
		TE-004404	6/24/2022	Communicate	0.6	\$740.00	\$444.00	Communicate with team re: status of objectors response and MPA
		TE-004405	6/27/2022	Meeting	0.2	\$740.00	\$148.00	Meeting with [REDACTED] re: MFA and fees motion
		TE-004406	6/27/2022	E-Mail	0.1	\$740.00	\$74.00	Email to [REDACTED] re: fees motion and MFA
		TE-004407	6/29/2022	Meeting	0.3	\$740.00	\$222.00	Meeting with [REDACTED] re: questions for fees/ MPA motions
		TE-004408	6/29/2022	Draft/revise	3.1	\$740.00	\$2,294.00	Revise Final appl (MFA) motion and associated research
		TE-004409	6/30/2022	Draft/revise	1.5	\$740.00	\$1,110.00	Revise fees motion and communicate with [REDACTED] re: same (1.30); communicate with team re: fees/FA motions (.20)
		TE-004410	6/30/2022	Draft/revise	0.6	\$740.00	\$444.00	Revise AB declarations to motions
		TE-004411	7/1/2022	Review/analyze	1	\$740.00	\$740.00	Review court's PA order and communicate with team re: fee/FA motions
Subtotal	Sum				121.1		\$89,614.00	
	Count							
Guillon, Leslie Esq.		TE-000700	2/2/2021	Draft/revise	1	\$400.00	\$400.00	Review and revise complaint
		TE-000701	2/2/2021	Phone Call	0.6	\$400.00	\$240.00	Telephone call with [REDACTED]; follow up email
		TE-000702	3/4/2021	Review/analyze	3.5	\$400.00	\$1,400.00	Review and research case law re: Bosley MTS
		TE-001872	4/6/2021	Review/analyze	3.5	\$400.00	\$1,400.00	Review and revise complaint and stipulation to amend research of CMIA law
		TE-000703	6/17/2021	Phone Call	0.2	\$400.00	\$80.00	Telephone call with [REDACTED]
Subtotal	Sum				8.8		\$3,520.00	
	Count							
Haroutunian, Gregory Esq.		TE-004119	11/24/2021	Draft/revise	1.6	\$575.00	\$920.00	Review and revise settlement agreement and associated documents
		TE-004116	6/6/2022	Review/analyze	0.9	\$575.00	\$517.50	Review case documents in preparation for drafting Motion for Final Approval.
		TE-004117	6/9/2022	Review/analyze	3.7	\$575.00	\$2,127.50	Review related cases and filings for motions for final approval and motions for attorneys fees for citations and format preferences.
		TE-004118	6/13/2022	Draft/revise	1.1	\$575.00	\$632.50	Draft Notice of Settlement blog post to increase awareness of settlement.
		TE-004120	6/28/2022	Draft/revise	3.2	\$575.00	\$1,840.00	Draft Motion for Final Approval
		TE-004121	6/29/2022	Draft/revise	8.2	\$575.00	\$4,715.00	Draft Motion for Final Approval
		TE-004122	6/29/2022	Draft/revise	1.1	\$575.00	\$632.50	Draft Motion for Attorneys Fees
		TE-004123	6/30/2022	Draft/revise	0.8	\$575.00	\$460.00	Draft Motion for Final Approval Notice and Order
		TE-004412	6/30/2022	Draft/revise	9.6	\$575.00	\$5,520.00	Draft memorandum of points and authorities in support of motion for attorneys fees including reviewing all relevant data and case law.
		TE-004413	7/1/2022	Draft/revise	0.8	\$575.00	\$460.00	Draft declaration of counsel in support of motion for attorneys fees template for co-counsel.
		TE-004414	7/1/2022	Draft/revise	3.2	\$575.00	\$1,840.00	Revise Motion for Attorney's fees in order to include additional citations to prior cases relating to other Courts' handling of similar settlement structures.
		TE-004415	7/1/2022	Review/analyze	0.4	\$575.00	\$230.00	Review declaration of Claims Administrator Katie Tran in support of Motion for Final Approval.
Subtotal	Sum				34.6		\$19,895.00	
	Count							
Sauerwein, Alex Esq.		TE-000643	6/3/2021	Research	3	\$353.00	\$1,059.00	claims made research
		TE-000644	6/8/2021	Research	3	\$353.00	\$1,059.00	claims made memo
		TE-000642	8/9/2021	Conference Call	1	\$353.00	\$353.00	plaintiffs call with ben picker about mediation
		TE-002627	11/24/2021	Draft/revise	5.5	\$353.00	\$1,941.50	Drafted settlement agreement exhibits / proposed final approval order and proposed preliminary approval order
Subtotal	Sum				12.5		\$4,412.50	
	Count							

Velichko, Olya Paralegal	TE-000704	1/29/2021	Prepare For	0.5	\$208.00	\$104.00	Prepare and send retainer agreement to client Ken Hashemi for review and signature
	TE-000705	2/1/2021	Investigation	2.3	\$208.00	\$478.40	Investigate defendant Bosley, Inc.; research data breach; communicate with team re: same
	TE-000706	2/1/2021	Draft/revise	2.5	\$208.00	\$520.00	Review, revise and format complaint; communicate with team re: same
	TE-000707	2/1/2021	Draft/revise	0.4	\$208.00	\$83.20	Draft CCPA letter for client Steve Altes
	TE-000708	2/1/2021	Prepare For	3.5	\$208.00	\$728.00	Prepare, organize and finalize initial case filing documents; file complaint
	TE-000709	2/2/2021	Investigation	1	\$208.00	\$208.00	Investigate defendant's agent for service; prepare and mail out CCPA letters
	TE-000710	2/8/2021	Communicate	1.7	\$208.00	\$353.60	Communicate with client Sandra Johnson-Foster re: [REDACTED]
	TE-000711	3/2/2021	Communicate	1.5	\$208.00	\$312.00	Communicate with Sandra Foster-Johnson; assess; gather further facts
	TE-000712	3/2/2021	Prepare For	0.5	\$208.00	\$104.00	Prepare and send retainer agreement for client Sandra Foster-Johnson for review and signature
	TE-000713	3/2/2021	Phone Call	0.8	\$208.00	\$166.40	Call and assess potential client
	TE-000714	3/3/2021	Prepare For	3.5	\$208.00	\$728.00	Update contact chart for all potential clients; communicate with team re: same
	TE-000715	3/8/2021	Phone Call	0.8	\$208.00	\$166.40	Call and assess [REDACTED]; follow up email
	TE-000716	3/9/2021	Prepare For	0.4	\$208.00	\$83.20	Prepare and send retainer agreement for Gregory Charles Boute
	TE-000717	3/9/2021	Review/analyze	0.2	\$208.00	\$41.60	Review defendant's response to CCPA letter; communicate with team re: same
	TE-000718	4/5/2021	Draft/revise	0.9	\$208.00	\$187.20	Draft stipulation; revise FAC
	TE-000719	4/30/2021	Review/analyze	0.8	\$208.00	\$166.40	Review and revise FAC and stipulation; communicate with team re: changes
	TE-000720	4/30/2021	Draft/revise	0.9	\$208.00	\$187.20	Draft proposed order; communicate with team; finalize and file
	TE-000721	5/3/2021	Finalize	1.2	\$208.00	\$249.60	Finalize and file Plaintiffs First Amended Complaint and associated exhibits
	TE-000722	5/25/2021	Communicate (in firm)	0.6	\$208.00	\$124.80	Communicate with mediators- Morton Denlow; Jill Spaber re: mediator availabilities
	TE-000723	6/28/2021	Phone Call	1.4	\$208.00	\$291.20	Phone call with class reps Ken Hashemi, Steve Altes and Sandra Foster re: [REDACTED]
	TE-000724	6/29/2021	Communicate	0.6	\$208.00	\$124.80	Communicate with client Rafael Arttime re: [REDACTED]
	TE-000725	6/30/2021	Communicate	1	\$208.00	\$208.00	Communicate with team re: status of dark web search; draft and send letters to clients
	TE-000726	6/30/2021	Prepare For	0.4	\$208.00	\$83.20	Redact Steve Altes' [REDACTED]
	TE-000727	7/1/2021	Communicate	0.7	\$208.00	\$145.60	Communicate with dark web search vendor; prepare and send secure email containing client information
	TE-000728	7/5/2021	Communicate	1	\$208.00	\$208.00	Communicate with Gregory Boute re: dark web search
	TE-000729	7/5/2021	Communicate	0.3	\$208.00	\$62.40	Communicate with [REDACTED]
	TE-002555	7/28/2021	Investigation	3.5	\$208.00	\$728.00	Investigate and research Pysa/Mespinoza security incident prior to Aug. 17, 2020 and it's relationship to the Bosley data breach; communicate with team re: findings
	TE-002557	7/28/2021	Investigation	0.8	\$208.00	\$166.40	Further investigate and research Pysa/Mespinoza security incident
	TE-002801	9/23/2021	Communicate	0.3	\$208.00	\$62.40	Communicate with mediator's office re: checks and invoices
	TE-004097	10/19/2021	Calendaring	0.6	\$208.00	\$124.80	Review new court dockets and calendar new deadlines
	TE-004099	11/26/2021	Review/analyze	2.3	\$208.00	\$478.40	Review and revise MPA, notice, and joint declaration
	TE-004098	11/26/2021	Review/analyze	0.7	\$208.00	\$145.60	Review settlement agreement and exhibits
	TE-004100	11/29/2021	Draft/revise	3	\$208.00	\$624.00	Revise Memo of Ps and As ISO Ps Unopposed Motion for Preliminary Approval
	TE-002813	12/6/2021	Calendaring	0.4	\$208.00	\$83.20	Calendar new court deadlines

	TE-004101	12/31/2021	Review/analyze	2.8	\$208.00	\$582.40	Review and revise Notice of MPA and MPA memo of Ps and As
	TE-004102	1/3/2022	Review/analyze	2	\$208.00	\$416.00	Review and finalize Notice of MPA and MPA Memo of Ps and As
	TE-004103	1/6/2022	Phone Call	1.8	\$208.00	\$374.40	Phone call with court clerk re: hearing date; review local rule and judges' standing order
	TE-004104	1/17/2022	Calendar	0.6	\$208.00	\$124.80	Calendar new court deadlines
	TE-004105	1/20/2022	E-Mail	0.9	\$208.00	\$187.20	Email correspondence with M. Anderson Berry re: Bosley [REDACTED] invoice
	TE-004106	1/20/2022	Phone Call	0.7	\$208.00	\$145.60	Phone call and email to [REDACTED] re: past invoice due and payment
	TE-004107	1/21/2022	Prepare For	1.2	\$208.00	\$249.60	Prepare check request from accounting and mail out
	TE-004108	1/25/2022	Prepare For	0.8	\$208.00	\$166.40	Prepare and mail check to [REDACTED] for services
	TE-004109	2/3/2022	Communicate	0.9	\$208.00	\$187.20	Communicate with court clerk re: 2/26 hearing remote request
	TE-004110	2/4/2022	Draft/revise	0.6	\$208.00	\$124.80	Draft hearing remote request to the court
	TE-004111	2/8/2022	Draft/revise	1.2	\$208.00	\$249.60	Draft remote appearance request and proposed order for 2/25 hearing
	TE-004112	2/9/2022	Finalize	0.5	\$208.00	\$104.00	Finalize and file Joint Notice for Remote Appearance
	TE-004113	2/25/2022	Review/analyze	1.4	\$208.00	\$291.20	Review court dockets; calendar new deadlines
	TE-004114	2/25/2022	Review/analyze	1.4	\$208.00	\$291.20	Review court dockets; calendar new deadlines
	TE-004115	6/27/2022	Draft/revise	2.3	\$208.00	\$478.40	Compile fees and costs report to date
Subtotal	Sum			60.1		\$12,500.80	
	Count						
Total	Sum			237.1		\$129,942.30	
	Count						

Exhibit B

1 M. Anderson Berry (SBN 262879)
2 **CLAYEO C. ARNOLD,**
3 **A PROFESSIONAL LAW CORP.**
4 865 Howe Avenue
5 Sacramento, CA 95825
6 Telephone: (916) 777-7777
7 Facsimile: (916) 924-1829
8 aberry@justice4you.com

9 Jeffrey S. Goldenberg (*pro hac vice*)
10 **GOLDENBERG SCHNEIDER, LPA**
11 4445 Lake Forest Drive, Suite 490
12 Cincinnati, OH 45242
13 Telephone: (513) 345-8297
14 Facsimile: (513) 345-8294
15 jgoldenberg@gs-legal.com

16 *Attorneys for Plaintiffs*

17 [additional counsel listed on signature page]

18 **THE UNITED STATES DISTRICT COURT**
19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

20 KEN HASHEMI, STEVE
21 ALTES, SANDRA JOHNSON-
22 FOSTER, GREGORY BOUTE
23 RAFAEL ARTIME, and JOHN
24 BOWDEN as individuals and all
25 others similarly situated,

26 Plaintiffs,

27 vs.

28 BOSLEY, INC.,

Defendant.

Case No.: 2:21-cv-00946-PSG(RAOx)

**DECLARATION OF JEFFREY S.
GOLDENBERG IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Date: August 5, 2022
Time: 1:30 pm
Courtroom: 6A
Judge: Hon. Philip S. Gutierrez

1 I, Jeffrey S. Goldenberg, pursuant to 28 U.S.C. §1746(2), hereby declare and
2 state as follows:

3 1. I am an attorney duly admitted pro hac vice to practice before this
4 Court. I am a founding partner at the law firm of Goldenberg Schneider, LPA
5 (“GS”), one of the law firms representing Plaintiffs in this Action.

6 2. I am admitted to the practice of law in the State of Ohio (admitted since
7 1994), the United States Court of Appeals for the Sixth Circuit, Second Circuit, and
8 Ninth Circuit, and the United States District Court for the Southern and Northern
9 Districts of Ohio and the Northern District of Illinois. I also have been admitted pro
10 hac vice to various federal district courts throughout the United States. I am a
11 member in good standing of the Ohio Bar and have never been the subject of any
12 disciplinary proceeding. I graduated Phi Beta Kappa from Indiana University,
13 Bloomington, Indiana in 1988 (B.A. Biology) and received my law degree from
14 Indiana University in 1994.

15 3. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’
16 Fees, Costs and Service Awards. I am personally familiar with the facts set forth in
17 this declaration. If called as a witness, I could and would competently testify to the
18 matters stated herein.

19 4. As Class Counsel, I have been intimately involved in every aspect of
20 this litigation since its inception. My firm’s involvement included: (1) investigating
21 the facts and circumstances surrounding the breach; (2) drafting and editing original
22 complaint and amended complaint; (3) conducting informal discovery with Bosley
23 to prepare for the mediation; (4) drafting and editing Plaintiffs’ mediation statement
24 and submissions; (5) reviewing Bosley’s mediation submissions; (6) conducting
25 legal research; (7) preparing for and attending the mediation; (8) communicating
26 with co-counsel on a regular basis; (9) participating in case strategy conferences and
27 decisions; (10) assisting with drafting settlement related documents including

1 settlement agreement and release and class notices and website content; (11)
2 preparing and editing motion for preliminary and final approval; (12) evaluating and
3 responding to objections; and (13) reviewing communications from Settlement
4 Administrator about claims received.

5 5. Throughout this litigation, my firm endeavored to prosecute this case
6 in an efficient manner with an eye towards collaborating effectively with co-counsel
7 to marshal resources and to devise strategies to prosecute this case to a successful
8 conclusion. Duplication of effort was avoided by Class Counsel's division of
9 responsibilities among themselves through effective and regular communication.

10 6. To date, GS has expended substantial resources to litigate this case at
11 the opportunity cost of working on other matters.

12 7. My firm kept detailed records regarding the amount of time and
13 expenses spent by my firm on this case. The contemporaneous, daily time records
14 and expenses records were regularly prepared and maintained by my firm in the
15 usual course and manner of my firm's regular daily business operations.

16 8. Attached as Exhibit A to this Declaration is a summary chart that sets
17 forth the name of each attorney, paralegal, and legal assistant who worked on this
18 litigation, the amount of time spent by each of them on this litigation, their hourly
19 rates, and the dollar value of the services performed. Exhibit A also contains a chart
20 categorizing the time entries. Attached as Exhibit B is my firm's detailed time
21 entries for this case.

22 9. GS spent 97.4 hours on this litigation resulting in a lodestar totaling
23 \$62,227.50.

24 10. Exhibits A and B were prepared from the daily time records routinely
25 prepared and maintained by my firm in the ordinary course of business. I personally
26 reviewed my firm's time records and exercised billing judgment when preparing
27 these Exhibits. Exhibits A and B include only that legal work which was essential
28

1 to the case, and I omitted all time which is duplicative of other attorney time. I also
2 omitted time that was secretarial or administrative in nature, I reduced hours for
3 specific entries that I believed to be more than was necessary for the work completed,
4 and I omitted all time spent by me and others in reviewing and auditing the bills.
5 Therefore, I believe that the amount of time spent prosecuting this case, as reflected
6 in Exhibits A and B was necessary, reasonable, and non-duplicative.

7 11. The hourly rates listed in Exhibit A are similar to those normally
8 submitted by GS in fee petitions in comparable class action litigation.

9 12. In addition to myself, the individuals from GS that billed time to this
10 case are my partners Todd Naylor and Robert Sherwood, my paralegal, Stephanie
11 Vaaler, and my legal assistant, Cheryl Pence.

12 13. The rate I seek in this litigation is \$775 an hour. I have recently
13 submitted fee applications that have been approved with my time billed at \$750 an
14 hour (*see Sarah Hill et al v. Canidae Corporation*, Case No. 5:20-cv-01374-JGB-
15 SP (C.D. Cal) (doc. 79); *Culbertson v. Deloitte Consulting, LLC*, Case No 1:20-cv-
16 03692-LJL (doc. 146)) and \$775 an hour (*In Re: Mercedes-Benz Emission*
17 *Litigation*, Case No. 2:16-cv-00881-KM-ESK (doc. 312-2, Ex. 4)).

18 14. A copy of my CV and firm resume is attached as Exhibit C hereto.

19 15. The rate Mr. Naylor seeks in this litigation is \$725 an hour. He has
20 recently submitted fee applications that have been approved with his time billed at
21 \$700 an hour in *In Re: Mercedes-Benz Emission Litigation*, Case No. 2:16-cv-
22 00881-KM-ESK (doc. 312-2, Ex. 4). He graduated with honors from Bradley
23 University in 1994 (B.A. Political Science) and received his law degree from the
24 University of Colorado in 1997. He is admitted to the practice of law in the State of
25 Ohio (1997), the United States Supreme Court, the Court of Appeals for the Sixth
26 Circuit, and the United States District Court for the Southern and Northern Districts
27 of Ohio. A copy of Mr. Naylor's CV is attached as Exhibit C hereto.

1 16. The rate Mr. Sherwood seeks in this litigation is \$650 an hour. Mr.
2 Sherwood recently submitted fee applications that have been approved with his time
3 billed at \$650 an hour in *In Re: Mercedes-Benz Emission Litigation*, Case No. 2:16-
4 cv-00881-KM-ESK (doc. 312-2, Ex. 4). He graduated from Bucknell University
5 (B.A. Political Science) magna cum laude with Phi Beta Kappa honors and received
6 his law degree from the University of Pennsylvania in 2002. He is admitted to
7 practice in the State of Ohio and the Commonwealth of Pennsylvania (2002), the
8 United States District Courts for the Southern District of Ohio and Eastern District
9 of Pennsylvania. A copy of Mr. Sherwood's CV is attached as Exhibit C hereto.

10 17. The rate Ms. Vaaler seeks in this litigation is \$175 an hour. Ms. Vaaler
11 has previously been approved at \$175 an hour in *In Re Ford Spark Plug Litigation*,
12 N.D. Ohio Case No. 1:12-md-2316 ECF No. 122 at PAGEID # 5836). Ms. Vaaler
13 is a paralegal who has been at our firm since 2001 and has worked as a paralegal
14 since 1984.

15 18. The rate Ms. Pence seeks in this litigation is \$150 an hour. Ms. Pence's
16 time was recently submitted at \$150 an hour in a fee application that was approved
17 in *Sarah Hill et al v. Canidae Corporation*, Case No. 5:20-cv-01374-JGB-SP (C.D.
18 Cal) (doc. 79) and *In Re: Mercedes-Benz Emission Litigation*, Case No. 2:16-cv-
19 00881-KM-ESK (doc. 312-2, Ex. 4). Ms. Pence is a full time legal assistant who
20 has been at our firm since 2001, and has worked as a legal assistant since 1987.

21 19. GS incurred out-of-pocket expenses on behalf of the Class. My firm's
22 expense records collected through June 30, 2022 demonstrate GS spent \$3,487.69
23 on expenses in prosecution of this case and has received reimbursement for
24 \$1,333.34 of these expenses. So my firm's outstanding unreimbursed expenses total
25 \$2,154.35. Attached as Exhibit D to this Declaration is a chart summarizing the
26 expenses incurred by my firm, broken down by category. The expense records used
27 to create the chart are attached in Exhibit B. I reviewed my firm's expense records
28

1 for this litigation, and I believe that these expenses were necessary, reasonable, and
2 directly related to this litigation. The expenses include those items for which the
3 firm ordinarily bills its clients, including computer research.

4 20. Before taking on this case, my firm negotiated a customary contingency
5 fee with the Plaintiff Bowden, with the understanding that my firm would take on
6 the financial risks involved in the representation. My firm also agreed to advance all
7 costs of this litigation. In the event that Plaintiffs did not successfully resolve this
8 matter or prevail at trial and any related appeals, my firm would have been paid
9 nothing.

10 I declare under penalty of perjury that the foregoing is true and correct.
11 Executed this 6th day of July, 2022.

12 /s/ Jeffrey S. Goldenberg
13 Jeffrey S. Goldenberg
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EXHIBIT A

GOLDENBERG SCHNEIDER, LPA

Bosley Data Breach

Time and Expenses: February 2, 2021 – June 30, 2022

Time:

Goldenberg Schneider, LPA	Hourly Rate	Total Hours	Lodestar
Jeffrey S. Goldenberg (A)	\$775	47.4	\$36,735.00
Todd B. Naylor (A)	\$725	2.8	\$2,030.00
Robert B. Sherwood (A)	\$650	32.2	\$20,930.00
Stephanie Vaaler (PL)	\$175	11.3	\$1,977.50
Cheryl Pence (LA)	\$150	3.7	\$555.00
TOTAL		97.4	\$62,227.50

CATEGORY	TOTAL HOURS	AMOUNT
Investigations/Factual Research	7.8	\$5,745.00
Communications/Strategy/Case Management	19.8	\$8,677.50
Legal Research	4	\$2,600.00
Complaint/Pleadings	44.8	\$29,030.00
Mediation/Settlement	21	\$16,175.00
TOTAL	97.4	\$62,227.50



Goldenberg Schneider, LPA

EXHIBIT B

4445 Lake Forest Drive, Ste 490
Cincinnati, OH 45242
Telephone: (513) 345-8291

July 6, 2022

Invoice submitted to:

Bosley Data Breach

In Reference To:

Invoice No.: 16951

For Professional Services Rendered:

			<u>Hrs/Rate</u>	<u>Amount</u>
2/2/2021	JSG	Bosley Data Breach - investigation.	1.50 \$775.00/hr	\$1,162.50
2/3/2021	SAV	Drafted fee agreement. Emails to/from J. Goldenberg re same. Edited same. Research re Bosley corporate information.	1.20 \$175.00/hr	\$210.00
	JSG	Bosley Data Breach - call with John Bowden; follow up emails to team and to John re: retainer.	0.70 \$775.00/hr	\$542.50
2/4/2021	JSG	Email to C. Pence re: recording John Bowden's contact information.	0.20 \$775.00/hr	\$155.00
2/15/2021	JSG	Emails to and from S. Vaaler and C. Pence re: interviewing class rep and status of the complaint. Follow up with G. Mason firm re: status of drafting complaint.	0.60 \$775.00/hr	\$465.00

Bosley Data Breach

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			<u>Hrs/Rate</u>	<u>Amount</u>
2/15/2021	SAV	Reviewed file for Bowden facts/notes. Email to J. Goldenberg re same. Emails to/from J. Goldenberg re Bowden R&R.	0.30 \$175.00/hr	\$52.50
	SAV	Phone conferences with J. Bowden. Completed questionnaire. Email from/to J. Goldenberg re same. Edited general data base questionnaire to be Bosley relevant. Online research re lead.	2.10 \$175.00/hr	\$367.50
3/24/2021	JSG	Emails to and from team re: status of complaint; reviewed file and forwarded docs to R. Sherwood to finalize the complaint.	0.60 \$775.00/hr	\$465.00
	RBS	Review rough draft of complaint; begin edits to same.	2.00 \$650.00/hr	\$1,300.00
3/25/2021	RBS	Continue edits to draft complaint.	3.00 \$650.00/hr	\$1,950.00
3/26/2021	RBS	Finish edits to draft complaint; distribute same for review and comments.	4.00 \$650.00/hr	\$2,600.00
3/30/2021	JSG	Reviewed and edited draft complaint; forwarded same to Plaintiff. Emailed complaint to co-counsel.	2.10 \$775.00/hr	\$1,627.50
4/2/2021	CP	Searched for and added Martin Keleti contact info to signature block on Complaint.	0.40 \$150.00/hr	\$60.00
	JSG	Emails to and from G. Mason re: edits to complaint and local counsel.	0.40 \$775.00/hr	\$310.00
4/5/2021	CP	Updated signature block to reflect Martin Keleti's address at Rudd Firm; added line numbering to Complaint per CA formatting rules.	0.90 \$150.00/hr	\$135.00
	SAV	Telephone conference with John Bowden re credit agency call. Email to J. Goldenberg re same.	0.10 \$175.00/hr	\$17.50

Bosley Data Breach

Page 3

		<u>Hrs/Rate</u>	<u>Amount</u>
4/7/2021	SAV Phone call to client re status of fraud alert.	0.10 \$175.00/hr	\$17.50
4/8/2021	SAV Email from/to J. Goldenberg re status of phone conference with J. Bowden re fraud alert. Phone call to Bowden. Text from Bowden re scheduled phone conference. Reviewed template notice of breach. Phone call to Bosley helpline. Email to J. Goldenberg re status of fraud alert/credit monitoring. Reviewed file for Bowden notice. Email to J. Goldenberg re same. Phone conference with J. Goldenberg re fraud alert.	1.00 \$175.00/hr	\$175.00
4/9/2021	SAV Email from J. Goldenberg re phone conference Email to J. Bowden re same.	0.10 \$175.00/hr	\$17.50
4/15/2021	RBS Edits to draft complaint; emails with J. Goldenberg re same.	1.00 \$650.00/hr	\$650.00
	SAV Phone call from client re fraud alert. Added a fraud alert for client using TransUnion website. Discussion with J. Goldenberg re type of fraud alert. Email to client with attached fraud alert set up confirmation and instructions re setting up credit monitoring. Email to J. Goldenberg re status.	1.30 \$175.00/hr	\$227.50
4/16/2021	JSG Reviewed and finalized Complaint. Emailed same to local counsel for filing.	1.40 \$775.00/hr	\$1,085.00
	CP Added line numbering and adjusted formatting on current version of Complaint.	0.50 \$150.00/hr	\$75.00
	RBS Research whether NY or California statutory claims have presuit notice requirements; phone call and emails with J. Goldenberg re same.	0.80 \$650.00/hr	\$520.00
4/19/2021	JSG Reviewed email from M. Keleti; emails to and from team re: same. Email to Ex Kano re: local counsel role.	0.60 \$775.00/hr	\$465.00

Bosley Data Breach

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			<u>Hrs/Rate</u>	<u>Amount</u>
4/19/2021	CP	Removed Martin Keleti and added Ex Kano S. Sams II to signature blocks; began drafting J. Goldenberg PHV Application for CD of California.	0.70 \$150.00/hr	\$105.00
	JSG	Reviewed and edited complaint; forwarded same to E. Sams to file.	0.90 \$775.00/hr	\$697.50
4/20/2021	JSG	Forwarded breach notification letter to E. Sams.	0.30 \$775.00/hr	\$232.50
4/21/2021	JSG	Emails to and from E. Sams and C. Pence re: pro hac applications. Emails to E. Sams re: related case filed in February.	0.40 \$775.00/hr	\$310.00
4/22/2021	JSG	Strategy conference with G. Mason and C. Schaffer.	0.50 \$775.00/hr	\$387.50
4/27/2021	JSG	Strategy emails to and from team re: adding Bowden to first filed case's amended complaint.	0.40 \$775.00/hr	\$310.00
4/28/2021	JSG	Reviewed Amended Complaint adding Bowden to first filed complaint. Email to Bowden re: reviewing amended complaint	0.60 \$775.00/hr	\$465.00
4/29/2021	SAV	Email to J. Goldenberg re status of Bowden complaint review.	0.10 \$175.00/hr	\$17.50
4/30/2021	CP	Redrafted Application to Appear PHV for J Goldenberg in new Bosley case; sent to Ex Kano Sams and Harry K. at Glancy Firm for filing with the C.D. of California.	0.50 \$150.00/hr	\$75.00
	JSG	Emails to and from team re: 41(a) dismissal and filing amended complaint.	0.40 \$775.00/hr	\$310.00
5/3/2021	CP	Prepared Word version of proposed order for J Goldenberg's Application to Appear PHV; emailed to Harry K. at Glancy firm to use with the Application filing.	0.40 \$150.00/hr	\$60.00

Bosley Data Breach

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			<u>Hrs/Rate</u>	<u>Amount</u>
5/25/2021	JSG	Emails to and from team re: potential mediators.	0.50 \$775.00/hr	\$387.50
6/8/2021	JSG	Emails to and from team re: mediator and scheduling mediation.	0.40 \$775.00/hr	\$310.00
6/10/2021	JSG	Emails to and from team re: setting mediation date.	0.20 \$775.00/hr	\$155.00
6/18/2021	JSG	Reviewed and edited discovery requests for mediation.	0.60 \$775.00/hr	\$465.00
7/2/2021	CP	Phone call with J. Goldenberg; call to John Bowden to get his info for dark web search; call to David Lietz to give him J. Bowden info.	0.30 \$150.00/hr	\$45.00
	JSG	Call to plaintiff, follow up emails to and from team concerning dark web search.	0.50 \$775.00/hr	\$387.50
7/14/2021	JSG	Attended pre-mediation call.	0.60 \$775.00/hr	\$465.00
7/29/2021	JSG	Call with C. Schaffer re: mediation statement allocation. Follow up email to Nick.	1.00 \$775.00/hr	\$775.00
	JSG	Reviewed information from D. Lietz. Forwarded same to Nick at LFSB.	0.60 \$775.00/hr	\$465.00
8/2/2021	JSG	Emails to and from team re: status of mediation statement. Reviewed mediator's letter re: content of mediation statement. Email to T. Naylor re: working on mediation statement tomorrow.	0.80 \$775.00/hr	\$620.00
8/3/2021	JSG	Reviewed mediation statement; Follow up with T. Naylor re: mediation statement; reviewed T. Naylor's edits to mediation statement.	0.70 \$775.00/hr	\$542.50
	TBN	Redline and edits to mediation statement; sent to J Goldenberg.	2.00 \$725.00/hr	\$1,450.00

Bosley Data Breach

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			<u>Hrs/Rate</u>	<u>Amount</u>
8/9/2021	JSG	Attended conference with mediator.	1.10 \$775.00/hr	\$852.50
	RBS	Research Judge Gutierrez's previous class actions for settlements he approved involving claims-made settlements; emails with J. Goldenberg re same.	0.70 \$650.00/hr	\$455.00
8/10/2021	RBS	Continue researching Judge Gutierrez's previous class actions and data breach cases for settlements he approved involving claims-made settlements; emails with J. Goldenberg re same	2.50 \$650.00/hr	\$1,625.00
	JSG	Email to team re: claims made settlement research.	0.20 \$775.00/hr	\$155.00
8/11/2021	JSG	Attended team mediation strategy call.	0.80 \$775.00/hr	\$620.00
8/12/2021	JSG	Prepared for mediation; reviewed Bosley counsel's summary of cases re: California claim	0.60 \$775.00/hr	\$465.00
	JSG	Attended mediation.	7.80 \$775.00/hr	\$6,045.00
	JSG	Reviewed and edited draft term sheet; emailed same to team.	0.80 \$775.00/hr	\$620.00
8/19/2021	JSG	Attended conference call with mediator.	0.50 \$775.00/hr	\$387.50
8/27/2021	JSG	Participated in second mediation.	1.40 \$775.00/hr	\$1,085.00
	JSG	Continued with mediation.	2.70 \$775.00/hr	\$2,092.50
8/30/2021	JSG	Reviewed emails on extension to respond to complaint.	0.20 \$775.00/hr	\$155.00

Bosley Data Breach

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			<u>Hrs/Rate</u>	<u>Amount</u>
11/23/2021	JSG	Reviewed and edited settlement agreement.	1.20 \$775.00/hr	\$930.00
11/30/2021	JSG	Reviewed and edited prelim approval docs; forwarded proposed edits to team.	3.10 \$775.00/hr	\$2,402.50
	RBS	Edits to draft motion for preliminary approval; confer with J. Goldenberg re same.	2.20 \$650.00/hr	\$1,430.00
12/21/2021	JSG	Emailed proposed settlement notice edits to team.	0.40 \$775.00/hr	\$310.00
	JSG	Reviewed and edited notices, claim forms, settlement agreement; emails to and from team re: same.	1.40 \$775.00/hr	\$1,085.00
1/7/2022	JSG	Reviewed and executed declaration in support of prelim approval; emailed same to team.	0.60 \$775.00/hr	\$465.00
1/17/2022	JSG	Emails to / from John Bosley re: updating on the settlement process.	0.20 \$775.00/hr	\$155.00
2/3/2022	JSG	Emails to and from team re: prelim fairness hearing.	0.40 \$775.00/hr	\$310.00
2/23/2022	JSG	Emails to and from team re: notice date issues. Reviewed prelim approval order.	0.60 \$775.00/hr	\$465.00
2/25/2022	JSG	Reviewed court's docket; emails to team re: today's hearing off the docket.	0.50 \$775.00/hr	\$387.50
4/25/2022	SAV	Meeting with J. Goldenberg re: assisting claimants. Phone call to claimant.	0.10 \$175.00/hr	\$17.50
	SAV	Email to J. Goldenberg and C. Pence re: class rep service awards. Calculated date of same. Email from J. Goldenberg re same. Email to class rep re service award.	0.20 \$175.00/hr	\$35.00

Bosley Data Breach

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		<u>Hrs/Rate</u>	<u>Amount</u>
4/27/2022	SAV Reviewed Bosley settlement site. Telephone conference with claimants. Assisted with filing online claims. Letter to claimant with enclosed copy of claim. Emails to J. Goldenberg re same.	1.90 \$175.00/hr	\$332.50
5/17/2022	SAV Telephone conference with class member. Completed claim. Letter to class member re claim information and documentation needed.	2.50 \$175.00/hr	\$437.50
5/27/2022	JSG Emails to and from team re: claim rate and reminder emails.	0.40 \$775.00/hr	\$310.00
6/14/2022	JSG Call with co-counsel re: Wilshire objections. Reviewed objections; email to team allocating response to objections between Mason and Goldenberg Schneider.	1.60 \$775.00/hr	\$1,240.00
6/15/2022	RBS Strategy call re responding to objection; confer with J. Goldenberg re same.	0.50 \$650.00/hr	\$325.00
	JSG Conference call with N. Elias and R. Sherwood regarding strategy to respond to objections.	0.40 \$775.00/hr	\$310.00
6/17/2022	RBS Research in preparation for drafting response to objection	5.00 \$650.00/hr	\$3,250.00
6/20/2022	JSG Edited reminder notice; emails to and from team re: same.	0.40 \$775.00/hr	\$310.00
6/21/2022	JSG Email to team re: updating website to include more content about Financial Shield benefit.	0.40 \$775.00/hr	\$310.00
6/22/2022	JSG Emails to Settlement Administrator re: updating the website to reflect financial shield benefit. Emailed updated reminder notice to defense counsel.	0.50 \$775.00/hr	\$387.50
	JSG Call from Settlement Admin re: revisions to settlement website.	0.30 \$775.00/hr	\$232.50

Bosley Data Breach

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		<u>Hrs/Rate</u>	<u>Amount</u>
6/24/2022	JSG Edited reminder notice; emailed same to defense counsel.	0.40 \$775.00/hr	\$310.00
	JSG Reviewed edits to settlement website re: Financial Shield Benefit. Emails to Settlement Administrator with suggested final edits to website.	0.60 \$775.00/hr	\$465.00
	RBS Edits to draft objection response	3.50 \$650.00/hr	\$2,275.00
	JSG Reviewed and emailed lodestar and expense information to A. Berry.	0.40 \$775.00/hr	\$310.00
6/28/2022	RBS Edits to Objection response; emails with J. Goldenberg re same.	7.00 \$650.00/hr	\$4,550.00
6/29/2022	TBN redline bosley objection and send back to bob	0.80 \$725.00/hr	\$580.00
	SAV Email to/from JSG re inquiry. Phone confs with claimant re status of claim and claim options. Reviewed claim form and notice.	0.30 \$175.00/hr	\$52.50
Professional Services Due:		97.40	\$62,227.50

Expense Charges:

		<u>Qty/Price</u>	
4/1/2021-CP 4/30/2021	Photocopies: printed pages for April 1-30, 2021 (47 pages @ .15)	47 \$0.15	\$7.05
	JBM Westlaw on-line legal research database cost	1 \$36.09	\$36.09
4/19/2021	JSG Fee re: Certificate of Good Standing for J. Goldenberg's Pro Hac Vice admission in Central District of CA.	1 \$10.00	\$10.00

Bosley Data Breach

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			<u>Qty/Price</u>	<u>Amount</u>
4/21/2021	JSG	Glancy Prongay & Murray exp reimbursement re:complaint filing fee.	1 \$402.00	\$402.00
5/1/2021-CP 5/31/2021		Photocopy cost: printed pages for May 1-31, 2021 (84 pages @ .15)	84 \$0.15	\$12.60
5/1/2021-JBM 7/31/2021		Postage Cost	1 \$0.51	\$0.51
	JBM	Postage Cost	1 \$0.51	\$0.51
5/11/2021	JSG	Glancy Prongay & Murray expense reimbursement for J. Goldenberg pro hac vice filing fee	1 \$500.00	\$500.00
6/1/2021-CP 6/30/2021		Photocopy cost: printed pages for June 1-30, 2021 (6 pages @ .15)	6 \$0.15	\$0.90
7/12/2021	JSG	Mason Lietz & Klinger (Martin Keleti services)	1 \$400.00	\$400.00
7/28/2021	JSG	Stradley Ronon Stevens & Young, LLP (Bosley Mediation)	1 \$2,000.00	\$2,000.00
8/1/2021-CP 8/31/2021		Photocopy cost: printed pages for August 1-31, 2021 (7 pages @ .15)	7 \$0.15	\$1.05
9/7/2021	JBM	Pacer expense (4/1/21 - 6/30/21)	1 \$15.20	\$15.20
9/9/2021	JBM	Westlaw on-line legal research database cost (Aug 1-31, 2021)	1 \$66.36	\$66.36
10/29/2021	JBM	Pacer expense (July - Sept 2021)	1 \$0.70	\$0.70
11/10/2021	JBM	Photocopy cost (7/9/21-10/8/21)	1 \$25.62	\$25.62

Bosley Data Breach

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	<u>Qty/Price</u>	<u>Amount</u>
1/21/2022 JBM Pacer expense (Oct - Dec 2021)	1 \$1.70	\$1.70
4/22/2022 TJS Pacer expense (1/1/22 - 3/31/22)	1 \$7.40	\$7.40
Expenses Due:		<u>\$3,487.69</u>
Total Charges:		\$65,715.19
10/15/2021 Reimbursement from Mason Lietz, Klinger for payment to Stradley Ronon Stevens & Young (mediation cost). Check No. 0057055588		(\$666.67)
10/15/2021 Reimbursement from Levin Sedran & Berman for payment to Stradley Ronon Stevens & Young (mediation cost). Check No. 46651		(\$666.67)
TOTAL AMOUNT DUE:		<u><u>\$64,381.85</u></u>

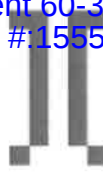


EXHIBIT C

Goldenberg Schneider, LPA

4445 LAKE FOREST DRIVE, SUITE 490
CINCINNATI, OHIO 45242

513-345-8291
WWW.GS-LEGAL.COM

GOLDENBERG SCHNEIDER, L.P.A. was founded in 1996 and focuses on prosecuting actions primarily on behalf of plaintiffs in complex civil litigation and class actions. The subject matter of the Firm's past and current representations is broad, ranging from consumer protection, defective products, privacy protection and data breach, to employment and labor cases including ERISA and FLSA, to antitrust and insurance actions (including long-term care insurance). The firm's attorneys are experienced in every level of the state and federal judicial systems in Ohio and the country.

The Firm has demonstrated its capability to successfully represent governmental entities, corporations, and individuals in the most complex types of litigation. Founding partner Jeff Goldenberg served as special counsel to the Ohio Attorney General in prosecuting Ohio's Medicaid recoupment action against the tobacco industry and has served as lead or co-lead counsel on numerous nationwide class actions. The tobacco Medicaid recoupment litigation settled in 1999, resulting in a recovery to the State of Ohio of more than \$9.86 billion. Setting aside the substantial, if not immeasurable non-economic components of the settlement, which curb youth smoking and addiction, the settlement's financial proceeds are a multiple of twelve times larger than the prior largest Ohio-based settlement.

Class actions in which one or more of the Firm's attorneys currently serves or served as class counsel include the following:

- *Deloitte Consulting Pandemic Unemployment Assistance Data Breach Litigation* – Goldenberg Schneider serves as Lead Counsel representing Plaintiffs and the class of several hundred thousand Covid-19 Pandemic Unemployment Assistance ("PUA") applicants from Ohio, Colorado and Illinois whose sensitive personal information was made available to third parties without their authorization. Plaintiffs alleged that Deloitte Consulting designed, operated and maintained the PUA systems which resulted in the unauthorized exposure. The case, pending in federal district court for the Southern

District of New York before Judge Lewis J. Liman, settled for \$4,950,000, and final approval of the settlement was granted on April 7, 2022.

- *In Re: Veterans' Administration Data Theft Litigation* – Goldenberg Schneider served as co-lead counsel for a nationwide class of approximately 20 million veterans and current members of the military who were impacted by the August 2006 theft of personal data. Multiple actions were consolidated by the Panel on Multidistrict Litigation and sent to the Federal District Court in the District of Columbia. Goldenberg Schneider successfully resolved this action with a \$20,000,000 settlement.
- *Estep v. J. Kenneth Blackwell, Ohio Secretary of State* – Goldenberg Schneider served as co-lead counsel on this class action against former Ohio Secretary of State, Ken Blackwell, based upon a violation of privacy rights when personal information was unlawfully disclosed in public records accessible through the Secretary's website. The settlement required the Secretary of State to dramatically improve the protection of social security numbers.
- *In re: Google Inc. Street View Electronic Communications Litigation* - In 2010, Goldenberg Schneider and co-counsel filed the first nationwide class action lawsuit against Google for violating the Federal Wiretap Act. The complaint alleges that Google routinely used Google Street View vehicles equipped with special hardware and software "snoopers" and "sniffers" to illegally intercept and record wireless electronic communications. In 2011, the Court denied Google's motion to dismiss the federal wiretapping claim, ruling that plaintiffs stated a viable claim and that none of the statutory exemptions apply to Google's actions. Google appealed to the Ninth Circuit which affirmed the denial. The litigation recently settled for \$13 million.
- *Navy Federal Credit Union TCPA Litigation* – Goldenberg Schneider served as co-lead counsel in this nationwide class action alleging that Navy Federal Credit Union violated the Telephone Consumer Protection Act by repeatedly texting non-customers without authorization. Goldenberg Schneider successfully resolved this litigation recently through the creation of a \$9,250,000 common fund for the benefit of the class. Judge Leonie M. Brinkema of the Federal Court located in the Eastern District of Virginia granted final approval to the settlement on October 20, 2020.

- *In Re: Ford Motor Co. Spark Plug and 3-Valve Engine Products Liability Litigation* – Goldenberg Schneider served as co-lead counsel for a national class comprised of approximately 4 million Ford vehicle owners who purchased or leased vehicles containing a 5.4 liter 3-valve engine equipped with defective spark plugs and related engine defects. On January 26, 2016, after Plaintiffs had defeated Ford’s motion for summary judgment, Judge Benita Pearson of the Northern District of Ohio granted final approval of a nationwide settlement that provided reimbursement to class members for expenses related to spark plug replacement.
- *Acura RDX Infotainment System Litigation* - Goldenberg Schneider filed a nationwide class action alleging that Honda knowingly sold its 2019 and 2020 Acura RDX vehicles with defective infotainment systems. The infotainment systems in these vehicles behave erratically, malfunctioning, freezing, and creating a safety hazard and distraction. The court denied in large part Defendant’s motion to dismiss. Following substantial discovery, the Court certified a class of California purchasers of these vehicles. Goldenberg Schneider and co-counsel Hagens Berman Sobol Shapiro recently negotiated a nationwide class settlement and filed for preliminary approval in March 2021.
- *Vicki Linneman, et al., v. Vita-Mix Corporation* - Goldenberg Schneider served as Class Counsel in this nationwide class action alleging that certain Vita-Mix blenders deposit tiny shards of polytetrafluoroethylene (PTFE), a Teflon-like substance, into foods during use. Goldenberg Schneider and co-counsel successfully settled the litigation allowing class members to choose between (1) a free replacement blade assembly that does not fleck (valued at over \$100) or (2) a gift card valued at \$70.00. About 5 million class members were eligible for these benefits.
- *Shin v. Plantronics, Inc.* – Goldenberg Schneider served as Lead Class Counsel in this nationwide class action on behalf of more than 1.2 million consumers who purchased defective Plantronics BackBeat FIT wireless headphones. Following oral argument on Defendant’s motion to dismiss, Goldenberg Schneider and co-counsel successfully resolved the litigation on a nationwide class basis through mediation. The court granted final approval to the settlement in January 2020.
- *Ulyana Lynevykh v. Mercedes-Benz USA, LLC* – Goldenberg Schneider along with Hagens Berman Sobol Shapiro initiated this lawsuit against Mercedes and Bosch alleging

that these defendants knowingly programmed Mercedes' Clean Diesel BlueTEC vehicles to emit illegal and dangerous levels of nitrogen oxide (NOx) in virtually all real-world driving conditions and equipped the vehicles with a "defeat device." Mr. Goldenberg serves on the Executive Committee. Goldenberg Schneider and its co-counsel initiated this litigation nearly six months before the U.S. EPA and the California Air Resources Board began their investigation and eventual enforcement actions. A nationwide settlement with Defendants valued at over \$750 million for the benefit of defrauded consumers was recently granted final approval in July, 2021.

- *City of Cincinnati Pension Litigation* – Goldenberg Schneider and its co-counsel, with the assistance of U.S. District Court Judge Michael Barrett, successfully resolved a series of cases relating to the City of Cincinnati Retirement System, known as the CRS. Judge Barrett granted final approval of the historic and landmark Settlement Agreement on October 5, 2015. The settlement comprehensively reforms the CRS, establishes a consistent level of City funding, and reinstates several key provisions that were eliminated in 2011 changes for employees who were vested in the plan at that time. The settlement benefits for the Current Employees Class members, for whom Goldenberg Schneider was approved as Class Counsel, are valued at approximately \$50 million.
- *Bower v. MetLife* – Goldenberg Schneider served as co-lead class counsel on behalf of a nationwide class of beneficiaries of the Federal Employees Group Life Insurance (FEGLI) Policy, the world's largest group life insurance program. Following the Court's Order certifying the nationwide Class, the case was settled in 2012 for \$11,500,000.
- *In Re: OSB Antitrust Litigation* – Goldenberg Schneider served on the trial team in a case that alleged illegal collusion and cooperation among the oriented strand board industry. The case was resolved through a series of settlements that collectively exceeded \$120,000,000.
- *Parker v. Berkeley Premium Nutraceuticals* – Goldenberg Schneider served as co-lead counsel and certified three nationwide classes in a consumer fraud class action on behalf of purchasers of herbal supplements for false and unproven claims and deceptive credit card practices. This case was successfully resolved with a settlement valued in the millions of dollars. Moreover, class members retained all rights to recover a portion of the nearly \$30 million that the U.S. Attorney General seized in a civil forfeiture action.

Goldenberg Schneider then recovered an additional \$24,000,000 for the victims by prosecuting a successful class-wide Petition for Remission through the forfeiture proceedings.

- *Cates v. Cooper Tire & Rubber Company/ Johnson v. Cooper Tire & Rubber Company* – Goldenberg Schneider served as co-lead counsel for a class of more than a thousand Cooper Tire retirees who claimed that they were entitled to lifetime health care benefits. Goldenberg Schneider secured a judgment on the pleadings, certified the class, and ultimately resolved the case through a settlement valued at over \$50,000,000.
- *In Re: Consolidated Mortgage Satisfaction Cases* – Goldenberg Schneider served as lead counsel on behalf of Ohio homeowners against some of the largest national and Ohio banking and lending institutions for their failure to timely record mortgage loan payoffs. The Firm was able to consolidate all twenty actions before one trial judge and successfully upheld all the class certifications before the Ohio Supreme Court. These cases were resolved through multiple settlements valued at millions of dollars.
- *In re: Verizon Wireless Data Charges Litigation* – Goldenberg Schneider filed the first nationwide class action challenging Verizon Wireless' improper \$1.99 data usage charges to certain pay-as-you-go customers. Goldenberg Schneider, as a member of the Plaintiffs Advisory Committee, played an active role in this litigation which resulted in benefits to the Class in excess of \$50,000,000 in refunds and reimbursement payments.
- *Daffin v. Ford Motor Company* – Goldenberg Schneider and its co-counsel successfully certified an Ohio statewide class on behalf of all Ohio purchasers or lessors of 1999 and 2000 model year Mercury Villager Minivans. The Sixth Circuit upheld the class certification, and the case was resolved through a settlement. The Sixth Circuit decision was one of the first to recognize diminished value as a viable damage model.
- *Meyer v. Nissan North America* – Goldenberg Schneider served as co-lead counsel on behalf of thousands of Nissan Quest minivan owners throughout the United States. The suit alleged that the Quest minivan developed dangerous levels of carbon deposits in the accelerator system causing the gas pedal to stick, resulting in a roadway safety hazard including documented accidents and injuries. The case was resolved by a nationwide settlement that included the application of the vehicle warranty to remedy the problem as well as a refund of prior repair costs.

- *Continental Casualty Long Term Care Insurance Litigation* (“Pavlov Settlement”) - Goldenberg Schneider served as Lead Class Counsel in this litigation on behalf of certain CNA long term care policyholders nationwide whose claims for stays at certain facilities were wrongly denied based upon a non-existent 24/7 on-site nursing requirement. The Federal District Court in the Northern District of Ohio granted final approval to a nationwide class action settlement negotiated by Goldenberg Schneider that provided damages to those whose claims were improperly denied and expanded the types of facilities now covered by these policies. The settlement value exceeded \$25 million.
- *Carnevale FLSA Class Action* – Goldenberg Schneider served as co-lead counsel on behalf of employees working for a large industrial company that alleged violations of federal and state labor laws through the systematic misclassification of managers and other employees as salaried professionals. This case successfully resolved with a common fund settlement in excess of \$5 million.
- *Lesley Conti and Tom Conti v. American Honda Motor Co., Inc.*, - Goldenberg Schneider filed a nationwide class action alleging that Honda knowingly sold its 2018-2019 Honda Odyssey, 2019-2020 Honda Passport, and 2019-2020 Honda Pilot vehicles with defective infotainment systems. The infotainment systems in these vehicles behave erratically, malfunctioning, freezing, and creating a safety hazard and distraction. The defect can cause safety-related systems (including backup camera functions) to fail. The court denied in large part Defendant’s motion to dismiss. Goldenberg Schneider and co-counsel Hagens Berman Sobol Shapiro recently negotiated a nationwide class settlement which received preliminary approval in May 2021.

JEFFREY S. GOLDENBERG

Goldenberg Schneider, LPA
4445 Lake Forest Drive, Suite 490
Cincinnati, Ohio 45242
(513) 345-8291
www.gs-legal.com

LEGAL EXPERIENCE

PARTNER, GOLDBERG SCHNEIDER, L.P.A. (1996-present) - Civil trial and appellate practice in state and federal courts. Areas of practice include: class actions, consumer protection, data breach and privacy protection, product defect, long-term care insurance litigation, TCPA litigation, state attorney general cost recoupment including tobacco and pharmaceutical average wholesale price litigation, employment litigation including ERISA and wage and hour (FLSA), toxic torts, lead poisoning, antitrust, environmental, and commercial disputes.

ATTORNEY, DINSMORE & SHOHL (1994-1996) - General litigation practice with an emphasis on environmental litigation and compliance.

Bar Admissions/Licenses

State of Ohio (admitted since 1994)
United States Court of Appeals for the Second Circuit
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Ninth Circuit
United States District Court for the Southern District of Ohio
United States District Court for the Northern District of Ohio
United States District Court for the Northern District of Illinois

Activities/Memberships

Ohio Association for Justice
American Association for Justice
American Bar Association
Ohio State Bar Association
Cincinnati Bar Association
The Cincinnati Academy of Leadership for Lawyers
Volunteer Attorney for the Ohio Foreclosure Mediation Project
Supreme Court of Ohio Lawyer to Lawyer Mentoring Program
Pro Seniors Legal Volunteer
President, Board of Directors, Jewish National Fund – Ohio Valley Region
Board of Directors, University of Cincinnati Hillel Jewish Student Center

EDUCATION

Indiana University School of Law, Bloomington, Indiana, J.D. 1994
Indiana University School of Public and Environmental Affairs, M.S.E.S. 1994
Indiana University, B.A. Biology, 1988

JEFFREY S. GOLDENBERG
PARTNER, GOLDENBERG SCHNEIDER, LPA
www.gs-legal.com

Mr. Goldenberg's practice includes class action and complex civil litigation with an emphasis on consumer protection. His practice areas include insurance coverage (including long-term care insurance), consumer fraud, data breach and privacy protection, product defects, overtime and wage and hour, ERISA, antitrust, toxic torts, and commercial disputes.

Mr. Goldenberg has served as lead and/or co-counsel in numerous multi-million dollar complex civil cases throughout the United States, including Continental Casualty Long Term Care Insurance Litigation, City of Cincinnati Pension Litigation, Ford Spark Plug Litigation, Enzyte Consumer Fraud Litigation, GEAE FLSA Litigation, VA Data Theft Litigation, Styrene Railway Car Litigation, Ford and Nissan Auto Defect Litigation, Clayton Home Sales Tax Litigation, Metlife FEGLI Litigation, Mercedes Diesel Emissions Fraud Litigation, MetLife Reduced Pay at 65 Litigation, FCA Chrysler 2.4 Liter Engine Oil Consumption Litigation, Honda Odyssey and Pilot Infotainment Defect Litigation, Acura RDX Infotainment System Litigation, Vitamix Blender Litigation, LeafFilter Gutter Litigation, and Oriented Strand Board Antitrust Litigation. Jeff also served as Special Counsel representing the State of Ohio against the Tobacco industry and was part of the litigation team that achieved an unprecedented \$9.86 billion settlement for Ohio taxpayers. He also served as lead counsel on the In re Consolidated Mortgage Satisfaction Cases involving twenty separate class actions. That litigation resulted in a significant Ohio Supreme Court decision defining key aspects of Ohio class action law.

Mr. Goldenberg earned three degrees from Indiana University: a Bachelor of Arts in Biology in 1988 (Phi Beta Kappa); a Master of Science in Environmental Science in 1994; and his Juris Doctor in 1994. Jeff has practiced in all levels of Ohio trial and appellate courts as well as other courts across the nation and is admitted to practice in the State of Ohio and the United States District Court for the Southern and Northern Districts of Ohio, the Northern District of Illinois, and the United States Second, Sixth & Ninth Circuit Courts of Appeal. Jeff is a member of the American Association for Justice, the Ohio State Bar Association, and the Cincinnati Bar Association.

TODD B. NAYLOR

Goldenberg, Schneider, LPA
4445 Lake Forest Drive, Suite 490
Cincinnati, OH 45242
(513) 345-8291
www.gs-legal.com

LEGAL EXPERIENCE

PARTNER, GOLDENBERG SCHNEIDER, L.P.A. (2003-present) Civil trial practice in state and federal courts, trial and appellate level, in insurance litigation, products liability, securities, antitrust, toxic torts, consumer protection, personal injury and wrongful death, with a focus on complex litigation and class actions.

ATTORNEY, MANLEY BURKE, L.P.A. (1998-2003) Civil trial practice in state and federal courts, trial and appellate level, in toxic torts, products liability, employment intentional torts, medical malpractice, wrongful death, with an emphasis on representation of workers injured or killed by toxic minerals or chemicals.

ATTORNEY, HERMANIES, MAJOR, CASTELLI & GOODMAN (1997-1998) General civil trial practice with an emphasis on personal injury and products liability.

Bar Admissions/ Licenses

State of Ohio Trial and Appellate Courts (since 1997)
Supreme Court of the United States
United States Court of Appeals for the Sixth Circuit
United States District Court for the Southern District of Ohio
United States District Court for the Northern District of Ohio
Admitted Pro Hac Vice in other Non-Ohio State and Federal Courts

Activities/ Honors

Attorney Mediator- Southern District of Ohio
Arbitrator, Clermont County Court of Common Pleas
Arbitrator, Cincinnati Bar Association Fee Arbitration Committee
Fellow, Cincinnati Academy of Leadership for Lawyers, Class XII
Ohio Association for Justice, Trustee/ Chair Section on Environmental Torts (2000-2004)
Cincinnati Bar Association

EDUCATION

University of Colorado School of Law, J.D. 1997
Trial advocacy scholarship winner
Legal Aid and Defender Program Award
Bradley University, B.A. 1994 (with honors)

TODD B. NAYLOR
PARTNER, GOLDENBERG SCHNEIDER, LPA
www.gs-legal.com

Mr. Naylor's practice areas primarily include class actions, insurance litigation, products liability, antitrust litigation, toxic and environmental torts, personal injury, and wrongful death. He has appeared as lead counsel in courts across the United States representing clients at all stages of litigation and has lectured on various aspects of the legal profession at numerous seminars and at the University of Cincinnati College of Law.

Mr. Naylor frequently represents large classes and entities. He represented the State of Ohio in a securities lawsuit relating to the merger of Exxon and Mobil. He has also represented multiple states, including Connecticut, in pharmaceutical pricing litigation. Mr. Naylor served on the trial team in antitrust litigation involving the oriented strand board industry that resulted in an aggregate settlement of over \$120,000,000. Additionally, Mr. Naylor has served as lead counsel in multiple life insurance cases in which he has obtained contested class certification, ultimately resolving the cases for millions of dollars. One such case was filed on behalf of beneficiaries of the Federal Employees Group Life Insurance (FEGLI) Policy, the world's largest group life insurance program. Mr. Naylor presently serves as lead and/or co-counsel in numerous multi-million dollar complex civil litigation cases throughout the State of Ohio and nationwide.

Mr. Naylor has also represented many individuals in high-value litigation involving severe personal injuries and wrongful death. He recently acted as lead counsel in a case against the Montgomery County, Ohio dog warden for the warden's alleged failure to act to prevent the fatal mauling of a Dayton resident. The multi-million dollar settlement of that case, following Plaintiff's defeat of the Dog Warden's motion for summary judgment, is believed to be the largest settlement ever against an animal control agency. Mr. Naylor also recently obtained a \$10.3 million verdict against Ethicon for the alleged failure of one its surgical staplers to function as intended during a bowel resection. He then successfully defended the appeal of that verdict before the Second District Court of Appeals.

Mr. Naylor is admitted to practice in the State of Ohio, the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit, and the United States District Court for the Southern and Northern Districts of Ohio. He serves as an Attorney Mediator for the Southern District of Ohio, and an Arbitrator for the Clermont County Common Pleas Court and the Cincinnati Bar Association Fee Arbitration Committee. Mr. Naylor is a Fellow with the Cincinnati Academy of Leadership for Lawyers.

ROBERT B. SHERWOOD

Goldenberg Schneider, LPA
4445 Lake Forest Drive, Suite 490
Cincinnati, Ohio 45242
(513) 345-8291
www.gs-legal.com

LEGAL EXPERIENCE

PARTNER, GOLDENBERG SCHNEIDER, L.P.A. (2011-present) - Civil trial practice in state and federal courts, trial and appellate level, in data breach, securities, antitrust, products liability, toxic torts, and consumer protection, with a focus on complex litigation and class actions.

ASSOCIATE, SQUIRE, SANDERS & DEMPSEY, LLP (2007–2010) – Civil trial practice in firm's commercial litigation, complex litigation and class action practice groups.

ASSOCIATE, MEREDITH COHEN GREENFOGEL & SKIRNICK, Philadelphia, PA (2003-2007) Civil trial practice focusing on complex multi-defendant antitrust and securities class actions.

SUPERIOR COURT OF DELAWARE LAW CLERK, HON. JEROME O. HERLIHY (2002-2003)

Bar Admissions/Licenses

Supreme Court of Ohio
Supreme Court of Pennsylvania
United States District Court for the Southern District of Ohio
United States District Court for the Eastern District of Pennsylvania

Activities/Memberships

Cincinnati Bar Association
Ohio State Bar Association
American Bar Association

EDUCATION

University of Pennsylvania Law School, Philadelphia, PA, J.D. 2002
Bucknell University, Lewisburg, PA, B.A., Political Science, 1999
Honors: *Phi Beta Kappa, magna cum laude*

ROBERT B. SHERWOOD
PARTNER, GOLDENBERG SCHNEIDER, LPA
www.gs-legal.com

Robert's practice focuses on complex civil and class action litigation. He represents clients in trial and appellate courts on the state and federal level and has experience representing both plaintiffs and defendants in multi-party disputes involving consumer protection, defective products, data breach and personal privacy protection, antitrust, securities, civil conspiracy, qui tam, insurance coverage, and breach of contract claims.

Prior to joining Goldenberg Schneider, LPA, Robert was an associate with a large Cleveland-based corporate law firm and, prior to that, a small Philadelphia-based boutique firm specializing in antitrust class actions. Robert has served as a member of legal teams prosecuting multi-million dollar antitrust class actions, including *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, No. M-02-1486 (N.D. Cal.); *In re Carbon Black Antitrust Litigation*, MDL No. 1543 (D. Mass.); *In re OSB Antitrust Litigation*, No. 06-826 (E.D. Pa.); and *In re Mercedes Benz Antitrust Litigation*, No. 99-4311 (D. N.J.).

Robert received his Bachelor of Arts in 1999 from Bucknell University, from which he graduated *magna cum laude* with *Phi Beta Kappa* honors. After earning his Juris Doctor from the University of Pennsylvania in 2002, he subsequently served as law clerk to the Honorable Jerome O. Herlihy of the Superior Court of Delaware. Robert is admitted to practice in the State of Ohio and the Commonwealth of Pennsylvania, the United States District Courts for the Southern District of Ohio and Eastern District of Pennsylvania.

EXHIBIT D

GOLDENBERG SCHNEIDER, LPA

Bosley Data Breach

Time and Expenses: February 2, 2021 – June 30, 2022

Expenses:

DESCRIPTION	AMOUNT
In-House Photocopies	\$47.22
Postage/Overnight Shipping	\$1.02
Court/Filing Fees	\$912.00
Legal Research	\$127.45
Professional Services (Martin Keleti)	\$400.00
Mediation (GS portion)	\$666.66
TOTAL	\$2,154.35

Exhibit C

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

KEN HASHEMI, STEVE
ALTES, SANDRA JOHNSON-
FOSTER, GREGORY BOUTE
RAFAEL ARTIME, and JOHN
BOWDEN as individuals and all
others similarly situated,

Plaintiffs,

vs.

BOSLEY, INC.,

Defendant.

Case No.: 2:21-cv-00946-PSG(RAOx)

**DECLARATION OF CHARLES E.
SCHAFER IN SUPPORT OF
PLAINTIFFS' UNOPPOSED
MOTION FOR ATTORNEYS'
FEES AND COSTS AND SERVICE
AWARDS**

I, Charles E. Schaffer, being competent to testify, make the following declaration:

1. I have been licensed to practice law in the Commonwealth of Pennsylvania since 1995. I am admitted to practice in the U.S. District Courts for the Eastern, Middle and Western Districts of Pennsylvania; Northern District of Illinois; Central District of Illinois; Northern District of New York; District of Colorado; Third Circuit Court of Appeals; and the Sixth Circuit Court of Appeals.

2. I am a partner in the firm of Levin Sedran & Berman LLP ("Levin Sedran") one of the law firms representing Plaintiffs in this Action.

3. I was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF Doc. 46.) I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this

declaration. If called as a witness, I could and would competently testify to the matters stated herein.

4. Levin Sedran has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Bosley, Inc. (“Bosley”)

5. Levin Sedran is one of the nation’s preeminent and most experienced plaintiff class-action firms with extensive experience and expertise in data breach, consumer protection, product liability, antitrust, securities, financial, commercial, and other complex class-action litigation. Levin Sedran’s firm resume is attached as Exhibit “A”, and the firm has been recognized by its peers and Courts nationwide for its successful class-action leadership. As a result of its success representing consumers in complex litigation throughout the country, Levin Sedran has been distinguished as a Tier I class-action firm in the Best Law Firms rankings published in the U.S. News and World Report Best Law Firms. It also ranked Levin Sedran Tier I for personal injury and mass tort firms. Levin Sedran was also named to THE NATIONAL LAW JOURNAL’S insurance list of America’s Elite Trial Lawyers in 2014. Members of Levin Sedran are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell’s Directory of Preeminent Attorneys, as in the Best Lawyers in America. See generally, Levin Sedran firm resume attached as Exhibit “A”. Levin Sedran pioneered the use of class actions and mass actions in the United States and its work has resulted in numerous record-breaking recoveries over the past four decades. Just for example:

- a. *In re: Asbestos School Litigation*, No. 83-0263 (E.D. Pa.) (Levin Sedran as member of Executive Committee and Lead Trial Counsel obtained a certification of a nationwide class and settlement on behalf of school districts);

- b. *In re: Diet Drug Product Liability Litigation*, MDL No.: 1203 (E.D. Pa.) (Levin Sedran as Co-Lead Counsel obtained a \$6.75 billion-dollar settlement on behalf of consumers who ingested Fen Phen); ¹
- c. *In re: The Exxon Valdez*, No. 89-00095 (D. Alaska) (Levin Sedran as a member of the Trial and Discovery Committee represented fishermen, native corporations, native villages, native claims and business claims in this mass tort. After a jury trial, Plaintiffs obtained a judgment of \$5 billion in punitive damages - at the time the largest punitive damage verdict in U.S. history. Later reduced to \$507.5 million by the U.S. Supreme Court);
- d. *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No.: 2047 (E.D. La.) (Levin Sedran as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall valued in excess of \$1 billion);
- e. *In re: The Vioxx Product Liability Litigation*, MDL No.: 1657 (E.D. La.) (As a member of the PSC and Plaintiffs' Negotiating Committee, Levin Sedran was instrumental in achieving a \$4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);
- f. *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (As Co-Lead counsel in the decade long air cargo antitrust litigation Levin Sedran obtained 28 inter-related settlements against air cargo service providers totaling \$1.2 billion dollars);
- g. *Galanti, et al. v. The Goodyear Tire and Rubber Co. ("Entran II")*, Civil Action No.: 03-209 (D.C. N.J.) (As a member of the Executive Committee Levin Sedran was instrumental in negotiating and achieving the creation of a common fund in the amount of \$344,000,000); and
- h. *In re: National Football League Players' Concussion Injury Litigation*, MDL No.: 2323 (E.D. Pa.) (As Subclass Counsel working along with Lead Counsel obtained an uncapped settlement valued in excess of \$1 billion dollars on behalf of NFL football players).

¹ That prolix settlement has received favorable comments by academia. See Nagareda, R., "Autonomy, Peace, and 'Put' Options in the Mass Tort Class Action," 115 Harv.L.Rev. 747, 756 (2002).

6. My firm and I regularly prosecute complex consumer class actions involving consumers who have been victimized by unfair or deceptive practices and have one of the best track records in the country when it comes to developing practical damages methodologies, obtaining prompt relief for consumers victimized by defective products, unfair or deceptive practices, consumer fraud, and other corporate malfeasance such as anti-competitive conduct, as well as working cooperatively with others. *See* Levin Sedran's firm resume attached as Exhibit "A". Through smart, efficient, strategy and tailored creative problem-solving my firm and I have recovered billions of dollars for victims of defective products, unfair or deceptive practices, consumer fraud, and other corporate malfeasance such as anti-competitive conduct. *Ibid.* We have accomplished these outstanding global and class settlements while zealously prosecuting the action while minimizing costs and maximizing value.

7. I have extensive experience leading and prosecuting class-action lawsuits in a wide variety of contexts with a substantial focus on data breach, consumer protection, unfair trade practices, products liability, and other complex class-action litigation. I have been appointed to leadership positions in MDLs by various courts. My appointments in MDL litigation include inter alia: *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (SC) (Plaintiffs' Steering Committee); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca.) (Plaintiffs' Executive Committee); *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) (Plaintiffs' Steering Committee); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.) (Plaintiffs' Executive Committee); *In re Hills Pet Nutrition, Inc., Dog Food Products Liability Litigation*, MDL No. 2887 (D.C. Ks.) (Plaintiffs' Executive Committee); *In re: JP Morgan Modification Litigation*, MDL No. 2290 (D.C. Mass.) (Plaintiffs' Co-lead Counsel); *In re: IKO Roofing*

Products Liability Litigation, MDL No. 2104 (C.D. Ill.) (Plaintiffs' Co-lead Counsel); *In re: Hardie Plank Fiber Cement Siding Litigation*, MDL No.: 2359 (D.C. Minn.) (Plaintiffs' Executive Committee); *In re Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Executive Committee); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D. NJ) (Plaintiffs' Executive Committee); *In re: Pella Corporation Architect and Designer Series Windows Marketing Sales Practices and Product Liability Litigation*, MDL No.: 2514 (D.C. SC) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No.: 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In re: CitiMortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Ca.) (Plaintiffs' Executive Committee); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH) (Plaintiffs' Executive Committee); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL NO.: 2382 (E.D. Miss.) (Plaintiffs' Executive Committee); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D. NH) (Plaintiffs' Executive Committee) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D.Ca.) (Plaintiffs' Executive Committee). I have also served in leadership positions in class actions which were not consolidated in an MDL. See Exhibit "A." In addition, I have served as member of litigation teams where Levin Sedran was appointed to leadership positions in, inter alia. *In re Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D.La.); *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.); *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

8. Of particular relevance to this action, Levin Sedran attorneys have a long and extensive background in privacy and consumer fraud and unfair trade practices litigation. I am presently litigating numerous class action cases across the country involving data breaches, including the following recent matters in which I have a leadership position: Of particular relevance to this litigation, My firm and I have extensive experience in data breach and privacy cases, including serving as a member of leadership in *In re Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (settlement value \$39 million settlement for plaintiff financial institutions), *Green v. Accolade, Inc.*, 2:18-cv-00274 (E.D. Pa.) (where an employer data breach resulted in compromised employee PII) ; *Kuss v. American Home Patient, Inc. et. al.*, 8:18 -cv-0248 (M.D. Fla.) (where laptops were stolen and patient's medical information was compromised); *Abdelmessih v. Five Below, Inc.*, 2:19-cv-01487 (E.D. Pa.) (where retailer compromised customers' PII), *In re Hudson's Bay Company Data Security Incident Consumer Litigation*, Civil Action No. 18-cv-8472 (S.D.N.Y.) (where retailer compromised customers' electronically-stored PII) and *Culbertson, et. al, v. Deloitte*. Civil Action No. 1:20-cv-03962 (SDMY) (where applicants for unemployment benefits in connection with the Pandemic Unemployment Assistance ("PUA") Program PII was compromised). In addition, *In re Marriot International Customer Data Security Breach Litigation*, MDL No. 2879 (D. Mass.), I served as member of plaintiffs' screening or vetting committee and assisted leadership in vetting plaintiffs for inclusion in the consolidated amended complaint.

9. In addition, my firm and I also have experience in privacy cases, including serving as Co-lead counsel in *Bryd v. Aaron's Inc.*, No. 11-101 (W.D. Pa.) and *Peterson v. Aaron's Inc.*, No. 1-14-cv-1919 (N.D. Ga.) (where defendant placed

spyware on rental computers)² and on the Executive Committee *In re Carrier IQ, Inc., Consumer Privacy Litigation*, No. 12-md-1330 (N.D. Cal.) (where defendant placed software on mobile devices).³

10. In addition, I have previously served in leadership as well as a part of litigation teams in class actions representing victims of unfair trade practices and consumer fraud. For instance, as stated *supra* I was instrumental in bringing about settlements in national class actions involving inter alia in roofing shingles and siding. *E.g. In Re CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.) (roofing shingles); *In re CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.) (siding) and *In Re IKO Roofing Shingle Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (roofing shingles). See also Levin Sedran's Firm Resume attached hereto as Exhibit "A". With respect to consumer goods, I was instrumental in bringing about national settlements inter alia in *In re Hills Pet Nutrition, Inc., Dog Food Products Liability Litigation*, MDL No. 2887 (D.C. KS.) (C.D. Ill.) (dog food)(Plaintiffs' Co-lead Counsel); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca. 2020) (phone); *United Desert Charities, et al v. Sloan Valve Company, et al*, No. 12-6878 (C.D.Cal.2014) (toilet); *In re Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (engine); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.:

² The *Aaron's* litigation involves spyware surreptitiously placed on rental computers by the rental company resulting in an invasion of the consumer's privacy.

³ The *Carrier IQ* litigation involved Carrier IQ software placed on mobile devices that surreptitiously captured private information, including URIs, search terms, user names, passwords and geo-locations resulting in an invasion of privacy. During the litigation, Mr. Schaffer worked as part of the discovery and expert committees. After securing through discovery motions practice computerized records referred to by counsel for Google Inc. as "radioactive," Mr. Schaffer was instrumental in demonstrating that the software at issue was intercepting consumers' private SMS text messages. This led to a national class action settlement which provided monetary benefits to the class as well as changes to the way that the software is coded.

12-6627 (D. NJ) (composite deck); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Ca.) (phone); *Pollard v. Remington Arms Company, LLC*, Case No. 4:13-cv-00086-ODS (W.D. M.O. 2017) (rifle); *Leach v. Honeywell International, Inc.*, Case 1:14-cv-12245-LTS (D.C. Mass) (humidifier); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH) (antibacterial soap); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D. NH) (antibacterial soap) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05 (N.D.Ca.) (flooring).

11. In addition, I previously served in leadership as well as a part of litigation teams in class actions representing victims of unfair trade practices by banks, insurers, manufacturers and other entities. For instance, I have successfully represented consumers who were victims of being forced placed with insurance which they did not need or request. *E.g. In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.) (forced placed auto insurance); *Weller v. HSBC Mortgage Services, Inc.*, No. 13-cv-00185 (D.C. Col.) (forced place flood insurance); *Gilmour v. HSBC Bank, N.A.*, No.: 1:13-cv-05896 (S.D. NY) (forced place hazard insurance); and *Smith v. SunTrust Mortgage, Inc.*, No.: SACH3-739-AG (C.D. Ca.) (forced place hazard insurance). I have also has represented victims of financial and or insurance fraud against financial institutions, insurance companies, lenders, finance companies and other entities. *E.g.*, *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332(C.D. 2021) (Gap Insurance) (Class Counsel); *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D.C. Mass.) (Plaintiffs' Co-lead Counsel); *In re: Citimortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Ca.) (Plaintiffs' Executive Committee); *Vought, et al., v. Bank of America, et al.*, Civil Action No. 10-CV-2052 (C.D. Ill. 2013) (Plaintiffs' Discovery and Settlement Committees); *Kowa, et. el. v. The Auto Club Group AKA AAA Chicago*, Case No. 1:11-cv-07476

(N.D. Ill.) (Co-lead Counsel); *In re Pergerine Financial Group Customer Litigation*, MDL No.12-5546 (N.D.Ill.); *In Re MF Global Holdings LTD. Investment Litigation*, case no 12-MD -2338 (S.D.N.Y.) and other cases.

12. I served as lead counsel in *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D.C. Mass.). This MDL involved a class action filed across the United States all of which arose out of JP Morgan Chase's implementation of the Home Affordable Modification Program, one of the main programs designed to assist struggling homeowners in the economic downturn. In exchange for receiving billions of dollars in funds, JP Morgan Chase and many other big banks agreed to offer homeowners loan modifications pursuant to the Federal Guidelines. Numerous individuals sued JP Morgan Chase and certain other related companies claiming that Chase failed to offer them a timely and proper permanent mortgage modification after they completed trial period plans under HAMP or Chase's home own equivalent programs. I was instrumental in every phase of the litigation including settlement which culminated in a nationwide settlement under a consolidated litigation which provided a broad range of benefits to tens of thousands of homeowners. The overall value of the settlement to class members which was determined to be \$506 million dollars by a former treasury department official who worked on the initial management of the Government's program.

13. I was a member of the Plaintiffs' Executive Committee in *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.) and was instrumental in achieving a nationwide class action settlement on behalf of victims who were forced placed with auto insurance. The total settlement fund was \$432.4 million dollars and class members also received non compensation benefits such as adjustments and corrections to their credit reports. The case centered around Wells Fargo and its predecessors, together with auto insurance underwriter National General and its predecessors, engaging in a more than decade-long scheme that

forced millions of Wells Fargo customers to pay for CPI they did not need or want, bilking tens of millions of dollars from them in the process. Defendants' unlawful scheme was devious and disguised. Wells Fargo would purchase CPI from National General (or its predecessors) and then force-place the CPI on its auto loan borrowers' accounts. Wells Fargo assessed a full year worth of CPI charges against the borrower's account, and then charged interest each month on that CPI premium before applying payments to a customer's principal loan balance. This ensured that Wells Fargo's CPI charges were paid first, and any deficiency resulted in the borrower falling behind on payments, suffering related harm, and defaulting on the underlying loan. On top of the CPI premium and interest, Wells Fargo also tacked on an unearned commission. The unearned commissions were paid by National General and its predecessors as kickbacks to one of Wells Fargo's affiliates for the force-placement of the CPI. These kickbacks ensured that the CPI charges to Wells Fargo's borrowers were more expensive than the premiums for coverage borrowers could have and often did obtain on their own. Even after Wells Fargo stopped receiving commissions in 2013, it continued to assess CPI charges on borrowers' accounts in excess of the cost of CPI or other auto insurance products. I was instrumental in achieving the nationwide settlement and rectifying these harms on behalf of the class.

14. More recently as Class Counsel in *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332 (C.D. 2021) I was instrumental in achieving a nationwide class action settlement on behalf of victims who were not reimbursed their unearned gap premiums after they paid off early their loan. The total settlement fund was estimated to pay out \$500 million dollars to class members. The case centered around Wells Fargo's practice of not refunding unearned GAP fees after a customer pays off their finance agreement before the original maturity date (an "Early Payoff"). Wells Fargo contended it was not responsible for issuing these refunds,

and customers are required to seek the refunds from the auto dealerships that sold them their vehicles, or the administrative companies listed in the GAP Agreements. Plaintiffs contended that Wells Fargo had a contractual and legal obligation to issue the refunds as the assignee of the GAP Agreements. I was instrumental in achieving the nationwide settlement and rectifying these financial harms on behalf of the class.

Under the terms of the settlement, Wells Fargo & Co. agreed to refund unearned guaranteed asset protection, or GAP, fees to car buyers nationwide who paid off their auto loans early. GAP fees are paid toward waivers that shield car buyers from owing money on their auto loans if their vehicles are lost or totaled and their insurance payout doesn't cover the remaining loan balance. These waivers are baked into overall loan amounts such that if a loan is paid off early, the borrower may be refunded for the unused coverage. Class members alleged that Wells Fargo is wrongfully keeping hundreds of millions of dollars in "unearned" GAP fees that it was required to return. The settlement agreement obligates the bank beginning in 2022 to automatically refund unearned GAP fees to customers in all states who pay off their car loans early. This obligation would continue for four years, during which the plaintiffs said they expect Wells Fargo to pay out more than \$417 million in GAP fee refunds that might not have otherwise been returned. In addition to refunds of GAP fees, the settlement also dictates that Wells Fargo will put another \$45 million in a "supplemental" fund to be applied in part toward retroactive refunds for other customers. The \$45 million fund will additionally cover other settlement-related costs and litigation expenses.

15. These cases are just a few examples of the complex class-action cases that my firm and I led to a successful outcome. Levin Sedran's resume is attached as Exhibit "A", and the firm has been recognized by its peers and courts nationwide for a successful class-action leadership.

LEVIN SEDRAN'S WORK

16. Representative Plaintiffs Hashemi and Altes filed the *Hashemi* Action on February 1, 2021. (ECF No. 1). Thereafter, on April 9, 2021, Representative Plaintiff Bowden represented by Levin Sedran and other counsel filed a separate putative class action complaint against Bosley in the Central District of California arising out of the same Data Incident. See *Bowden v. Bosley, Inc.*, Case No. 2:21-cv-03357-MWF (AGR) (the “Bowden Action”). Shortly thereafter, counsel for Representative Plaintiffs Hashemi and Altes, and counsel for Representative Plaintiff Bowden decided to consolidate the Bowden Action into the Hashemi Action, and also to add claims on behalf of Representative Plaintiffs Johnson-Foster, Boute, and Arttime. (ECF No. 17). Pursuant to stipulation of the Parties and approval of the Court, Representative Plaintiffs filed the First Amended Class Action Complaint (“FAC”) in the Hashemi Action on May 3, 2021. The FAC alleged twelve (12) claims against Bosley arising out of a Data Incident suffered by Bosley in or about August 2020. (ECF No. 18). Plaintiffs alleged that he cyber criminals responsible for the Data Incident uploaded a virus onto Bosley’s systems, encrypting Bosley’s data, including personal identifiable information (“PII”) of certain Bosley customers and employees. Representative Plaintiffs allege that, as a result of the Data Incident, unauthorized users accessed Representative Plaintiffs’ and Bosley’s current and former customers’ and employees’ PII including Social Security numbers, driver’s license numbers, financial account information, medical information and/or health insurance information. Plaintiffs brought this action on behalf of all persons whose PII was compromised as a result of Bosley’s failure to: (i) adequately protect PII; (ii) warn of its inadequate information security practices; and (iii) effectively monitor its network for security vulnerabilities and incidents. Bosley’s conduct amounts to negligence and violates federal and state statutes. Plaintiffs and Class Members have suffered injury as a result of Bosley’s conduct.

These injuries include: (i) lost or diminished value of PII; (ii) out-of-pocket expenses associated with the prevention, detection, and recovery from identity theft, tax fraud, and/or unauthorized use of their PII; (iii) lost opportunity costs associated with attempting to mitigate the actual consequences of the Data Incident, including but not limited to lost time, (iv) deprivation of rights they possess under the California Unfair Competition Law (Cal. Business & Professions Code §§ 17200, et seq.), the California Consumer Privacy Act (Cal. Civ. Code §§ 1798.100, et seq.) the Confidentiality of Medical Information Act (Cal. Civ. Code §§ 56, et seq.), the California Consumer Records Act (Cal. Civ. Code § 1798.80, et seq.) and, New York General Business Law § 349; and (v) the continued and certainly an increased risk to their PII, which remains in Bosley's possession and is subject to further unauthorized disclosures so long as Bosley fails to undertake appropriate and adequate measures to protect the PII.

17. As a result of the Complaint and its allegations and the research and efforts Plaintiff's Counsel performed in drafting it, Defendant agreed to settlement negotiations and mediation to seek an early resolution to the dispute.

18. Over the course of several months, the Parties engaged in settlement negotiations. The parties then agreed to participate in early mediation and prior to doing so, informally exchanged discovery on a variety of topics, including the insurance coverage of Bosley for this incident (which, without revealing confidential information, was somewhat limited). The parties then selected Bennett Picker, Esq., a well-regarded private mediator with considerable experience mediating data breach class actions, to preside over the mediation. The parties drafted and exchanged mediation briefs prior to mediation and participated in pre-mediation sessions with mediator Picker.

19. At the all-day mediation on August 27, 2021, the parties agreed in principle to the majority of the terms of a Settlement but could not come to final

agreement on all terms. Mediator Picker made a mediator's proposal, and both parties ultimately accepted that proposal. The parties spent the next few weeks negotiating additional details of the Settlement, and then spent several weeks preparing the Settlement Agreement and its exhibits.

20. Since the inception of this matter, I have actively participated in all aspects of the case, including, but not limited to: 1) investigating this case; 2) drafting and finalizing complaints; 3) attentively tracking news and announcements concerning the Data Incident; 4) amending complaints; 5) consolidating the cases before this Court; 6) conducting informal discovery with Bosley leading up to the mediation; 7) drafting Plaintiffs' mediation statement and submissions and analyzing Bosley's submissions; 8) conducting legal research; 9) preparing for the mediation; 10) participating in post mediation conferences and discussions with Class Counsel 11) participating in case strategy conferences and decisions; 12) documenting the settlement agreement and preparation of exhibits; 13) preparing the settlement approval motions, 14) working with Class Counsel, defense counsel and expert notice provider and claims administrators in drafting of the notice plan and claims forms and related documents and 15) monitoring and troubleshooting the claims process after the dissemination of the notice to the class. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research, investigation and attention to detail.

21. Class Counsel's efforts in this case over the course of this matter, including Levin Sedran's 73.25 hours of work, have resulted in a Class Settlement providing substantial benefit for Settlement Class Members. I submit that the attorneys' fees sought in the motion for attorneys' fees are reasonable and seeks fair and reasonable compensation for undertaking this case on a contingency basis, and for obtaining the relief for Plaintiffs and the Settlement Class. Throughout this action, Class Counsel have been challenged by highly experienced and skilled

Defense counsel who had the ability to deploy substantial resources on behalf of their respective client.

22. As part of the Settlement Agreement, Defendant has agreed to pay for the entire cost of Claims Administration and Notice separately from any funds made available to the class.

23. As part of the settlement process, co-counsel and I spent many hours crafting the confidential Term Sheet to memorialize the central terms of the settlement.

24. Over the course of the following weeks, co-counsel and I diligently negotiated, drafted, and finalized the settlement agreement, notice forms, and came to an agreement on a claims process and administrator with Defense counsel.

25. The Settlement Agreement was finalized by the parties the first week of January 2022 after extensive work by myself and co-counsel.

26. Co-counsel and I then diligently worked to effectuate the Settlement Agreement including drafting and filing the Motion for Preliminary Approval and the Motion for Final Approval, filed concurrently with the instant motion.

27. The Court Preliminarily approved the settlement on February 22, 2022. (ECF No. 46).

28. Continuing through today I have continued to work with co-counsel, Defendant and the Claims Administrator regarding claims administration and processing as well as answering class members questions about the settlement and the process.

29. Based on my experience I expect to spend additional hours seeking final approval, defending the Settlement from objections, and supervising claims administration and the distribution of proceeds.

30. Nicholas Elia assisted me in this matter with respect to preparing for the mediation and drafting the mediation statement along with associated legal research. He provided assistance while being mindful to avoid duplicative efforts.

31. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through June 2022, for Levin Sedran's attorneys:

Attorney	Total Hours	Hourly Rate	Amount
Charles E. Schaffer	61.50	\$975	\$59,962.50
Nicholas Elia	11.75	\$500	\$5,875.00
Total:	73.25		\$65,837.50

Shown above is a true and correct summary identifying the attorneys who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. The detailed descriptions of the time spent by the attorneys and other professionals of my firm in this litigation was prepared from contemporaneous, daily time records prepared and maintained by my firm. The lodestar figure is based on the ordinary professional billing rates that my law office charges clients in class action litigation. Expenses are accounted for and billed separately, without markup, and are not duplicated in the professional billing rates. Further detail regarding the litigation and trial experience of each professional can be found, to the extent available, in the firm resume attached hereto as Exhibit "A." In addition, detailed billing records are attached hereto as **Exhibit B**.

32. The hourly rates shown the Summary Chart above are the usual and customary lodestar rates charged in Philadelphia, and the national venues in which the firm typically handles cases for each individual doing the type of work performed

in this litigation. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify higher hourly compensation. The rates reflect Levin Sedran's experience in the field, the complexity of the matters involved in this litigation and have not been adjusted.

33. These lodestar amounts were derived from contemporaneous daily time records compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case. I oversaw the day-to-day activities in the litigation and reviewed these printouts and backup documentation when necessary. The purpose of the reviews was to confirm both the accuracy of the entries on the records as well as the necessity for, and reasonableness of the time and expenses that my firm committed to the litigation. I believe that the time reflected in the firm's lodestar calculation and the expense for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of this litigation.

34. The lodestar summary reflects Levin Sedran's experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

35. The number of hours that Levin Sedran has devoted to pursuing this litigation is reasonable and appropriate, considering, among other factors: (a) the scope and high stake's nature of this proceeding; and b) the novelty and complexity of the claims asserted in the litigation.

36. The hourly rates of Levin Sedran are appropriate for complex, nationwide litigation.

37. Levin Sedran is a well-respected leader in the fields of data breach, product liability, consumer fraud, antitrust, securities, financial, commercial, and other complex class-action litigation. The Levin Sedran rates, which were used for purposes of calculating the lodestar here, are based on prevailing rates for national class-action work and have been approved by multiple courts across the country. For instance, Levin Sedran's and Charles E. Schaffer's rates were approved by courts in the following cases: *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La. 2011); *In re Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); *In re: CertainTeed Roofing Shingle Products Liability Litig.*, No. 07-MDL-1817 (E.D. Pa. 2010); *Davis v. SOH Distribution Company, Inc.*, Civil Action No. 09-CV-237 (M.D. Pa. 2010); *In re Wellbutrin SR Antitrust Litigation*, Civil Action No. 04-5525 (E.D. Pa. 2011); *Gwaizdowski v. County of Chester*, Civil Action No. 08-CV-4463 (E.D. Pa. 2012); *Meneghin v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012); *Melillo, et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-CV-00016-JGM (D. Vt. Dec. 2012); *Vought, et al., v. Bank of America, et al.*, Civil Action No. 10-CV-2052 (C.D. Il. 2013); *Eliason, et al. v. Gentek Building Products, Inc., et al.*, No. 10-2093 (N.D. OH. 2013); and *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. IL. 2013).

38. Numerous courts have recently approved significant fee awards for Levin Sedran and Charles E. Schaffer, based on their customary hourly rate. Eleven recent decisions are: *Smith v. Volkswagen Group of America, Inc.*, 13-cv-370 (S.D. Ill. 2014); *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No. 2270 (E.D. PA. 2014); *In re: JP Morgan Chase Mortgage Modification Litigation*, No. 11-md-2290 (D.C. Mass. 2014); *United Desert Charities, et al v. Sloan Valve Company, et al*, Case No. 12-6878 (C.D.Cal.2014); *Gulbankian, et al. v. MW Manufacturers, Inc.*, 10-10392 (D.C. Mass.); *Pollard v. Remington Arms Company, LLC*, Case No. 4:13-

cv-00086-ODS (W.D. M.O. 2017); *Leach v. Honeywell International, Inc.*, Case No. 1:14-cv-12245-LTS (D.C. Mass); *In Re IKO Roofing Shingle Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.); *Newman, et. el. V. Metropolitan Life Insurance Company*, Case No. 1:11-cv-03530 (N.D. Ill. 2019); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca. 2020); *Hill v. Canidae Corporation*, Case No. 20-1374 (C.D. CA. 2021) and *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332(C.D. 2021).

39. In *In re: CertainTeed Fiber Cement Siding Litigation*, the United States District Court for the Eastern District of Pennsylvania, approved the entire requested fee of \$18.5 million dollars, including the 2014 rates of Charles E. Schaffer (\$950.00). In *Pollard v. Remington Arms Company*, the United States District Court for the Western District of Missouri approved the entire requested fee of \$12.5 million dollars, including the 2017 rates of Charles E. Schaffer (\$975.00), and Sammi McCurtain (document reviewer) (\$450.00), and in *Leach v. Honeywell International, Inc.*, the United States District Court for the District of Massachusetts approved the entire requested fee award of \$1.15 million dollars, including the 2017 rates of Charles E. Schaffer (\$975.00) and Michael MacBride (attorney) (\$475.00). More recently *In Re IKO Roofing Shingle Products Liability Litigation*, the United States District Court for the Central District of Illinois approved the entire requested fee award of \$7.5 million dollars, including the 2019 rates of Charles E. Schaffer (\$975.00) and Michael MacBride (attorney) (\$475); in *Newman, et. el. V. Metropolitan Life Insurance Company*, the United States District Court for the Northern District of Illinois approved the entire requested fee award of \$5 million dollars, including the 2019 rates of Charles E. Schaffer (\$975.00); and in *In re Apple Inc. Device Performance Litigation*, the United States District Court for the Northern District of California approved the fee award of \$80.6 million dollars, including the submitted rates of Charles E. Schaffer (\$950), other members of the firm and

paralegals. Id., ECF No. 609 at p.15. (Those rates are consistent with rates that have been awarded in this District. See, e.g., *Dickey v. Advanced Micro Devices, Inc.*, 2020 WL 870928, at *8 (N.D. Cal. Feb. 21, 2020) (finding rates between \$275 and \$1,000 for attorneys reasonable); *In re Lidoderm Antitrust Litig.*, 2018 WL 4620695, at *2 (N.D. Cal. Sept. 20, 2018) (finding rates between \$300 and \$1,050 for attorneys reasonable)). In 2021, the United States District Court for the Central District of California in *Hill v. Canidae Corporation*, Case No. 20-1374 (C.D.CA, 2021) approved the submitted rates of Charles E. Schaffer (\$975) and associate David Magagna (\$550). See ECF No. 79 at p.16. (Plaintiffs also submit Class Counsel's billing rates that other courts have approved, which show that one of the partners who is counsel for Plaintiffs has consistently been approved at an hourly rate of \$950.00 to \$975.00 per hour, while a non-partner attorney was consistently approved at an hourly rate of \$450.00 to \$475.00. (Schaeffer Decl. ¶ 28.) Accordingly, the Court determines that the hourly rates used to calculate the lodestar are reasonable.). In November of 2021, the United States District Court for Central District of California in *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332(C.D. 2021) approved the entire requested fee award of \$23.1 million dollars, including the 2021 rates of Charles E. Schaffer (\$975.00), associate David Magagna (\$550) and IT specialist Thomas Shrack (\$475). See ECF No. 208 adopting the Tentative Order Regarding Final Approval of Class Settlement and Final Approval of Attorneys' Fees at pp. 21-22.

40. Levin Sedran expended a significant amount of time litigating this matter and securing the Settlement. Detailed billing records are attached hereto as **Exhibit B**. The expenditure of time on this case precluded our employment on other cases. We took meaningful steps to ensure the efficiency of our work and to avoid duplicating efforts. I expect to maintain a high level of oversight and involvement,

along with co-counsel, as the case continues, and anticipate incurring significant additional lodestar.

41. After notice was disseminated to the Class I have assisted in overseeing the claims administration process and will continue to do until all claims are filed and processed. In addition, as Class Counsel and I will continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

42. Additional time will be spent to respond to any objections, prepare for and attend the fairness hearing and obtain final approval, communicate with defense counsel, the class administrator, and Class Members, and to assist with any appeal.

43. Based on the aforementioned, the attorney fees sought by Levin Sedran for the prosecution of this action culminating in a settlement are reasonable, and my firm seeks fair and reasonable compensation for undertaking this case on a contingency basis and for obtaining the relief for Plaintiff and the Class.

44. During the course of this Action, Levin Sedran incurred \$1,393.95 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Levin Sedran and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

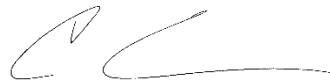
CATEGORY	EXPENSE AMOUNT
Professional Services	\$666.67
Legal Research	\$227.28
Filing Fees	\$500.00
TOTAL	\$1,393.95

45. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred. It is anticipated that costs may continue to accrue, including, but not limited to, costs associated with preparation and filing of the motion for attorneys' fees and motion for final approval of the settlement.

46. For the reasons set forth in this Declaration Class Counsel respectfully requests that the Court grant Plaintiffs' Motion for Final Approval of the Class Action for Attorney's Fees and Reimbursement of Expenses.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: July 6, 2022



Charles E. Schaffer
Attorney for Plaintiff and the Proposed Class

EXHIBIT “A”

LEVIN SEDRAN & BERMAN
ATTORNEYS AT LAW

Levin Sedran & Berman LLP is a Philadelphia law firm with a national reputation for superior client service and results representing clients in cases pending both in the Philadelphia area and across the nation. Through almost 40 years of serving our clients, our attorneys have gained national recognition for their experience and skill and are frequently called upon to lead some of the largest class actions, mass torts, complex litigation and antitrust cases in the nation. Our stock-and-trade is the litigation of technically complex cases, usually pending before an assigned MDL court. We have been appointed lead counsel or to other leadership positions in hundreds of cases, including more than forty MDLs, and are presently serving or have served in such positions in several of the largest and technically complex class actions nationwide. We regularly appear in federal courts throughout the country. *See e.g., In re: Chinese-Manufactured Drywall Product Liab. Litig.*, MDL No. 2047 (E.D. La.) (Lead Counsel); *In re: Nat'l Football League Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.) (Plaintiffs Steering Committee and Subclass Counsel for Settlement); *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.) (Special Counsel to the Plaintiffs' Fee and Cost Committee as well as having been on a discovery team); *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (Co-Lead Counsel); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Ca.) (Plaintiffs' Executive Committee); and *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (C.D. Or.) (Plaintiffs' Executive Committee to represent the interests of governmental entities). Our firm's philosophy from leading and prosecuting complex class actions for over three decades is to efficiently, vigorously and zealously prosecute the action on behalf of our clients and the class. We become experts in the facts of the case, law, and science and assemble a team committed to doing the same.

Our firm has earned rankings published in the U. S. News and World Report for Best Law Firms, as a Tier I law firm for class-actions, personal injury and mass tort cases. The firm was also named to THE NATIONAL LAW JOURNAL's insurance list of *America's Elite Trial Lawyers* in 2014. Members of the firm are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell's *Directory of Preeminent Attorneys*, "Best Lawyers in America", and the National Trial Lawyers Top 100 Trial Lawyers.

We have pioneered the use of class actions and mass actions in the United States with our work resulting not only in numerous record-breaking recoveries but also pioneering novel results over the nearly four decades we have been specializing in this practice area of the law. A few examples include:

- *In re: Asbestos School Litigation*, No. 83-0263 (E.D. Pa.) (Levin Sedran & Berman as member of Executive Committee and Lead Trial Counsel obtained a certification of a nationwide class and

settlement on behalf of school districts that included pioneering the 50-state analysis of the law to meet class certification requirements);

- *In re: Three Mile Island Litigation*, Civil Action No. 79-0432 (M.D. Pa.) (Levin Sedran & Berman as a member of Executive Committee that obtained a settlement that included the establishment of a medical monitoring fund);
- *In re: Diet Drug Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Levin Sedran & Berman as Liaison and Co-Lead Counsel obtained a \$6.75 billion-dollar settlement on behalf of consumers who ingested Fen-Phen);¹
- *In re: The Exxon Valdez*, No. 89-00095 (D. Alaska) (Levin Sedran & Berman as a member of the Trial and Discovery Committee and represented fishermen, native corporations, native villages, native claims and business claims in this mass tort involving the massive oil spill in Alaska. The firm's assistance in the litigation helped the Plaintiffs obtain a judgment of \$5 billion in punitive damages - at the time the largest punitive damage verdict in U.S. history. (Later reduced to \$507.5 million by the U.S. Supreme Court);
- *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.) (Levin Sedran & Berman as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall with a value that exceeds \$1 billion dollars);
- *In re: The Vioxx Product Liability Litigation*, MDL No. 1657 (E.D. La.) (As a member of the PSC and Plaintiffs' Negotiating Committee, Levin Sedran & Berman was instrumental in achieving a \$4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);
- *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (As Co-Lead Counsel in the decade long air cargo antitrust litigation Levin Sedran & Berman obtained 28 inter-related settlements against air cargo service providers totaling \$1.2 billion dollars);
- *Galanti, et al. v. The Goodyear Tire and Rubber Co. ("Entran II")*, Civil Action No.: 03-209 (D.C. N.J.) (As a member of the Executive

¹ That prolix settlement has received favorable comments by academia. See Nagareda, R., "Autonomy, Peace, and 'Put' Options in the Mass Tort Class Action," 115 Harv.L.Rev. 747, 756 (2002).

Committee Levin Sedran & Berman was instrumental in negotiating and achieving the creation of a common fund in the amount of \$344 million); and

- *In re: National Football League Players' Concussion Injury Litigation*, MDL No. 2323 (E.D. Pa.) (Levin Sedran & Berman as Subclass Counsel working along with Lead Counsel obtained an uncapped settlement having a value that exceeds \$1 billion dollars on behalf of NFL football players).

Frequently, the firm was specifically recognized by a court that is presiding over a matter for its work product and success in handling technical complex class-action cases. Examples of courts favorably commenting on the quality of the firm's work include:

- In *In re: Three Mile Island Litigation*, 557 F. Supp. 96 (M.D. Pa. 1982) Judge Rambo favorably acknowledged the quality of the work of Levin Sedran & Berman in her opinion.
- In the *Lazy Oil Co. v. Witco Corp., et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel) ("[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such, Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class Counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of the litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.")
- In *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. (1014) (E.D. Pa.) (Plaintiffs' Lead Counsel) ("the Court also finds that the standing and expertise of counsel for [plaintiffs] is noteworthy. First class counsel is of high caliber and most PLC members have extensive national experience and similar class-action litigation.")
- In *In re: Consumer Bags Antitrust Litigation*, Civil Action No. 77-1516 (E.D. Pa.) (Plaintiffs' Lead Counsel) ("Each of the firms and the individual lawyers in this case have extensive experience in large, complex antitrust and securities litigation." Furthermore, the Court notes that the quality of the legal services rendered was of the highest caliber.)

- In *In re: Diet Drugs Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel) (Court recognized "the 'remarkable contribution' from Levin Sedran & Berman in the creation of the largest nationwide personal injury settlement to date")
- In *In re: Summers v. Abraham Lincoln Savings and Loan Association*, 66 F.R.D. 581, 589 (E.D. Pa.) ("There is no question that Plaintiff's counsel is experienced in the conduct of the class action . . .".)

We regularly prosecute multi-state consumer class actions involving technically complex issues in representing victims of defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. Aside from the cases cited above, reference is made to: *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.). and *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.).

Relating to data breach and privacy cases, the firm has served as a member of the Executive Committee in *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (\$39 million settlement value for plaintiff financial institutions), where they were instrumental in working with experts and discovery including establishing the proper standard of care and calculation of damages to all victims (consumer and financial institutions) and serve as Co-Lead Counsel in *Green v. Accolade, Inc.*, 2:18-cv-00274 (E.D. Pa.) (where an employer breached its employees' PII information). The firm's data breach litigation experience also includes its leadership roles in: *Kuss v. American Home Patient, Inc. et. al.*, 8:18 -cv-0248 (M.D. Fl.) (where laptops were stolen and patient's medical information breached); *Abdelmessih v. Five Below, Inc.*, 2:19-cv-01487 (E.D. Pa.) (where retailer breached customers' PII information stored electronically); *Bryd v. Aaron's Inc.*, No. 11-101 (W.D. Pa.) (where defendant placed spyware on rental computers); *Peterson v. Aaron's Inc.*, No. 1-14-cv-1919 (N.D. Ga.) (where defendant placed spyware on rental computers) and on the Executive Committee in *Harris, et. al. v. Lord and Taylor, LLC*, 18-cv-00521 (D.Del.) (where retailer breached customers' PII information stored electronically); *Kyler, et al. v Saks Incorporated*, 18-cv-00360 (M.D. Tn.) (where retailer breached customers' PII information stored electronically) and *In re: Carrier IQ, Inc., Consumer Privacy Litigation*, No. 12-md-1330 (N.D. Cal.) (where defendant placed software on mobile devices).

More recently the firm obtained certification of cases *inter alia* in *Helmer, et al. v. The Goodyear Tire and Rubber Co.* ("Entran III"), Civil Action No.: 12-00685 (D.C. Col.) (certification of a liability only class on behalf of purchasers of radiant floor heating and then tried the issue of liability to a jury); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH.) (certification of multi state class action on behalf of purchasers of Dial

Complete Anti-Bacterial Soap); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL NO.: 2382 (E.D. MS.) (certification of a national class action on behalf of purchasers of wet/dry vacs) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D. Ca.) (certification of a multi-state class action including California on behalf of purchasers of bamboo flooring)

The firm willingly takes cases through years of discovery and motion practice and settles only if the case is positioned for consumers to obtain real and meaningful benefits and relief. And, unlike many class action firms, Levin Sedran & Berman also takes cases to trial. In lead roles and as members of litigation teams, Levin Sedran & Berman did so in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, *In re: The Exxon Valdez, Entan III* and *MDL - 2592 Xarelto Products Liability Litigation* (part of trial team of coordinated cases in the Philadelphia Mass Tort Program).

More specifics about many of the accomplishments of the attorneys of Levin Sedran & Berman are set forth below in the biographies of the individual attorneys of the firm.

THE FIRM'S PRINCIPAL LAWYERS

ARNOLD LEVIN

Founding Member



ARNOLD LEVIN graduated from Temple University, B.S., in 1961, with Honors and Temple Law School, LLB, in 1964. He was Articles Editor of the Temple Law Quarterly. He served as a Captain in the United States Army (MPC). He is a member of the Philadelphia, Pennsylvania, American and International Bar Associations. He is a member of the Philadelphia Trial Lawyers Association, Pennsylvania Trial Lawyers Association and the Association of Trial Lawyers of America. He is admitted to the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, the Third, Fourth, Fifth, Sixth, Seventh, Tenth and Eleventh Circuit Courts of Appeals and the United States Supreme Court. He has

appeared pro hac vice in various federal and state courts throughout the United States. He has lectured on class actions, environmental, antitrust and tort litigation for the Pennsylvania Bar Institute, the Philadelphia Trial Lawyers Association, the Pennsylvania Trial Lawyers Association, The Association of Trial Lawyers of America, The Belli Seminars, the Philadelphia Bar Association, American Bar Association, the New York Law Journal Press, and the ABA-ALI London Presentations.

Mr. Levin is a past Chairman of the Commercial Litigation Section of the Association of Trial Lawyers of America and is co-chairman of the Antitrust Section of the Pennsylvania Trial Lawyers Association. He is a member of the Pennsylvania Trial Lawyers Consultation Committee, Class Action Section, a fellow of the Roscoe Pound Foundation and past Vice-Chairman of the Maritime Insurance Law Committee of the American Bar Association. He is also a fellow of the International Society of Barristers and chosen by his peers to be listed in Best Lawyers of America. He has been recognized as one of 500 leading lawyers in America by Law Dragon and The Legal 500 USA. U.S. News and World Report has designated Levin, Fishbein, Sedran & Berman as one of the top 22 national plaintiffs' firms in mass torts and complex litigation. In addition, he has been further recognized as one of the top 100 trial lawyers by The National Trial Lawyers Association. He was also named to the National Law Journal's Inaugural List of America's Elite Trial Lawyers. He also has an "av" rating in Martindale-Hubbell and is listed in Martindale-Hubbell's Register of Preeminent Lawyers.

Mr. Levin was on the Executive Committee as well as various other committees and Lead Trial Counsel in the case of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.), which was certified as a nationwide class action on behalf of all school districts. Mr. Levin was also on the Plaintiffs' Steering Committee in *In re: Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation*, MDL 1013 (D. Wyoming); *In re: Norplant Contraceptive Products*

Liability Litigation, MDL 1038 (E.D. Tex.); and *In re: Telectronics Pacing Systems, Inc., Accufix Atrial "J" Lead Products Liability Litigation*, MDL 1057 (S.D. Ohio).

Mr. Levin was appointed by the Honorable Sam J. Pointer as a member of the Plaintiffs' Steering Committee in the *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S, MDL 926 (N.D. Ala.). The Honorable Louis L. Bechtle appointed Mr. Levin as Co-Lead Counsel of the Plaintiffs' Legal Committee and Liaison Counsel in *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.). Mr. Levin also served as Co-Chair of the Plaintiffs' Management Committee, Liaison Counsel, and Class Counsel in *In re: Diet Drugs Litigation*, MDL 1203 (E.D. Pa.). He was also a member of a four lawyer Executive Committee in *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.) and is a member of a seven-person Steering Committee in *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.). He was Chair of the State Liaison Committee in *In re: Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D. Wash.); and is a member of the Plaintiffs' Steering Committee and Plaintiffs' Negotiating Committee in *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.) and the Court approved Medical Monitoring Committee in *In re: Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.). He is currently Plaintiffs' Lead Counsel, Class Counsel and Co-Chair of the Fee Committee in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.). He was Plaintiffs' Liaison Counsel in *In re: CertainTeed Corp. Roofing Shingles Products Liability Litigation*, MDL No. 1817 (E.D. Pa.). He is a member of the Plaintiffs' Steering Committee in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.) and was appointed as Subclass Counsel for Subclass 1 in the NFL Concussion Class Action Settlement. Mr. Levin is a member of the Plaintiffs' Steering Committee in *In re: Pool Products Distribution Market Antitrust Litigation*, MDL 2328 (E.D. La.); *In re: Testosterone Replacement Therapy Products Liability Litigation*, MDL 2545 (N.D. Ill.); *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL 2342 (E.D. Pa.); and *In re: Yasmin and Yaz Marketing, Sales Practices and Relevant Products Liability Litigation*, MDL 2100 (S.D. Ill.). He is a member of Plaintiffs' Executive Committee in *In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL 2428 (D. Mass). Mr. Levin was appointed by the Honorable Carl J. Barbier to serve as Special Counsel to the Plaintiffs' Fee and Cost Committee in the BP Oil Spill Litigation, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.).

Mr. Levin was also a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (D. Alaska). In addition, Mr. Levin was Lead Counsel in the prosecution of individual fishing permit holders, native corporations, native villages, native claims and business claims.

HOWARD J. SEDRAN

Founding Member (1982 through 2017)



HOWARD J. SEDRAN was a founding member of the firm from 1982 through December, 2017. Effective January, 2018, Mr. Sedran became Of-Counsel to the firm. Mr. Sedran graduated cum laude from the University of Miami School of Law in 1976. He was a law clerk to United States District Court Judge, C. Clyde Atkins, of the Southern District of Florida from 1976-1977. He is a member of the Florida, District of Columbia and Pennsylvania bars and is admitted to practice in various federal district and appellate courts. From 1977 to 1981, he was an associate at the Washington, D.C. firm of Howrey & Simon which specializes in antitrust and complex litigation. During that period he worked on the following antitrust class actions: *In re: Uranium Antitrust Litigation*; *In re: Fine Paper Antitrust Litigation*;

Bogosian v. Gulf Oil Corporation; *FTC v. Exxon, et al.*; and *In re: Petroleum Products Antitrust Litigation*.

In 1982, Mr. Sedran joined the firm and has continued to practice in the areas of environmental, securities, antitrust and other complex litigation. Mr. Sedran also has extensive trial experience. In the area of environmental law, Mr. Sedran was responsible for the first certified “Superfund” class action.

As a result of his work in an environmental case in Missouri, Mr. Sedran was nominated to receive the Missouri Bar Foundation’s outstanding young trial lawyer’s award, the Lon Hocker Award.

Mr. Sedran has also actively participated in the following actions: *In re: Dun & Bradstreet Credit Services Customer Litigation*, Civil Action Nos. C-1-89-026, C-1-89-051, 89-2245, 89-3994, 89-408 (S.D. Ohio); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.); *In re: Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.); *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013 (D.D.C.); *Jaroslawicz v. Engelhard Corp.*, No. 84-3641 (D. N.J.); *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: EPIC Limited Partnership Securities Litigation*, Nos. 85-5036, 85-5059 (E.D. Pa.); *Rowther v. Merrill Lynch, et al.*, No. 85-Civ-3146 (S.D.N.Y.); *In re: Hops Antitrust Litigation*, No. 84-4112 (E.D. Pa.); *In re: Rope Antitrust Litigation*, No. 85-0218 (M.D. Pa.); *In re: Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re: Catfish Antitrust Litigation*, MDL 928 (Plaintiffs’ Executive Committee); *In re: Carbon Dioxide Antitrust Litigation*, MDL 940 (N.D. Miss.) (Plaintiffs’ Executive Committee); *In re: Alcolac, Inc. Litigation*, No. CV490-261 (Marshall, Mo.); *In re: Clozapine Antitrust Litigation*, MDL 874 (N.D. Ill.) (Co-Lead Counsel); *In re: Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.); *Cumberland Farms, Inc. v. Browning-Ferris Industries, Inc.*, Civil Action No. 87-3713 (E.D. Pa.); *In re: Airlines Antitrust Litigation*, MDL 861 (N.D. Ga.); *Lazy Oil, Inc. et al. v. Witco Corporation*,

et al., C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re: Nasdaq Market-Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.) (Co-Chair Discovery); and *In re: Travel Agency Commission Antitrust Litigation*, Master File No. 4-95-107 (D. Minn.) (Co-Chair Discovery); *Erie Forge and Steel, Inc. v. Cyprus Minerals Co.*, C.A. No. 94-0404 (W.D. Pa.) (Plaintiffs' Executive Committee); *In re: Commercial Explosives Antitrust Litigation*, MDL 1093 (Plaintiffs' Co-Lead Counsel); *In re: Brand Name Prescription Drug Antitrust Litigation*, MDL 997; *In re: High Fructose Corn Syrup Antitrust Litigation*, MDL 1087; *In re: Carpet Antitrust Litigation*, MDL 1075; *In re: Graphite Electrodes Antitrust Litigation*, C.A. No. 97-CV-4182 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re: Flat Glass Antitrust Litigation*, MDL 1200 (Discovery Co-Chair); *In re: Commercial Tissue Products Antitrust Litigation*, MDL 1189; *In re: Thermal Fax Antitrust Litigation*, C.A. No. 96-C-0959 (E.D. Wisc.); *In re: Lysine Indirect Purchaser Antitrust Litigation*, (D. Minn.); *In re: Citric Acid Indirect Purchaser Antitrust Litigation*, C.A. No. 96-CV-009729 (Cir. Ct. Wisc.). Most recently, Mr. Sedran serves as one of the court-appointed Co-Lead Counsel in *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D. N.Y.).

In *Lazy Oil Co. v. Witco Corp., et. al., supra*, the District Court made the following comments concerning the work of Co-Lead Counsel:

[t]he Court notes that the class was represented by very competent attorneys of national reputation as specialists in the area of complex litigation. As such Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of this litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.

LAURENCE S. BERMAN
Founding Member



LAURENCE S. BERMAN, a founding member of the firm, was born in Philadelphia, Pennsylvania on January 17, 1953. He was admitted to the bar in 1977. He is admitted to practice before the U.S. Courts of Appeals for the Third, Fourth and Seventh Circuits; the U.S. District Court, Eastern District of Pennsylvania; and the Bar of Pennsylvania. He is a graduate of Temple University (B.B.A., magna cum laude, 1974, J.D. 1977). He is a member of the Beta Gamma Sigma Honor Society. Mr. Berman was the law clerk to the Honorable Charles R. Weiner, U.S. District Court for the Eastern District of Pennsylvania 1978-1980. Member: Philadelphia, Pennsylvania and American Bar Associations. In 1982, Mr. Berman joined the law firm of Levin & Fishbein as an associate and became a partner in 1985 when the firm name was changed to Levin, Fishbein, Sedran & Berman.

Mr. Berman has had extensive experience in litigating and managing complex litigation. In the early 1980's he became a member of the discovery, law and trial committees of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.). As a member of those committees, he drafted discovery and legal briefs that lead to the successful resolution of the case on behalf of a nationwide class of schools seeking recovery of damages for the costs and expenses they were required to expend to assess the presence of asbestos in school buildings and to remediate under newly enacted rules and regulations of the Environmental Protection Agency, promulgated in the 1970's. In connection with that litigation, he was one of the architects of approaching class certification issues for a nationwide class by the use of a "50" state analysis of the law, in order to demonstrate the similarity of laws and therefore the manageability of a nationwide class action. The "50" state approach has been followed in other cases.

During the early stages of his career, he litigated numerous environmental class/mass tort cases to successful conclusions. He successfully litigated a lead contamination case for the residents of a community in the Port Richmond area of Philadelphia, where he drafted the legal briefs and presented the oral argument to obtain class certification of a property damage and medical monitoring class against NL Industries and Anzon. That litigation produced a multi-million-dollar recovery for the residents in the class area. *Ursula Stiglich Wagner, et al. v. Anzon, Inc., et al.*, No. 4420, June Term, 1987 (C.C.P. Phila. Cty.)

Similarly, he represented homeowners located near Ashland, Kentucky for environmental pollution damage. This case involved representing approximately 700 individual clients for personal injury and medical monitoring relief that also resulted in a multi-million-dollar recovery for his clients.

Beginning in the 1990's Mr. Berman began his representation of victims of the Three Mile Island accident. The firm represented approximately 2,000 plaintiffs in that matter, and Mr.

Berman was responsible for the legal briefing and experts in the case, along with addressing *Daubert* issues. The presiding Court (Middle District of Pennsylvania) determined to conduct extensive *Daubert* hearings in Three Mile Island, resulting in approximately ten full weeks of in court live hearings, and thousands of pages of legal briefing. Ultimately the trial court determined that several of the expert witnesses offered by the plaintiffs did not meet the *Daubert* requirements, and an appeal was taken to the Third Circuit Court of Appeals, where Mr. Berman both briefed and argued the issues. The Third Circuit affirmed parts of the decision and remanded for further proceedings by the trial court. His representation of clients in the Three Mile Island litigation spanned well over a decade.

In 1989, Mr. Berman represented approximately 1,000 plaintiffs who suffered damages as a result of the Exxon Valdez oil spill. In that role, he managed the claims of each of his firm's clients and worked in the development of their expert evidence and claim materials. As a subset of that litigation, he handled the claims of the Native Opt-Out Settlement Class. This representation also spanned well over a decade.

Mr. Berman began his role in litigating *In re: Diet Drugs*, MDL 1203 (E.D. Pa.) in 1997 at the outset of that litigation. The *Diet Drugs* case is still active to this date. Mr. Berman's firm was appointed as Co-Lead Counsel, Co-Class Counsel and Liaison Counsel. The massive size of the *Diet Drugs* case required the commitment of three of the named partners to the case, Arnold Levin, Michael Fishbein and Mr. Berman, as well as a substantial commitment by partner Fred Longer. While Messrs. Levin and Fishbein were formally named as Co-Class counsel to the case, Mr. Berman had a *de facto* role as Co-Class Counsel and Co-Lead counsel for the case. Mr. Berman briefed many legal issues, argued issues in court, participated in discovery, appeared frequently before the Special Discovery Master, helped negotiate the settlement(s) and helped in the management of the oversight of both the AHP Settlement Trust that was created to oversee the Settlement and the Seventh Amendment Fund Administrator that was created to oversee the Seventh Amendment aspect of the Settlement. He also managed the claims of the firm's individual clients.

Although the *Diet Drugs* case remains active today, and still occupies some of Mr. Berman's time, over the recent years he became active in various other pharmaceutical cases. In particular, beginning in about 2010, he became active in *In re: Yaz/Yasmin/Ocella*, MDL 2100 (S. D. Ill.) where he was appointed as a member of the discovery and legal briefing committees. Mr. Berman worked with his partner Michael Weinkowitz as Co-Liaison Counsel in the parallel state court litigation pending in the Court of Common Pleas of Philadelphia.

As the *Yaz* case began to wind down, Mr. Berman became active in litigation Tylenol cases where he was appointed and remains currently Plaintiffs' Co-Lead and Liaison Counsel. *In re: Tylenol*, MDL 2436, (E.D. Pa.). As Plaintiffs' Co-Lead and Liaison Counsel, Mr. Berman has appeared in Court for the Plaintiffs at virtually all of the monthly status conferences, drafted numerous briefs, engaged in discovery, drafted numerous case management orders that were entered by the Court, argued motions and otherwise managed the case on behalf of the Plaintiffs.

Mr. Berman is also a *de facto* member of the executive committee of *In re: Granuflo*, MDL MDL2428 (D. Mass.). Mr. Berman's partner Arnold Levin was formally appointed to that case's Executive Committee for the Plaintiffs and Mr. Berman was appointed as a Co-Chair of the law and briefing committee. He has acted as a *de facto* member of the Executive Committee for the firm. In his role on the Law and Briefing Committee, he drafted numerous briefs for the case, including *Daubert* briefs, drafted various case management orders that were entered by the Court, and assisted in the negotiation of the global settlement including the drafting of the settlement documents and the allocation plan.

In *In re: Fosamax*, MDL 2243 (D.N.J.), Mr. Berman spearheaded the plaintiffs' position relating to privilege log issues as well as preemption and *in limine* issues raised in the bellwether case. Most recently, Mr. Berman was appointed to the Plaintiffs' Steering Committee by the Honorable Freda L. Wolfson in *In re: Johnson & Johnson Talcum Powder Products*, MDL 2738 (D. N.J.).

Mr. Berman has lectured about mass tort matters. He lectured about the Tylenol case at several seminars and is a member of the American Association of Justice (AAJ) litigation group for the case. He is also a member of various other AAJ litigation groups involving pharmaceutical products. Mr. Berman has been a frequent speaker for the Pennsylvania Bar Institute, Mealy's Publications and Harris Martin. His lectures have been accredited for providing CLE credit to the attendees. Mr. Berman has an A.V. Peer Review rating by Martindale-Hubbell and is an AAJ National College of Advocacy Advocate. He is also a member of The National Trial Lawyers, as well as a member of the American, Pennsylvania and Philadelphia Bar Associations and has been recognized as a Super Lawyer. His published works include "Class Actions in State and Federal Courts," Pennsylvania Bar Institute (Continuing Legal Education), November, 1997; "New Pennsylvania Rule of Civil Procedure 207.1," Pennsylvania Bar Institute (Continuing Legal Education), November, 2001, and membership on the Board of Editors, "Fen-Phen Litigation Strategist," Leader Publications, (1998).

FREDERICK S. LONGER

Member



FREDERICK S. LONGER, a member of the firm, specializes in representing individuals who have been harmed by dangerous drugs, medical devices, other defective products and antitrust violations. Mr. Longer has extensive experience in prosecuting individual, complex and class action litigations in both state and federal courts across the country. Mr. Longer has been involved in the resolution of several of the largest settlements involving personal injuries including the \$6.75 billion settlement involving Diet Drugs and the \$4.85 billion settlement involving Vioxx. Mr. Longer was a member of the negotiating counsel responsible for the settlements in the *Chinese Drywall* litigation involving various suppliers and manufacturers of Chinese Drywall valued in excess of \$1 billion. Mr. Longer has a wealth of experience in mass torts and has frequently been the chairman or member of the Law and Briefing Committee in numerous multi-district litigations:

- *In re Zantac Products Liability Litigation*, MDL No. 2924 (S.D. Fla.);
- *In re Aqueous Film-Forming Foams Prod. Liab. Litigation*, MDL No. 2873 (D. S.C.);
- *In re Xarelto Products Liability Litigation*, MDL No. 2592 (E.D. La.);
- *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.);
- *In re: Vioxx Products Liability Litigation*, MDL 1657 (E.D. La.);
- *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL 1203 (E.D. Pa.).

He is a court-appointed member of the Plaintiffs' Steering Committee in *In re: Mirena Products Liability Litigation*, MDL 2434 (S.D.N.Y.); *In re: Xarelto Products Liability Litigation*, MDL No. 2592 (E.D. La.); and *In re Zantac Products Liability Litigation*, MDL No. 2924 (S.D. Fla.). Mr. Longer also assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.).

Mr. Longer has substantial trial experience and is one of the few lawyers in the country to have tried to verdict a client's claim involving Baycol in Philadelphia County Court of Common Pleas.

Mr. Longer, originally from Philadelphia, Pennsylvania, completed his undergraduate work at Carnegie Mellon University. He then attended the University Pittsburgh School of Law and was a Notes and Comments Editor for the University of Pittsburgh Law Review. Mr. Longer practiced for 3 years in Allegheny County with the law firm of Berger, Kapetan, Malakoff & Myers

on complex litigation and civil rights matters, including *Kelly v. County of Allegheny*, No. 6D 84-17962 (C.P. Allegheny County, PA). Thereafter, Mr. Longer joined the firm and is now a member in the firm.

Mr. Longer is a frequent lecturer and has presented numerous seminars on various legal topics for professional groups. Some of Mr. Longer's speaking engagements include: *COVID-19 Business Interruption Litigation - MDL and Outside Influences*, Harris Martin (May 14, 2020); *Impact of Ascertainability Consideration son Rule 23(b)(3)*, American Association for Justice (December 6, 2018); *Plaintiff Only Consumer Warranty Class Action Litigation Seminar*, American Association for Justice Education and the National Association of Consumer Advocate (June 3-4, 2014); *"No Injury" and "Overbroad" Class Actions After Comcast, Glazer and Butler: Implications for Certification-Navigating Complex Issues of Overbreadth and Damages in Consumer Product Cases*, Strafford Webinar (April 1, 2014); *Service of Process in China*, ABA Annual Conference (April 18-20, 2012); *Chinese Drywall Litigation Conference*, Harris Martin (October 20-21, 2011); *Current Issues in Multi-district Litigation Practice*, Harris Martin (September 26, 2011); *FDA Preemption: Is this the end?*, Mass Torts Made Perfect (May 2008). He has authored several articles including, *The Federal Judiciary's Super Magnet*, TRIAL (July 2009). He also contributed to Herbert J. Stern & Stephen A. Saltzburg, TRYING CASES TO WIN: ANATOMY OF A TRIAL (Aspen 1999).

Mr. Longer is a member of the American Bar Association, American Association for Justice, Pennsylvania and Philadelphia Association for Justice, the Pennsylvania Bar Association and the Philadelphia Bar Association. He is an active member of the Historical Society for the Eastern District of Pennsylvania. He is admitted to practice before the Supreme Court of Pennsylvania and the Supreme Court of New Jersey, the United States Supreme Court; the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh and Ninth Circuits, and the United States District Courts for the Western and Eastern Districts of Pennsylvania, United States District Court Northern District of New York; United States District Court for the Western District of New York; United States District Court of New Jersey; United States District Court for District of Arizona; and the United States District Court District of Nebraska.

Mr. Longer has received Martindale-Hubbell's highest rating (AV) as a pre-eminent lawyer for his legal ability and ethical standards. He has also been recognized by his peers as a Super Lawyer since 2008.

DANIEL C. LEVIN

Member



DANIEL C. LEVIN is a Philadelphia native who practices in the areas of Medical Malpractice, Personal Injury, Class Actions, Products Liability, Environmental Liability and Mass Torts.

Daniel Levin is a member of the firm of Levin Sedran & Berman. He is a graduate of University of Pittsburgh (B.A. 1994) and Oklahoma City University School of Law (J.D. 1997). He is admitted to practice before the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit. He is a member of the American, Pennsylvania and Philadelphia County Bar

Associations, as well as the American and Pennsylvania Association for Justice. He is President of the Philadelphia Trial Lawyers Association. Mr. Levin holds an AV rating from Martindale Hubbell and his peers recognize him as a Super Lawyer.

Daniel Levin is appointed to the Steering Committee in *Troyan v. Samsung Electronics America, Inc. et al*; No. 5:17-cv-01096 (W.D. Ok); *Delaware County, Pennsylvania et al v. Purdue Pharma L.P. et al*, No. CV-2017-008095 (CCP Del. Cty); and *In Re: Valsartan Losartan And Irbesartan Products Liability Litigation*; 1:19-md-02875-RBK-JS (D.NJ).

Daniel Levin has been part of the litigation team in *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.); *Galanti v. The Goodyear Tire and Rubber Co.*, Civil Action No: 03-209 (D.N.J.); *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La. 2011); *Cobb v. BSH Home Appliance Corporation, et al*, C.D.Ca. Case No. SACV10-711 DOC (C.D.Cal.); *In Re Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.); *In Re: Chinese Drywall Products Liability Litigation*, MDL 2047 (E.D.La.); *National Football League Players' Concussion Injury Litigation*; No. 2:12-md-02323-AB (E.D.Pa.); *In Re: Rezulin Products Liability Litigation*, 00 Civ. 2843 (S.D.N.Y.); *In Re: Apple Inc. Device Performance Litigation*; No. 5:18-md-02827 (N.D.Cal.); *In Re: Intel Corp. CPU Marketing, Sales Practices And Products Liability Litigation*; No. 3:18-md-2828 (D.Or); and *In Re: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*; MDL No. 2:18-mn-2873-RMG.

Daniel Levin has served as Class Counsel in the following automobile defect cases: *Henderson, et al v. Volvo Cars of North America, LLC, et al*, No. 09-cv-4146 (D.N.J)(class action brought on behalf of individuals who purchased Volvo vehicles with defective transmissions) and *Grant, et al v. Bridgestone/Firestone, Inc. and Ford Motor Company*, September Term, 2000, No. 003668 (C.C.P. Phila.)(involving the Ford Explorer debate). Mr. Levin has also served as class counsel in the following cases: *Kowa v. The Auto Club Group*, No. 11-7476 (N.D.Ill.); *Kurian v. County of Lancaster*, 2:07-cv-03482 (E.D.Pa.); *Gwaizdowski v.*

County of Chester, Civil Action No. 08-CV-4463 (E.D. Pa. 2012); *Meneghin, The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012); *Johnson, et al v. Walsh, et al*, April Term 2008, No. 2012 (C.P.Phila); *Muscara v. Nationwide*, October Term 2000, Civil Action No.: 001557 (C.P.Phila); and *Wong v. First Union*, May Term 2003, Civil Action No. 001173 (C.P.Phila); *Harry Delandro, et al v. County of Allegheny, et al*, Civil Action No. 2:06-CV-927 (W.D.Pa.); *Nakisha Boone, et al v. City of Philadelphia, et al*, Civil Action No. 05-CV-1851 (E.D.Pa.); *Helmer, et al v. the Goodyear Tire & Rubber Co.*, D.Co. Civil Action No. 1:12-00685-RBJ (D.Colo.); *Schappell v. State Farm Mutual Automobile Insurance Company*, No. 1331 S2001 (C.P. Dauphin); *Ortiz v. Complete Healthcare Resources, Inc., et al*, Montgomery CCP No. 12-12609; *Butterline, et al v. the Bank of New York Mellon Trust Company, National Association, et al*, No. 15-01429 (E.D.Pa.); *Martinez v. Capstone Restaurant Group, LLC et al*, No. 1:20-cv-01017 (D.Col.); *Mullins v. Kroger, et al*, No. 1:19-cv-00964 (S.D. Ohio); *Gallagher v. Charter Foods, Inc.*, No. 2:20-cv-00049 (W.D.Pa.); and *McGhee et al v. Toms King, LLC*, No. 2:19-cv-01470 (W.D.Pa.).

Along with Daniel Levin's class action and mass tort experience, Mr. Levin also has extensive experience in individual litigation where he handles and prosecutes claims on behalf of railroad workers involved in workplace accidents ("FELA"). Daniel Levin has also successfully prosecuted complex individual actions on behalf of individuals involved in products liability, medical malpractice, automobile accidents, drug and medical device actions.

CHARLES E. SCHAFFER

Member



CHARLES E. SCHAFFER, a member of the firm, born in Philadelphia, Pennsylvania, is a graduate of Villanova University, (B.S., *Magna Cum Laude*, 1989) and Widener University School of Law (J.D. 1995) and Temple University School of Law (LL.M. in Trial Advocacy, 1998). Mr. Schaffer served as a Corporal in the United States Marine Corps (USMC). He is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, the United States District Court for the Eastern District of Pennsylvania; Western District of Pennsylvania; Middle District of Pennsylvania; Northern District of Illinois; Central District of Illinois; Northern District of New York; District of Colorado; Third Circuit Court of Appeals; and the Sixth Circuit Court of Appeals. He is also a member of the American Bar Association, Association of Trial Attorneys of America, Pennsylvania Association for Justice, Philadelphia Trial Lawyers Association, and the National Trial Lawyers Association.

With over 20 years of experience Mr. Schaffer is a nationally-recognized leader in complex litigation, having been appointed as Lead or Co-Lead counsel or as a PSC member on a regular basis by federal courts across the country. He is widely recognized for his ability to lead very complex litigation and his expertise in dealing with discovery, experts, damage models, and national and multi-state classes.

Mr. Schaffer's appointments in MDL litigation include *inter alia*: *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (D.S.C) (Plaintiffs' Steering Committee); *In re Hill's Pet Nutrition, Inc. Dog Food Products Liability Litigation*, MDL 2887 (D. Kan.) (Plaintiffs' Executive Committee); *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) (Appointed to Plaintiffs' Executive Committee to represent the interests of governmental entities); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.) (Plaintiffs' Executive Committee); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D. Cal.) (Plaintiffs' Executive Committee); *In re: JP Morgan Modification Litigation* MDL No.: 2290 (D. Mass.) (Plaintiffs' Co-Lead Counsel); *In re: IKO Roofing Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (Plaintiffs' Co-lead Counsel); *In re: HardiePlank Fiber Cement Siding Litigation*, MDL No.: 2359 (D. Minn.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Executive Committee); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D.N.J.) (Plaintiffs' Executive Committee); *In re: Pella Corporation Architect and Designer Series Windows Marketing Sales Practices and Product Liability Litigation*, MDL No.: 2514 (D.S.C.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No.: 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In re: CitiMortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Cal.) (Plaintiffs' Executive Committee); *In re: Carrier IQ Consumer Privacy*

Litigation, MDL No.: 2330 (N.D. Cal.) (Plaintiffs' Executive Committee); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D.N.H.) (Plaintiffs' Executive Committee); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL No.: 2382 (E.D. Mo.) (Plaintiffs' Executive Committee); and *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D.N.H.) (Plaintiffs' Executive Committee).

Mr. Schaffer has also served in leadership positions in class actions which were not consolidated in an MDL. *E.g. In re Deva Concepts Products Liability Litigation*, Civil Action No. 1:20-CV-01234 (S.D.N.Y.) (Plaintiffs' Co-Lead Counsel); *Pollard v. Remington Arms Company*, Case No. 4:13-cv-00086-ODS (W.D. Mo.) (Co-Lead Counsel); *Davis v. SOH Distribution Company, Inc.*, Case No. 09-CV-237 (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Gwaizdowski v. County of Chester*, Civil Action No. 08-CV-4463 (E.D. Pa.); *Meneghin, v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (N.J. Super. Ct., Ocean County) (Plaintiffs' Co-Lead Counsel); *Johnson, et al. v. Walsh, et al.*, PCCP April Term, 2008, No. 2012 (Phila. Com. Pl. 2008) (Plaintiffs' Co-Lead Counsel); *Gulbankian et. al. v. MW Manufacturers, Inc.*, Case No. 1:10-cv-10392-RWZ (D. Mass.) (Plaintiffs' Discovery and Settlement Committees); *Eliason, et al. v. Gentek Building Products, Inc., et al.*, Case No. 1:10-cv-2093 (N.D. Ohio) (Plaintiffs' Executive Committee); *Smith, et al. v. Volkswagen Group of America, Inc.*, Case No. 3:13-cv-00370-SMY-PMF (S.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *Melillo, et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-CV-00016-JGM (D. Vt.); *Vought, et al., v. Bank of America, et al.*, Civil Action No. 10-CV-2052 (C.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *United Desert Charities, et al. v. Sloan Valve, et al.*, Case No. 12-cv-06878 (C.D. Cal.) (Plaintiffs' Executive Committee); *Kowa, et. el. v. The Auto Club Group AKA AAA Chicago*, Case No. 1:11-cv-07476 (N.D. Ill.); *Weller v. HSBC Mortgage Services, Inc.*, No. 13-cv-00185 (D. Colo.); *Gilmour v. HSBC Bank, N.A.*, No. 13-cv-05896 (S.D.N.Y.); *Smith v. SunTrust Mortgage, Inc.*, No. SACH3-739-AG (C.D. Cal.); *George v. Uponor, Inc.*, Civil No. 12-249 ADM/JJK (D. Minn.); *Yarbrough v. Martin's Famous Pastry Shoppe, Inc.*, Civil No. 11-cv-02144-JEJ (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Minor v. Congoleum Corporation*, Civil Action No.: 3:13-cv-07727-JAP-LHG (D.N.J.) (Plaintiffs' Co-Lead Counsel); and *In re: MF Global Holdings, Ltd. Investment Litigation*, Case No. 12-MD-2338 (S.D.NY).

In addition, Mr. Schaffer has served as member of litigation teams where Levin Sedran & Berman was appointed to leadership positions in, *inter alia. In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.); *In re: Viox Products Liability Litigation*, MDL No. 1657 (E.D. La.); *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

Currently, Mr. Schaffer is serving as co-lead counsel in *In re Deva Concepts Products Liability Litigation*, Civil Action No. 1:20-CV-01234 (S.D.N.Y.) ; a member of Plaintiffs' Steering Committee in *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (D. S.C.), a member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2838 (D. Or.), a member of Plaintiffs' Executive Committee in: *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.); a

member of Plaintiffs' Steering Committee in *Herrera, et al. v. Wells Fargo*, Civil No. 8:18-cv-00332 (C.D. Cal.); a member of Plaintiffs' Executive Committee in *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL 2382 (E.D. Mo.); a member of the Plaintiffs' Executive Committee in *Gold v. Lumber Liquidators, Inc.*, No. 3:14-cv-05373-TEH (N.D. Cal.) and is actively participating in a number of other class actions and mass tort actions across the United States in leadership positions.

Mr. Schaffer regularly prosecutes multi-state consumer class actions involving technically complex issues and has one of the best track records in the country when it comes to developing practical damages methodologies, obtaining prompt relief for consumers victimized by defective products and unfair or deceptive practices, as well as working cooperatively with others. Through smart, efficient, strategy and tailored creative problem-solving Mr. Schaffer and Levin Sedran & Berman have recovered billions of dollars for victims of defective products, environmental disasters and unfair or deceptive practices.

In this regard, Mr. Schaffer and his firm served as liaison counsel in *In re: CertainTeed Corporation Roofing Shingle Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.). That case involved claims on behalf of \$1.8 million homeowners who unknowingly purchased roofing shingles that were defectively designed and manufactured thereby causing premature and unreasonable deterioration, cracking, blistering, crumbling and leaking. Mr. Schaffer was instrumental in bringing about a settlement which was approved by the court and valued at between \$687 to \$815 million dollars. In addition, Mr. Schaffer served as Plaintiffs' Discovery and Settlement Committees in *In re: CertainTeed Siding Litigation*, MDL No.: 2270 (E.D. Pa.). That case involved claims on behalf of tens of thousands of homeowners who unknowingly purchased fiber cement siding that was defectively designed, manufactured thereby causing premature and unreasonable deterioration, cracking and water protrusion. Mr. Schaffer was instrumental in bringing about a common fund settlement in the amount of \$103.9 million dollars which was approved by the court.

Mr. Schaffer also served as lead counsel in *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D. Mass.). This MDL involved a class action filed across the United States all of which arose out of JP Morgan Chase's implementation of the Home Affordable Modification Program, one of the main programs designed to assist struggling homeowners in the economic downturn. In exchange for receiving billions of dollars in funds, JP Morgan Chase and many other big banks agreed to offer homeowners loan modifications pursuant to the Federal Guidelines. Numerous individuals sued JP Morgan Chase and certain other related companies claiming that Chase failed to offer them a timely and proper permanent mortgage modification after they completed trial period plans under HAMP or Chase's home own equivalent programs. Mr. Schaffer was instrumental in every phase of the litigation including settlement which culminated in a nationwide settlement under a consolidated litigation which provided a broad range of benefits to tens of thousands of homeowners. The overall value of the settlement to class members which was determined to be \$506 million dollars by a former treasury department official who worked on the initial management of the Government's program.

More recently, Mr. Schaffer served as a member of the Plaintiffs' Executive Committee in *In re Wells Fargo Insurance Marketing Sales Practice Litigation*, MDL No. 2797 (C.D. Cal.) which culminated in a national settlement in the amount of \$423,500,000. This lawsuit alleged that Defendants unlawfully placed duplicative, unnecessary, and overpriced collateral protection insurance policies on Wells Fargo customer's automobile loan accounts. Plaintiffs alleged that as a result of Defendants' CPI placements, borrowers suffered financial harm, including wrongful charges, fees, costs, and credit damage. The settlement allowed borrowers to recoup these overpayments. Mr. Schaffer also served as lead counsel in *Pollard v. Remington Pollard v. Remington Arms Company*, Case No. 4:13-cv-00086-ODS (W.D. Mo.). That case involved claims on behalf of over one million consumers who purchased firearms equipped with a defective fire control mechanism which would allow the firearm to discharge without pulling the trigger and placing the user of the firearm as well as bystanders at a grave risk of injury and even death. Mr. Schaffer was instrumental in negotiating a nation-wide class action settlement which was approved by the district court and affirmed by the Eight Circuit Court of Appeals. The settlement allowed owners of the firearms with the defective triggers to have their trigger mechanisms retrofitted with a non-defective trigger. The district court valued the settlement to be at least \$97,000,000. This settlement not only allowed the firearm owners to get the benefit of their bargain by having their guns repaired, but, it also resulted in dangerous firearms being fixed and thereby preventing accidental discharges which could injure or kill the user and/or innocent bystander.

Mr. Schaffer and Levin Sedran & Berman has also handled technically and technologically complex issues representing victims harmed by drugs, defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. *See e.g., In re: Diet Drug Product Liability Litigation*, MDL No.: 1203 (E.D. Pa.); *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No.: 2047 (E.D. La.); *In re: The Vioxx Product Liability Litigation*, MDL No.: 1657 (E.D. La.); *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Carrier IQ, Inc., Consumer Privacy Litigation*, C.A., No. 12-md-1330-EMC (N.D. Cal.); *Bryd v. Arron's Inc., C.A. No. 11-101* (W.D. Pa.); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.) and *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.).

Levin Sedran& Berman is Lead Counsel in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.). Against tremendous odds and at great effort and expense, Levin Sedran along with Liaison Counsel and members of the Plaintiffs' Steering Committee, dedicated themselves for over ten years to prosecuting claims on behalf of class(es) of thousands of homeowners who had defective Chinese Drywall installed in their homes. Levin Sedran's leadership in developing innovative pleadings involving "Omni Complaints", strategic discovery, and rapid bellwether trials led to a series of inter-related settlements involving various suppliers, builders, installers, insurers, and manufacturers of Chinese Drywall valued at more than \$1 Billion. Mr. Schaffer worked in conjunction with the Plaintiffs' Expert Committee to develop experts to provide the requisite foundation for their defect, causation and damages opinions. This

evidence was instrumental in bringing about plaintiff verdicts in the "bellwether" trial (*Hernandez v. Knauf*, 2010 WL 1710434 (E.D. La. April 27, 2010)) which contributed to the foundation for the inter-related settlements described above. In addition, Mr. Schaffer oversaw the inspection of plaintiffs' homes in Virginia by the defendants' experts and worked with plaintiffs' experts to challenge defendants' experts' opinion that Chinese Drywall could be detected with the use of an XRF handheld measuring device. As a result, plaintiffs filed a Daubert motion and were able to preclude defendant's experts from offering such an opinion. Though the inter-related settlements described above culminated with Knauf, a German company with Chinese manufacturing subsidiaries, the remaining Chinese manufacturing defendants continue to dispute personal jurisdiction and raise other defenses to liability and damages. However, Levin Sedran, continues to spearhead the prosecution of plaintiffs' claims by overseeing the litigation as plaintiffs begin to prepare to try the individual cases which were remanded back to their home districts. These tireless efforts reflect the dedication Levin Sedran & Berman attorneys, like Mr. Schaffer apply to every case.

In addition to representing consumers, Mr. Schaffer has also represented victims of pollution, contamination and other toxic exposures. *Meneghin, v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (N.J. Super. Ct., Ocean County) (Plaintiffs' Co-lead Counsel); *Johnson, et al. v. Walsh, et al*, PCCP April Term, 2008, No. 2012 (Phila. Com. Pl.) (Plaintiffs' Co-Lead Counsel). As lead counsel in *Meneghin v. Exxon Mobil Corporation, et. al.*, Mr. Schaffer successfully opposed Exxon Mobil's *Daubert* challenges to Plaintiffs' liability and damage experts and obtained certification of a class of property owners whose properties were contaminated with constituents from gasoline (benzene). The contamination was a result of a discharge of gasoline from underground storage tanks which led to ground water contamination and contamination of the properties. Thereafter, Mr. Schaffer negotiated a multi-million-dollar class action settlement on behalf of all property owners in the vicinity of the Exxon Mobil gas station. This was the first class-action settlement for property contamination entered into by Exxon Mobil.

These cases are just a few examples of the complex class-action cases that Mr. Schaffer along with Levin Sedran & Berman led to a successful outcome.

Along with his class action and mass tort experience, Mr. Schaffer has a LLM in Trial Advocacy and has extensive experience prosecuting complex individual actions on behalf of injured individuals in products liability, medical negligence and drug and medical device actions. He has served as Lead Counsel in these matters and successfully tried cases to jury verdicts.

In recognition of his accomplishments, Mr. Schaffer has achieved and maintained an AV Martindale-Hubbell rating and is recognized by his peers as a Super Lawyer. Mr. Schaffer speaks nationally on a multitude of topics relating to class actions and complex litigation.

AUSTIN B. COHEN

Member



AUSTIN B. COHEN, a native of West Islip, New York, received a BA in Economics and History from the University of Pennsylvania in 1990. He received a JD, cum laude, from the University of Pittsburgh School of Law in 1996. During law school, he interned for the Honorable Lowell Reed (E.D. Pa.) June – August, 1995. He also served as an Executive Editor and Associate Editor for the University of Pittsburgh Journal of Law and Commerce and was a finalist in the Murray S. Love Trial Moot Court Competition.

On April 12, 2019, Mr. Cohen was appointed Co-Lead Counsel in *Sutton v. Hoffman La Roche, Inc.*, ES-L-008724-14 (N.J. Super.), representing a class of homeowners adjacent to Roche's former New Jersey manufacturing facilities in an environmental claim seeking to recover diminished property values as a result of pollution emanating from Roche's property. Mr. Cohen successfully argued for class certification before the trial court and, on interlocutory appeal, before the appellate court. The New Jersey Supreme Court recently rejected defendants' motion for interlocutory review.

Mr. Cohen is presently representing several large ethanol producers asserting, among other things, a Sherman Act Section 2 damages claim due to a cross-market manipulation scheme implemented by defendant Archer Daniels Midland Company involving the U.S. market for ethanol and ethanol derivatives. previously Mr. Cohen served as counsel for a New England electricity wholesaler who brought a Section 2 market manipulation claim against two New England energy companies.

Mr. Cohen's work has focused on all aspects of class litigation. Cases he has worked on include:

- *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL 1775 (E.D.N.Y.) (representing class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. Settlements exceeded \$1.25 billion);
- *In re: Electrical Carbon Products Antitrust Litigation*, MDL (D.N.J.) (representing class of purchasers alleging electrical carbon products manufacturers agreed to horizontal price fixing and customer allocation. Levin Sedran & Berman served as Co-Lead Counsel);

- *In re: Graphite Electrodes Litigation*, MDL No. 1244 (E.D. Pa.) (representing class of purchasers alleging manufacturers of graphite components used for steel manufacturing agreed to horizontal price fixing. Levin Sedran & Berman served as Co-Lead Counsel. Settlements totaled \$133.5 million, representing 100% of actual damages);
- *In re: Potash Antitrust Litigation*, MDL 1996 (N.D. Ill. And 7th Cir.) (representing class of potash customers alleging horizontal conspiracy among mining companies to fix prices and restrict output. Levin Sedran & Berman worked with lead counsel and focused on obtaining jurisdiction over foreign entities and interpretation of the Foreign Trade Antitrust Improvement Act);
- *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (representing class of financial institutions seeking to recover costs due to Target Corporation's failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages).

Mr. Cohen has written published articles regarding the admissibility of subsequent remedial modifications in products liability litigation (68 Pa. B.A.Q. 93), the enforceability of litigation confidentiality agreements (71 Pa. B.A.Q. 93), and federal tax issues related to the tax-exempt financing of University sponsored research facilities (23 The Exempt Organization Tax Review 445).

Mr. Cohen has been rated as a Pennsylvania antitrust "Super Lawyer" and is AV Peer Review rated by Martindale Hubble.

Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as the U.S. District Courts for the Eastern and Western Districts of Pennsylvania and the Central District of Illinois.

MICHAEL M. WEINKOWITZ

Member



MICHAEL M. WEINKOWITZ has substantial professional experience in complex product liability cases involving pharmaceuticals, medical devices and other consumer products. He has served as Court-appointed Executive, Steering or major committee member in mass tort litigations, including, by way of example:

- ***In Re: Juul Labs, Inc., Marketing, Sales Practices, and Prod. Liab.***, MDL (N.D. CA): appointed to Plaintiffs Steering Committee and Law and Briefing Chair;
- ***In re Xarelto Prod. Liab Litig.***, MDL 2592 (E.D. La.); appointed to serve on Discovery Committee, Federal/State Committee, Bellwether trial teams and Settlement Committee and Fee Committee.

Served as Plaintiffs' Liaison counsel in the consolidated mass tort litigation in Pennsylvania, *In re Xarelto Prod. Liab. Litig.*, Jan. Term 2015, No. 2349 (First Judicial District of Pennsylvania).

- ***In re Tylenol Marketing, Sales Practices and Prod. Liab. Litig.***, MDL 2436 (E.D. Pa.): served as Liaison Counsel and Chair of the both the Discovery and Law and Briefing Committees and a member of the settlement team that negotiated the global settlement that was reached).
- ***In re YAZ Prod. Liab Litig.***, MDL 2100 (S.D. Ill.): served as a member of the Discovery Committee. Court appointed Plaintiffs' Liaison Counsel in the consolidated mass tort action in Pennsylvania, *In re Yaz/Yasmin/Ocella Prod. Liab. Litig.*, Sept. Term 2009, No. 1307 (First Judicial District of Pennsylvania); member of the Settlement Committee that negotiated and implemented global settlements.
- ***In re Pradaxa Prod. Liab. Litig.***, MDL 2384 (S.D. Ill.): appointed to Plaintiffs' Steering Committee.
- ***In re Johnson and Johnson Talcum Powder Products Marketing, Sales Practices and Prod. Liab. Litig.***, MDL 2738 (D.N.J.): member of the Law and Briefing Committee.
- ***In re Fresenius Granuflo/Naturalyte Dialysate Prod. Liab. Litig.***, MDL 2428 (D. Mass): co-chair of the Discovery Committee.
- ***In re Vioxx Prod. Liab. Litig.***, MDL No. 1657 (E.D. La.): member of the Science Committee and the Joint Defense and Plaintiff Review Settlement Subcommittee.
- ***In re Phenylpropanolamine (PPA) Prod. Liab. Litig.***, MDL 1407 (W.D. Wash.): member of the Discovery Committee.

In addition to being a member of the various court committees noted above, he has represented those injured by the various drugs and medical devices in those cases, including JUUL, Talcum Powder, Xarelto, Pradaxa, Tylenol, Yaz/Yasmin, Hip Implants, Diethylstilbestrol (DES),

Ortho Evra Birth Control Patch, Vioxx/Bextra/Celebrex, Fosamax, Digitek, Actos, and Cough Cold and Diet Medications containing Phenylpropanolamine (PPA).

He is a frequent seminar instructor and lecturer in the area of mass torts. He was selected Pennsylvania Rising Star – Super Lawyers, in 2005 and in 2009-2020 as a Pennsylvania Super-Lawyer. He is Advisory Board member, LexisNexis Practice Guide(s): Pennsylvania Civil Pre-Trial Practice, and Pennsylvania Civil Trial Practice, 2017 Editions.

Michael was born in Wilmington, Delaware. He graduated from West Virginia University (B.A., *magna cum laude*, 1991) and Temple University, School of Law (J.D., *cum laude*, 1995).

Michael is licensed to practice in Pennsylvania, New Jersey and New York. He is admitted to the United States District Courts, Eastern District of Pennsylvania, the District of New Jersey, the Eastern and Southern Districts of New York and United States Court of Appeals for the Third Circuit.

KEITH J. VERRIER

Member



KEITH J. VERRIER concentrates his practice on complex class action litigation with a focus on antitrust, consumer fraud, environmental contamination and data security breach cases. His clients include large and small businesses as well as individuals seeking compensation for price-fixing, monopolization, and other wrongdoing. He has experience in all aspects of litigation and has assisted in obtaining significant recoveries in courts throughout the United States. For his work, Mr. Verrier was named a “Rising Star” in 2008 and 2010 and recognized by Super Lawyers as a top attorney in antitrust in 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

Mr. Verrier graduated *magna cum laude* from Temple University School of Law where he was a member of the Law Review. Following law school, he served as a judicial clerk for the Honorable Herbert J. Hutton on the United States District Court for the Eastern District of Pennsylvania. Earlier in his career, Mr. Verrier practiced at a large national law firm where he represented clients in a variety of complex commercial litigation matters and at a nationally-recognized boutique law firm specializing in antitrust class actions.

Throughout his career, Mr. Verrier has been involved in a wide range of diverse and complex litigation. The following are representative of the types of matters in which he has been involved:

- *United Wisconsin Grain Producers LLC, et al. v. Archer Daniels Midland*, No. 20-cv-2314 (C.D. Ill.) - Representing a group of large ethanol producers asserting claims for damages arising from an alleged cross-market manipulation scheme implemented by defendant Archer Daniels Midland Company involving the U.S. market for ethanol and ethanol derivatives in violation of, among other things, Section 2 of the Sherman Act.
- *In re: Air Cargo Shipping Services Antitrust Litigation* – Represented a class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. (Over \$1.25 billion in settlements).
- *In re Chinese-Manufactured Drywall Products Liability Litigation* – Prosecuted class action and mass tort on behalf of homeowners whose homes contain defective drywall. Levin Sedran & Berman served as Lead Counsel. A settlement with the German defendant provided full remediation for affected homeowners (valued at over \$1.1 billion) and settlement with the Chinese defendant provided \$248 million to members of the settlement class.

- *In re: Target Corporation Customer Data Security Breach Litigation* – Represented a class of financial institutions seeking to recover costs due to Target Corporation’s failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages. (\$39 million settlement).
- *In re: Automotive Parts Antitrust Litigation* – Representing a class of car purchasers seeking damages arising from alleged price-fixing conspiracies as to various automotive parts that are components of new motor vehicles. Levin Sedran & Berman worked with co-lead counsel on briefing and discovery matters. (Over \$200 million in settlements to date).
- *In re: Mushroom Direct Purchaser Antitrust Litigation* – Defended a cooperative of mushroom growers against allegations of, inter alia, price fixing, supply control and monopolization brought under Sections 1 and 2 of the Sherman Act.
- *Johnson Matthey, Inc. v. Research Corp.* – Represented one of the world’s largest fabricators and distributors of platinum group metals involving complex pharmaceutical development and licensing issues.
- *Chester County Hospital v. Independence Blue Cross, et al.* – Represented a community hospital in an antitrust matter involving the largest health maintenance organization (HMO) in the country.

Mr. Verrier is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey; in the U.S. District Courts for the Eastern District of Pennsylvania, the District of New Jersey, and the Central District of Illinois; and in the United States Court of Appeals for the Third Circuit.

SANDRA L. DUGGAN
Of Counsel



SANDRA L. DUGGAN is a native of St. Louis and she graduated from Washington University with Phi Beta Kappa. Having earned a J.D. degree from Columbia University School of Law, Ms. Duggan was admitted to the bar in 1986. Since moving to Philadelphia in 1989, Ms. Duggan has focused her practice on class action and multi-district litigation.

She has served as a member of the Plaintiffs' Executive Committee in the national asbestos property damage class action, *Prince George Center, Inc. v. U.S. Gypsum, et al.* (C.C.P. Phila.), and she is counsel for class plaintiffs in the Title IX discrimination suit, *Cohen v. Brown University, et al.*, (D.R.I.). Ms. Duggan has worked on *In re: School Asbestos Litig.*, (E.D. Pa.); Asbestos Claimants Committees in Celotex and National Gypsum Chapter 11 bankruptcies; *In re: Orthopedic Bone Screw Prods. Liab. Litig.*, MDL 1014 (E.D. Pa.); *Diet Drugs Litigation*, MDL 1203 (E.D. Pa.); *In re: EXXON VALDEZ*; *In re: Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047 (E.D. La.); *In re: VIOXX Prods. Liab. Litig.*, MDL 1657 (E.D. La.), and other securities fraud, shareholder and property damage class actions in federal and state courts. She assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re National Football League Players' Concussion Litig.*, MDL No. 2323 (E.D. Pa.).

In 2015, Ms. Duggan was appointed by the Honorable Carl J. Barbier to serve as Special Counsel to the Plaintiffs' Fee and Cost Committee in the BP Oil Spill Litigation, *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.).

In 2019, Ms. Duggan negotiated a global class settlement with the Chinese manufacturers in the *Chinese Drywall Litigation*. See *In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047, 424 F. Supp. 3d 456 (E.D. La. 2020). She was appointed by the Honorable Eldon E. Fallon to serve as Class Counsel for Plaintiffs in the Global Settlement and she also served as Chair of the Fee Allocation Committee in that case.

Ms. Duggan served as a class action expert in *In re "Non-Filing" Insurance Fee Litig.*, MDL 1130 (M.D. Ala.). She was a contributing author and editor of the Third Edition of Herbert Newberg, *Newberg On Class Actions*, (3d ed. 1992) and she earned a Public Justice Achievement Award in July, 1999 from Public Justice for her work on the Brown University Title IX Litigation.

Ms. Duggan is admitted to practice in the Commonwealth of Pennsylvania, the U.S. District Courts for the Eastern District of Pennsylvania and the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Third Circuit, and the United States Supreme Court.

Ms. Duggan is Mexican American. She is fluent in Spanish.

RAYMOND P. FORCENO
Of Counsel



RAYMOND P. FORCENO has had a long and distinguished career practicing railroad law, representing railroad workers in litigation against their employing railroads for on the job injuries and diseases pursuant to the Federal Employers Liability Act (FELA). Mr. Forceno has extensive experience trying cases before juries and has recovered a substantial amount of money for his clients during his career.

Mr. Forceno is admitted to practice in the Commonwealth of Pennsylvania, as well as the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania.

DAVID C. MAGAGNA, JR.

Associate



DAVID C. MAGAGNA JR. graduated from Villanova School of Law in 2016. During law school, Mr. Magagna interned at the United States Attorney's Office and with two national law firms in the Philadelphia area. After graduation from law school, he clerked for Pennsylvania Supreme Court Justice Sallie Updyke Mundy. After his clerkship, he again worked with a national law firm before joining Levin Sedran & Berman as an associate.

Mr. Magagna is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey.

Honors:

- President of Delta Kappa Epsilon
- Vice-President of the Inter-Fraternal Council
- President of the Corporate Law Society

Published article:

- David C. Magagna, *Congress, Give Renewable Energy A Fair Fight: Passage of the Master Limited Partnerships Parity Act Would Give Renewable Energy the Financial Footing Needed to Independently Succeed*, 27 Vill. Envtl. L.J. 149 (2016).

NICHOLAS J. ELIA

Associate



NICHOLAS J. ELIA graduated from The Pennsylvania State University (B.S. Finance and Economics, 2014) and Temple University James E. Beasley School of Law (J.D., 2018). In law school, Nicholas was a member of the Temple International and Comparative Law Journal, he focused his coursework on complex civil litigation and antitrust law, and he interned with the Securities and Exchange Commission and the American Antitrust Institute.

Mr. Elia is admitted to practice in the Commonwealth of Pennsylvania.

ZACHARY M. WINKLER

Associate



ZACHARY M. WINKLER graduated in 2020 from Georgetown University Law Center, where he was selected to the Barristers' Council honors society and competed with the trial advocacy team. During law school, Zachary interned at the Philadelphia District Attorney's Office, served as a legal fellow to Congressman Brendan F. Boyle, and clerked for Administrative Law Judge J.P. Howard in Washington, D.C. Following law school, Zachary completed a litigation fellowship with the National Whistleblower Center in Washington, D.C., before joining Levin Sedran & Berman as an associate.

Mr. Winkler is admitted to practice in the Commonwealth of Pennsylvania.

MARISSA N. PEMBROKE

Associate



MARISSA N. PEMBROKE graduated from Rutgers University School of Law in 2021. During law school, Ms. Pembroke acted as a mediator and domestic violence advocate at the Camden County Hall of Justice. Additionally, Ms. Pembroke interned for the solicitor of Sea Isle City, N.J., and a Philadelphia law firm that specializes in employment law practice. Ms. Pembroke was a member of the Rutgers Law School Journal of Law and Religion and focused her research on the First Amendment's Establishment and Free Exercise clauses. Ms. Pembroke's article regarding censorship on social media platforms was selected for publication in April 2021.

Ms. Pembroke's Pennsylvania Bar admission is pending.

SUCCESSFULLY LITIGATED CLASS CASES

Examples of the firm successfully litigated class action cases include the following: *James J. and Linda J. Holmes, et al. v. Penn Security Bank and Trust Co., et al.*, U.S.D.C., Middle District of Pennsylvania Civil Action No. 80-0747; *In re: Glassine & Greaseproof Antitrust Litigation*, MDL 475, U.S.D.C., Eastern District of Pennsylvania; *In re: First Pennsylvania Securities Litigation*, Master File No. 80-1643, U.S.D.C., Eastern District of Pennsylvania; *In re: Caesars World Shareholder Litigation*, Master File No. MDL 496 (J.P. MDL); *In re: Standard Screws Antitrust Litigation*, Master File No. MDL 443, U.S.D.C., Eastern District of Pennsylvania; *In re: Electric Weld Steel Tubing Antitrust Litigation - II*, Master File No. 83-0163, U.S.D.C., Eastern District of Pennsylvania; *Leroy G. Meshel, et al. v. Nutri-Systems, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 83-1440; *In re: Corrugated Container Antitrust Litigation*, U.S.D.C., Southern District of Texas, Houston Division, MDL 310; *In re: Three Mile Island Litigation*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 79-0432; *Township of Susquehanna, et al. v. GPU, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437 (a Three Mile Island case); *Donald A. Stibitz, et al. v. General Public Utilities Corporation, et al.*, No. 654 S 1985 (C.P. Dauphin County, Pa.) (a Three Mile Island case); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.) (first Superfund Class Action ever certified); *In re: Dun & Bradstreet Credit Services Customer Litigation*, U.S.D.C., Southern District of Ohio, Civil Action Nos. C-1-89-026, 89-051, 89-2245, 89-3994, 89-408; *Malcolm Weiss v. York Hospital, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 80-0134; *In re: Ramada Inns Securities Litigation*, U.S.D.C., District of Delaware, Master File No. 81-456; *In re: Playboy Securities Litigation*, Court of Chancery, State of Delaware, New Castle County, Civil Action No. 6806 and 6872; *In re: Oak Industries Securities Litigation*, U.S.D.C., Southern District of California, Master File No. 83-0537-G(M); *Dixie Brewing Co., Inc., et al. v. John Barth, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-4112; *In re: Warner Communications Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 82-CV-8288; *In re: Baldwin United Corporation Litigation*, U.S.D.C., Southern District of New York, MDL No. 581; *Zucker Associates, Inc., et al. v. William C. Tallman, et al. and Public Service Company of New Hampshire*, U.S.D.C., District of New Hampshire, Civil Action No. C86-52-D; *In re: Shopping Carts Antitrust Litigation*, MDL 451, Southern District of New York; *Charal v. Andes, et al.*, C.A. No. 77-1725; *Hubner v. Andes, et al.*, C.A. No. 78-1610 U.S.D.C., Eastern District of Pennsylvania; *In re: PetroLewis Securities Litigation*, 84-C-326, U.S.D.C., District of Colorado; *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: Hops Antitrust Litigation*, C.A. No. 84-4112, U.S.D.C., Eastern District of Pennsylvania; *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013, U.S.D.C., District of Columbia; *Continental/Midlantic Securities Litigation*, No. 86-6872, U.S.D.C., Eastern District of Pennsylvania; *In re: Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 (E.D. Pa.) (Newcomer, J.); *Fisher Brothers v. Cambridge-Lee Industries, Inc., et al.*, Civil Action No. 82-4941, U.S.D.C., Eastern District of Pennsylvania; *Silver Diversified Ventures Limited Money Purchase Pension Plan v. Barrow, et al.*, C.A. No. B-86-1520-CA (E.D. Tex.) (*Gulf States Utilities Securities Litigation*); *In re: First Jersey Securities Litigation*, C.A. No. 85-6059 (E.D. Pa.); *In re: Crocker Shareholder Litigation*, Cons. C.A. No. 7405, Court of Chancery, State of Delaware, New Castle County; *Mario*

Zacharjasz, et al. v. The Lomas and Nettleton Co., Civil Action No. 87-4303, U.S.D.C., Eastern District of Pennsylvania; *In re: People Express Securities Litigation*, Civil Action No. 86-2497, U.S.D.C., District of New Jersey; *In re: Duquesne Light Shareholder Litigation*, Master File No. 86-1046 U.S.D.C., Western District of Pennsylvania (Ziegler, J.); *In re: Western Union Securities Litigation*, Master File No. 84-5092 (JFG), U.S.D.C., District of New Jersey; *In re: TSO Financial Litigation*, Civil Action No. 87-7903, U.S.D.C., Eastern District of Pennsylvania; *Kallus v. General Host*, Civil Action No. B-87-160, U.S.D.C., District of Connecticut; *Staub, et al. v. Outdoor World Corp.*, C.P. Lancaster County, No. 2872-1984; *Jaroslawicz, et al. v. Englehard Corp.*, U.S.D.C., District of New Jersey, Civil Action No. 84-3641F; *In re: Boardwalk Marketplace Securities Litigation*, U.S.D.C., District of Connecticut, MDL 712 (WWE); *In re: Goldome Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 88-Civ-4765; *In re: Ashland Oil Spill Litigation*, U.S.D.C., Western District of Pennsylvania, Master File No. M-14670; *Rosenfeld, et al. v. Collins & Aikman Corp.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 87-2529; *Gross, et al. v. The Hertz Corporation*, U.S.D.C., Eastern District of Pennsylvania, Master File, No. 88-661; *In re: Collision Near Chase, Maryland on January 4, 1987 Litigation*, U.S.D.C., District of Maryland, MDL 728; *In re: Texas International Securities Litigation*, U.S.D.C., Western District of Oklahoma, MDL No. 604, 84 Civ. 366-R; *In re: Chain Link Fence Antitrust Litigation*, U.S.D.C., District of Maryland, Master File No. CLF-1; *In re: Winchell's Donut House, L.P. Securities Litigation*, Court of Chancery of the State of Delaware, New Castle County, Consolidated Civil Action No. 9478; *Bruce D. Desfor, et al. v. National Housing Ministries, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-1562; *Cumberland Farms, Inc., et al. v. Browning-Ferris Industries, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 87-3717; *In re: SmithKline Beckman Corp. Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 88-7474; *In re: SmithKline Beecham Shareholders Litigation*, Court of Common Pleas, Phila. County, Master File No. 2303; *In re: First Fidelity Bancorporation Securities Litigation*, U.S.D.C., District of New Jersey, Civil Action No. 88-5297 (HLS); *In re: Qintex Securities Litigation*, U.S.D.C., Central District of California, Master File No. CV-89-6182; *In re: Sunrise Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, MDL 655; *David Stein, et al. v. James C. Marshall, et al.*, U.S.D.C., District of Arizona, No. Civ. 89-66 (PHX-CAM); *Residential Resources Securities Litigation*, Case No. 89-0066 (D. Ariz.); *In re: Home Shopping Network Securities Litigation -- Action I (Consolidated Actions)*, Case No. 87-428-CIV-T-13A (M.D. Fla.); *In re: Kay Jewelers Securities Litigation*, Civ. Action Nos. 90-1663-A through 90-1667A (E.D. Va.); *In re: Rohm & Haas Litigation*, Master File Civil Action No. 89-2724 (Coordinated) (E.D. Pa.); *In re: O'Brien Energy Securities Litigation*, Master File No. 89-8089 (E.D. Pa.); *In re: Richard J. Dennis & Co. Litigation*, Master File No. 88-Civ-8928 (MP) (S.D. N.Y.); *In re: Mack Trucks Securities Litigation*, Consolidated Master File No. 90-4467 (E.D. Pa.); *In re: Digital Sound Corp., Securities Litigation*, Master File No. 90-3533-MRP (BX) (C.D. Cal.); *In re: Philips N.V. Securities Litigation*, Master File No. 90-Civ.-3044 (RPP) (S.D.N.Y.); *In re: Frank B. Hall & Co., Inc. Securities Litigation*, Master File No. 86-Civ.-2698 (CLB) (S.D.N.Y.); *In re: Genentech, Inc. Securities Litigation*, Master File No. C-88-4038-DLJ (N.D. Cal.); *Richard Friedman, et al. v. Northville Industries Corp.*, Supreme Court of New York, Suffolk County, No. 88-2085; *Benjamin Fishbein, et al. v. Resorts International, Inc., et al.*, No. 89 Civ.6043(MGC) (S.D.N.Y.); *In re: Avon Products, Inc. Securities Litigation*, No. 89 Civ. 6216 (MEL) (S.D.N.Y.); *In re: Chase*

Manhattan Securities Litigation, Master File No. 90 Civ. 6092 (LJF) (S.D.N.Y.); *In re: FPL Group Consolidated Litigation*; Case No. 90-8461 Civ. Nesbitt (S.D. Fla.); *Daniel Hwang, et al v. Smith Corona Corp., et al*, Consolidated No. B89-450 (TFGD) (D. Ct.); *In re: Lomas Financial Corp. Securities Litigation*, C.A. No. CA-3-89-1962-G (N.D. Tex.); *In re: Tonka Corp. Securities Litigation*, Consolidated Civil Action No. 4-90-2 (D. Minnesota); *In re: Unisys Securities Litigation*, Master File No. 89-1179 (E.D. Pa.); *In re: Alcolac Inc. Litigation*, Master File No. CV490-261 (Cir. Ct. Saline Cty. Marshall, Missouri); *In re: Clozapine Antitrust Litigation*, Case No. MDL874 (N.D. Ill.); *In re: Jiffy Lube Securities Litigation*, C.A. No. JHY-89-1939 (D. Md.); *In re: Beverly Enterprises Securities Litigation*, Master File No. CV-88-01189 RSWL (Tex.) [Central District CA]; *In re: Kenbee Limited Partnerships Litigation*, CV-91-2174 (GEB) (D.N.J.); *Greentree v. Procter & Gamble Co.*, C.A. No. 6309, April Term 1991 (C.C.P. Phila. Cty.); *Moise Katz, et al v. Donald A. Pels, et al and Lin Broadcasting Corp.*, No. 90 Civ. 7787 (KTD) (S.D.N.Y.); *In re: Airlines Antitrust Litigation*, MDL No. 861 (N.D. GA.); *Fulton, Mehring & Hauser Co., Inc., et al. v. The Stanley Works, et al.*, No. 90-0987-C(5) (E.D. Mo.); *In re: Mortgage Realty Trust Securities Litigation*, Master File No. 90-1848 (E.D. Pa.); *Benjamin and Colby, et al. v. Bankeast Corp., et al.*, C.A. No. C-90-38-D (D.N.H.); *In re: Royce Laboratories, Inc. Securities Litigation*, Master File Case No. 920923-Civ-Moore (S.D. Fla.); *In re: United Telecommunications, Inc. Securities Litigation*, Case No. 90-2251-0 (D. Kan.); *In re: U.S. Bioscience Securities Litigation*, C.A. No. 92-678 (E.D. Pa.); *In re: Bolar Pharmaceutical Co., Inc. Securities Litigation*, C.A. No. 89 Civ. 17 (E.D. N.Y.); *In re: PNC Securities Litigation*, C.A. No. 90-592 (W.D. Pa.); *Raymond Snyder, et al. v. Oneok, Inc., et al.*, C.A. No. 88-C-1500-E (N.D. Okla.); *In re: Public Service Company of New Mexico*, Case No. 91-0536M (S.D. Cal.); *In re: First Republic Bank Securities Litigation*, C.A. No. CA3-88-0641-H (N.D. Tex, Dallas Division); and *In re: First Executive Corp. Securities Litigation*, Master File No. CV-89-7135 DT (C.D. Calif.).

EXHIBIT “B”

BOSLEY DATA BREACH LITIGATION			
4/3/2021	Schaffer, Charles	Investigate and research scope of data breach including reviewing notice letter sent by Bosley regarding data breach, reports of investigation by Main AG regarding data breach and conducting further investigation re: case investigation	0.75
4/3/2021	Schaffer, Charles	Review information regarding potential class rep plaintiffs circulated by Jeff Goldenberg re: vetting of plaintiffs for complaint	0.75
4/3/2021	Schaffer, Charles	Review and revised draft of complaint	1.25
4/9/2021	Schaffer, Charles	Review update from Jeff Goldenberg on status of vetting of class rep re: vetting of plaintiffs for complaint	0.25
4/18/2021	Schaffer, Charles	Receive and review email from proposed local counsel Martin Kiehl discussing changes to the complaint; draft email to Gary Mason and Jeff Goldenberg regarding changes to complaint and replacing local counsel	0.5
4/19/2020	Schaffer, Charles	Email communications/discussions with Gary Mason and Jeff Goldenberg regarding changes to complaint and retaining local counsel	0.25
4/20/2021	Schaffer, Charles	Review email from Gary Mason discussing other case on file by Andersen Berry, coordinating with Berry and relating cases and mediation; draft reply emails discussing same	0.25
4/20/2021	Schaffer, Charles	Review and approve updated/revised complaint with new class rep allegations; email communications/discussions with Ex Kano S. Sams II (local counsel) , Jeff Goldenberg and Gary Mason discussing edits to complaint	0.5
4/21/2021	Schaffer, Charles	Review email from Ex Kano S. Sams II (local counsel)with attached complaint on file and providing information and forms for PHV; draft email to Danielle Guardiani regarding PHV	0.25
4/21/2021	Schaffer, Charles	Receive and review emails from Jeff Goldenberg and Gary Mason discussing retention of new local counsel and filing of cases and case on file by Andersen Berry, Review complaint filed by Andersen Berry, email communications/discussions with Jeff Goldenberg, Gary Mason and local counsel Ex Kano S. Sams II regarding withdrawl of local counsel and conolidation of cases	0.75
4/22/2021	Schaffer, Charles	Email communications/discussions with Jeff Goldenberg and Gary Mason regarding other case on file by Andersen Berry and coordinating with Berry and relating/consolidating cases; email communications/discussions with Jeff Goldenberg, Gary Mason and Andersen Berry regarding relating /consolidating cases	0.25
4/22/2021	Schaffer, Charles	Email communications/discussions with Ex Kano S. Sams II and Danielle Guardiani regarding PHV	0.25
4/27/2021	Schaffer, Charles	Review draft of amended CAC circulated by David Lietz, edits/comments from Jeff Goldenberg and draft comments with approval of complaint and eliminating claims re: amended complaint	1
4/28/2021	Schaffer, Charles	Review and approve draft stip to file FAC; receive and review emails of David Lietz and Jeff Goldenberg approval of complaint by plaintiff Bowden re: FAC re: amended complaint	0.25

5/24/2021	Schaffer, Charles	Receive and review email of David Lietz summarizing discussions with Anderson Berry and defense counsel regarding mediation; email communications/discussions with David Lietz and Jeff Goldenberg regarding call with defense regarding mediation re: mediation	0.25
5/24/2021	Schaffer, Charles	Receive and review summary of call with Anderson Berry and defense counsel regarding mediation with request for list of mediators from David Lietz; email communications/discussions with David Lietz, Gary Mason, Gary Klinger and Jeff Goldenberg regarding mediators re: mediation	0.5
5/25/2021	Schaffer, Charles	Research list of mediators and propose mediators including Ben Picker, Diane Welsh and others to David Lietz, Gary Mason, Gary Klinger and Jeff Goldenberg re: mediation	1
7/9/2021	Schaffer, Charles	Receive and review email of mediator Ben Picker regarding mediation and enclosing terms of engagement form; email communications/discussions with co-counsel Gary Mason and Jeff Goldenberg regarding same re: mediation	0.25
7/11/2021	Schaffer, Charles	Receive and review email of mediator Ben Picker regarding mediation and mediation statements re: mediation	0.25
7/12/2021	Schaffer, Charles	Receive and review email of mediator Ben Picker regarding mediation and pre mediation conference; emails from co-counsel regarding times for premeditation conference re: mediation	0.25
7/20/2021	Schaffer, Charles	Receive and review email of mediator Ben Picker regarding mediation and enclosing terms of engagement form; email communications/discussions with co-counsel Gary Mason and Jeff Goldenberg regarding same re: mediation	0.25
9/2/2021	Schaffer, Charles	Receive and review emails from David Lietz discussing Ben Pickers continued negotiations with defense; email communications/discussions with co-counsel David Lietz, Andersen Berry and Jeff Goldenberg regarding dual offers on fees; review mediators proposal; draft email to co-counsel regarding accepting proposal; review email from David Lietz regarding defense accepting mediators proposal re: settlement	0.5
11/24/2021	Schaffer, Charles	Review and revise draft settlement agreement and forward edits and comments to David Lietz re: settlement	3.75
12/2/2021	Schaffer, Charles	Review notice of settlement; Review order setting prelim. approval briefing schedule	0.25
1/4/2021	Schaffer, Charles	Review final draft of preliminary motion, memo, declaration, notice forms. Claim forms, notice provider declaration and related documents circulated by David Lietz re: settlement	2.5
1/6/2021	Schaffer, Charles	Review revised and clean versions of draft of preliminary approval motion, memo, declaration, notice forms. Claim forms, notice provider declaration and related documents circulated by defense counsel Theresa Chow; review email of David Lietz with changes and additions to Settlement agreement notice provider declaration, memorandum of law with missing information supplied, notice forms (post card, short form and long form); receive and review comments of defense counsel Theresa Chow to plaintiffs proposed edits re: settlement	2.75
1/6/2021	Schaffer, Charles	Review, execute and forward settlement agreement to David Lietz re: settlement	0.25

1/6/2021	Schaffer, Charles	Receive and review email from Andersen Berry with proposed dates for preliminary approval motion; draft reply email with availability for hearing re: settlement	0.25
1/6/2021	Schaffer, Charles	Receive, review and approve revised notice declaration circulated by defense counsel Theresa chow Re-settlement - notice	0.25
1/6/2021	Schaffer, Charles	Review and approve joint declaration of Andersen Berry and Jeff Goldenberg in support of preliminary approval of settlement re: settlement	0.75
3/3/2022	Schaffer, Charles	Receive and review emails between defense counsel Theresa Chow and co-counsel Andersen Berry regarding logistics for claims administration and financial shield services(injunctive relief) re: claims admin	0.25
3/11/2022	Schaffer, Charles	Review drafts of long form notice, short form notice and claim forms circulated by Jeremy Talvera of CPT claims admin's draft comments for discussion with co-counsel re: claims admin	0.75
3/18/2022	Schaffer, Charles	Receive and review emails from Jeremy Talvera of from CPT claims admin and co-counsel Andersen Berry, David Lietz and Gary mason regarding class counsel and drafts of long form notice, short form notice and claim forms; review and approve notice and claim forms and email Andersen Berry of approval re: claims admin and notice	0.5
3/18/2022	Schaffer, Charles	Receive and review comments and proposed changes to claim forms and notice circulated by defense counsel Theodore Weiss; review reply email of Andersen Berry regarding class counsel discussing proposed changes; review reply email of claims administrator regarding proposed changes re: claims admin and notice	0.5
3/18/2022	Schaffer, Charles	Receive and review email of Andersen Berry to David Lietz regarding notice forms and claim forms reflecting and incorporating recent changes to settlement agreement and reply email of D. Lietz regarding same; review email of Gary mason discussing same re: claims admin and notice	0.25
3/19/2022	Schaffer, Charles	Email communications/discussions with Gary Mason and Jeff Goldenberg regarding class counsel and proposed addition of David Lietz to claims forms, notice and settlement agreement re: settlement	0.25
3/20/2022	Schaffer, Charles	Email communications/discussions with Gary Mason and Jeff Goldenberg regarding class counsel and proposed addition of David Lietz to claims forms, notice and settlement agreement re: settlement	0.25
3/21/2022	Schaffer, Charles	Receive and review emails of Andersen Berry to Jeremy Talvera of from CPT (claims admin) discussing changes to notice and adding class counsel to notice, reply email from Jeremy Talvera(claims admin) re: claims admin and notice	0.25
3/21/2022	Schaffer, Charles	Email communications/discussions with Gary Mason, Andersen Berry and Jeff Goldenberg regarding class counsel and proposed addition of David Lietz to claims forms, notice and settlement agreement re: settlement	0.25
3/21/2022	Schaffer, Charles	Receive, review and approve proposed changes to notice forms and claim forms proposed by defense counsel and circulated by Jeremy Talvera from CPT (claims admin) re: claims admin and notice	0.25

3/21/2022	Schaffer, Charles	Receive and review emails between Andersen Berry and defense counsel Theresa Chow regarding proposed changes to settlment and impact from delay of implementing settlement re: claims admin and notice	0.25
3/22/2022	Schaffer, Charles	Email communications/discussions with Gary Mason, Andersen Berry. David Lietz and Jeff Goldenberg discussing and approving defense changes to notice and claim forms re: claims admin and notice	0.25
3/22/2022	Schaffer, Charles	Review and approve revised notices and claim forms circulated by claims administrator re: claims admin and notice	0.25
3/23/2022	Schaffer, Charles	Receive and review additional changes to notice forms and claim forms and settlement agreement circulated by defense counsel Therasa Chow and emails by counsel discussing and approving changes re: claims admin and notice	0.5
3/30/2022	Schaffer, Charles	Review order granting parties ex parte application to modify settlement agreement; email of defense counsel regarding changes to notice and claims forms re: settlment	0.25
3/31/2022	Schaffer, Charles	Review and approve revised claim forms and notice forms circulated by claims admin re: claims admin and notice	0.25
3/31/2022	Schaffer, Charles	Review emails of Steve Ruggeri of Financial Shield regarding notices and claim forms in relation to credit monitoring benefits under settlement and action items to implementt settlement re: settlement	0.25
6/1/2022	Schaffer, Charles	Review claims report from CPT for May 2022 and analyze claims rate; review emails from co-counsel Andersen Berry and Jeff Goldenberg regarding claims rate and reminder notice ; review and analyze similar data breech claims rates and approval of notice and settlements re: claims admininstration	0.5
6/1/2022	Schaffer, Charles	Review and analyze similar data breech claims rates in settlements; approval of notice and settlements and reminder notice plans re: claims admin	3.5
6/3/2022	Schaffer, Charles	Review claims report for week of 6/3/22 circulated by claims admin re: claims admin	0.25
6/4/2022	Schaffer, Charles	Receive and review inquiries (phone messages) from class members regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	1.25
6/4/2022	Schaffer, Charles	Review settlement agreement, preliminary approval motion/memo of law and order, settlement webpage, claim form and material regarding financial shield protection in preparation of contacting and answering class members phone calls re: claims admin	4.25
6/5/2022	Schaffer, Charles	Review settlement agreement, preliminary approval motion/memo of law and order, settlement webpage, claim form and material regarding financial shield protection in preparation of contacting and answering class members phone calls re: claims admin	3.25
6/5/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5

6/5/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.25
6/5/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.75
6/5/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/6/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/6/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.75
6/6/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/6/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/7/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/7/2022	Schaffer, Charles	Receive and review objection to settlement lodged by Peter Henderson, Jude Milson re: objections settlement	0.5
6/7/2022	Schaffer, Charles	Email communications/discussions with co-counsel Andersen Berry, Gary Mason and Jeff Goldenberg regarding objection re: objections settlement	0.25
6/7/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/7/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/8/2022	Schaffer, Charles	Telephone conversation with class member regarding benefits available under settlement, rights under the settlement, how to file claim re: claims administration	0.5
6/10/2022	Schaffer, Charles	Review and analyze weekly claims report as of 6/10/22 circulated by claims admin re: claims administration	0.5
6/11/2022	Schaffer, Charles	Receive and review objection to settlement lodged by Peter Henderson, Jude Milson, draft outline of response for discussion with co counsel re: objections settlement	2.25
6/13/2022	Schaffer, Charles	Receive and review email from co-counsel Anderson Berry regarding setting call to discuss objections with defense counsel and drafting response; review reply emails of co-counsel Gary Mason and Jeff Goldenberg regarding same; draft reply email regarding objection response re: objections settlement	0.25

6/14/2022	Schaffer, Charles	Review summary of conference call regarding opposition to objection circulated along with outline of response to objection by Jeff Goldenberg; draft email reply regarding LSB assignment and setting up call to discuss same re: objections settlement	0.5
6/15/2022	Schaffer, Charles	Review objection to settlement based on clear sailing provision, research 9th circuit case law, draft outline for response along with massage envy case (9th cir) and forward to Nick Elia for drafting response re: objections settlement	3.25
6/16/2022	Schaffer, Charles	Receive and review email correspondence from defense counsel Theresa Chow discussing defendant's agreement to send reminder notice re: notice	0.25
6/17/2022	Schaffer, Charles	review weekly claims report circulated by claims administrator re: claims administration	0.25
6/18/2022	Schaffer, Charles	Receive and review sample reminder notice circulated by Jeff Goldenberg, draft reminder notice circulated by Anderson berry; draft edits to reminder notice and forward to Jeff Goldenberg and Anderson berry re: notice	0.5
6/20/2022	Schaffer, Charles	Review edits to reminder notice circulated by David Leeds; draft email to David Leeds and co-counsel excepting proposed changes re: reminder notice; receive and review email of Jeff Goldenberg regarding adding effective date to the reminder notice; draft email reply regarding same re: reminder notice	0.5
6/21/2022	Schaffer, Charles	Receive and review emails from Robert Sherwood regarding response to objection about clear sailing provision and collusion, review settlement agreement and objection, draft response to bob Sherwood's email regarding clear sailing provision re: objections settlement	0.5
6/21/2022	Schaffer, Charles	Review and revise draft section dealing with clear sailing provision in opposition to objection to settlement circulated by Nick Elia re: objections settlement	1.25
6/21/2022	Schaffer, Charles	Receive and review emails from Robert Sherwood and Jeff Goldenberg regarding settlement agreement containing or not containing clear sailing provision; draft reply emails with analysis of settlement agreement language = clear sailing provision re: objections settlement	0.5
6/21/2022	Schaffer, Charles	Review and approve draft section re California claims to response to objection circulated by Nick Elia re: objections settlement	1
6/21/2022	Schaffer, Charles	Receive and review email from David Leitz summarizing conversation with defendants regarding opposition to objection to settlement, summarizing opposition to arguments from California pizza objection and attaching reply brief re: objection	0.75
6/21/2022	Schaffer, Charles	Receive and review defendant's revisions to draft of the reminder notice, comments of Andersen Berry, draft email to co-counsel Andersen Berry, Jeff Goldenberg and gary mason with comments about the reminder notice ; review email of Jeff Goldenberg with comments about same re: reminder notice	0.5

6/21/2022	Schaffer, Charles	Receive and review emails from Jeff Goldenberg and Andersen Berry discussing additional changes to reminder notice including referencing financial shield protection; draft reply email regarding additions to reminder notice re: reminder notice	0.25
6/21/2022	Schaffer, Charles	Review and approve revised section of opposition to objection regarding clear sailing provision circulated by Nick Elia re: objection to settlement re: objections settlement	0.5
6/22/2022	Schaffer, Charles	Receive and review email of Jeff Goldenberg regarding settlement website not listing financial shield benefits (credit protection), review settlement webpage and draft email to Jeff Goldenberg, defense counsel and claims admin regarding revisions to settlement webpage, review email of claims admin re changes to webpage, review webpage to confirm changes made re: notice	0.75
6/23/2022	Schaffer, Charles	Receive and review email of defense counsel Theresa Chow discussing defendants additions to reminder notice along with revised draft; email communications/discussions with co-counsel Jeff Goldenberg, Andersen Berry and David Lietz regarding defendants changes to reminder notice re: reminder notice	0.5
7/29/2021	Elia, Nicholas	Draft mediation statement	0.5
7/30/2021	Elia, Nicholas	Draft mediation statement	1
8/2/2021	Elia, Nicholas	Draft mediation statement	3.5
6/15/2022	Elia, Nicholas	Review and analyze settlement approval objection brief re: objections to settlement	0.5
6/15/2022	Elia, Nicholas	Call with Jeff Goldenberg re responding to objection	0.25
6/15/2022	Elia, Nicholas	Research and draft clear sailing and California statutory payment arguments for response to objection	1.5
6/20/2022	Elia, Nicholas	Research and draft clear sailing and California statutory payment arguments for response to objection	1.5
6/21/2022	Elia, Nicholas	Research and draft clear sailing and California statutory payment arguments for response to objection	3
		TOTAL	73.25

Exhibit D

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

KEN HASHEMI, STEVE
ALTES, SANDRA JOHNSON-
FOSTER, GREGORY BOUTE
RAFAEL ARTIME, and JOHN
BOWDEN as individuals and all
others similarly situated,

Plaintiffs,

vs.

BOSLEY, INC.,

Defendant.

Case No.: 2:21-cv-00946-PSG(RAOx)

**DECLARATION OF GARY E. MASON
IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR
ATTORNEYS' FEES AND COSTS AND
SERVICE AWARDS**

I, Gary E. Mason being competent to testify, make the following declaration:

1. I have been licensed to practice law in the state of New York since 1988 and the District of Columbia since 1989. I am also admitted to practice in the State of Maryland, the numerous District Courts, U.S. Courts of Appeals, and the U.S. Supreme Court. I submit this declaration in support of Plaintiffs' Unopposed Motion for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to Representative Plaintiff. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them if called upon to do so.

2. I am a founding Partner of Mason LLP, formerly known as Mason Lietz & Klinger LLP, and have decades of litigation and class action experience. Mason LLP attorneys have served as Lead Counsel, Co-Counsel or Class Counsel on dozens of class actions ranging from defective construction materials, (i.e. defective radiant

heating systems, siding, shingles, and windows), to misrepresented and recalled products (e.g., dog food, prenatal vitamins), and environmental incidents (the Exxon Valdez, BP Oil Spill).

3. These cases include: *In re Hill's Pet Nutrition, Inc. Dog Food Prods. Liab. Litig.*, MDL No. 2887, No. 2:19-md-02887 (D. Kan.) (final approval granted Oct. 2021), where I served as court-appointed Co-Lead Counsel; *In re DevaCurl Litigation*, Master File No. 1:20-cv-01234-GHW (S.D.N.Y.) (final approval granted January 3, 2022), where I served as court-appointed Co-Lead Counsel; *Cox v. Shell Oil Co.*, No. 18844, 1995 WL 775363 (Ch. Ct. Tenn., July 31, 1995) (defective polybutylene pipe; \$950 million settlement); *Hobbie v. RCR Holdings, II, LLC*, No. 10-113, MDL No. 2047 (E.D. La. filed April 20, 2010) (354 unit condominium built with Chinese Drywall; settlement for complete remediation at cost of \$300 million); *Adams v. Fed. Materials*, No. 5:05-CV-90-R, 2006 WL 3772065 (W.D. Ky. Dec. 19, 2006) (350 owners of commercial and residential property whose structures were built with defective concrete; \$10.1 million settlement); *In re MI Windows & Doors Inc. Prod. Liab. Litig.*, No. 2:12-MN-00001-DCN, MDL No. 2333, 2015 WL 4487734 (D.S.C. July 23, 2015) (defective windows; claims made settlement for over 1 million homes); *In re Synthetic Stucco Litig.*, No. 5:96-CV-287-BR(2), 2004 WL 2881131 (E.D.N.C. May 11, 2004) (settlements with four EIFS Manufacturers for North Carolina homeowners valued at more than \$50 million); *Posey v. Dryvit Sys., Inc.*, No. 17,715-IV, 2002 WL 34249530 (Tenn. Cir. Ct. Oct. 1, 2002) (Co-Lead Counsel; national class action settlement provided cash and repairs to more than 7,000 claimants); *Galanti v. Goodyear Tire & Rubber Co.*, No. 03CV00209, 2004 WL 6033527 (D.N.J. Nov. 17, 2004) (Class counsel; defective radiant heating systems; \$330 million settlement); and *In re Zurn Pex Prod. Liab. Litig.*, No. 08-MDL-1958, 2013 WL 716088 (D. Minn. Feb. 27, 2013) (Plaintiffs' Executive Committee; +\$20 million claims made settlement).

4. I have been prosecuting privacy cases since the early 2000's when I was the first attorney in legal history to successfully settle a privacy case on a class-wide basis against Google.¹ Soon thereafter, I achieved a substantial settlement with the Department of Veterans Affairs after the District Court for the District of Columbia rendered a seminal opinion on the federal Privacy Act.² More recently, I am serving as the Court-appointed Liaison Counsel in litigation arising from a major data breach of the U.S. Office of Personnel Management.³

5. Drawing on decades of class action and data breach expertise, Mason LLP is one of the leading firms representing victims of health care data breaches in the United States today. Few, if any, firms have litigated and successfully settled as many health care data breach cases as we have. Mason LLP is currently prosecuting over a dozen class actions involving data breaches or the improper use of personal information, nearly all of which directly relate to data breaches of health care related companies like Bosley, Inc. (e.g., hospitals, nursing homes, third-party health insurance administrators, medical practices, payroll servicers and testing laboratories).

6. It is noteworthy that in just the last couple of years, I (either individually or as a member of my firm) have served as class counsel and/or worked successfully to obtain final resolution in numerous data breaches class actions including:

- a. *Bailey v. Grays Harbor County Public Hospital District et al.*, Case No. 20-2-00217-14 (Grays Harbor County Superior Court, State of

¹ *In re Google Buzz Priv. Litig.*, No. 5:10-cv-00672-JW (N.D. Cal.) (Lead Counsel). I served as Court-appointed Lead Counsel in a class action against Google alleging that the automatic enrollment of Gmail users in Google Buzz caused the public disclosure of Gmail users' information such as contact lists, profile information, and Picasa and YouTube postings. The Hon. James Ware (Ret.) approved a \$10 million settlement fund.

² *In re Dep't of Veterans Affs. (VA) Data Theft Litig.*, No. 1:06-mc-00506-JR, MDL No. 1796 (D.D.C.) (Co-Lead Counsel). I served as Co-Lead in a class action against the U.S. Department of Veteran Affairs alleging the VA permitted unauthorized parties to acquire the PII of 28.5 million military veterans and active duty personnel. After defeating the government's motion to dismiss (*see In re VA Data Theft Litig.*, 2007 U.S. Dist. LEXIS 96696 (D.D.C.)) the case was settled by the creation of a \$20 million settlement fund.

³ *In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig.*, No. 1:15-cv-01394-ABJ, MDL No. 2664 (D.D.C.) (Liaison Counsel). I served as Liaison Counsel for a committee of five firms in a class action against the U.S. Office of Personnel Management ("OPM") alleging the OPM permitted unauthorized parties to acquire the PII of 21.5 million current and former federal employees, job applicants, contractors, and relatives.

Washington) (Mr. Mason appointed class counsel in hospital data breach class action; final approval granted Sept. 2020);

- b. *Mowery et al. v. Saint Francis Healthcare System*, Case No. 1:20-cv-00013-SRC (E.D. Mo.) (Mr. Mason appointed class counsel; final approval granted Dec. 2020);
- c. *Baksh v. Ivy Rehab Network, Inc.*, Case No. 7:20-cv-01845-CS (S.D.N.Y.) (Mr. Mason appointed class counsel in a data breach class action settlement; final approval granted Feb. 2021);
- d. *Chatelain et al. v. C, L and W PLLC d/b/a Affordacare Urgent Care Clinics*, Case No. 50742-A (42nd District Court for Taylor County, Texas) (data breach class action settlement valued at over \$7 million; final approval granted Feb. 2021);
- e. *Kenney et al. v. Centerstone of America, Inc.*, Case No. 3:20-cv-01007 (M.D. Tenn.) (data breach class action settlement involving over 63,000 class members; final approval granted August 2021);
- f. *Jackson-Battle v. Navicent Health, Inc.*, Civil Action No. 2020-CV-072287 (Superior Court of Bibb County, Georgia) (data breach case involving 360,000 patients; final approval granted Aug. 2021);
- g. *Chacon v. Nebraska Medicine*, Case No. 8:21-cv-00070-RFR-CRZ (D. Neb) (data breach settlement, final approval granted September 2021);
- h. *Richardson v. Overlake Hospital Medical Center et al.*, Case No. 20-2-07460-8 SEA (King County Superior Court, State of Washington) (data breach class action involving approximately 109,000 individuals, final approval granted Sept. 2021);
- i. *Martinez et al. v. NCH Healthcare System, Inc.*, Case No. 2020-CA-000996 (Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida) (data breach class action settlement, final approval granted Oct. 2021);
- j. *Carr et al. v. Beaumont Health et al.*, Case No. 2020-181002-NZ (Circuit Court for the County of Oakland, Michigan) (data breach class action involving 112,000 people; final approval granted Oct. 2021);

- k. *Klemm et al. v. Maryland Health Enterprises Inc.*, Case No. C-03-CV-20-022899 (Circuit Court for Baltimore County, Maryland) (Mr. Mason appointed class counsel, final approval granted November 2021);
- l. *Cece et al. v. St. Mary's Health Care System, Inc. et al.*, Civil Action No. SU20CV0500 (Superior Court of Athens-Clarke County, Georgia) (data breach case involving 55,652 people; final approval granted April 2022);

7. Apart from data breach and privacy class actions, I was recently appointed to serve as Co-Lead Counsel in *SoClean, Inc., Marketing, Sales Practices and Products Liability Litigation*, MDL No. 3021 (W.D. Pa.). I also currently serve as Court-appointed Co-Lead Counsel in *In re Hill's Pet Nutrition, Inc. Dog Food Prods. Liab. Litig.*, No. 2:19-md-02887-JAR-TJJ, MDL No. 2887, a consumer class action in which resolved with a \$12.5 million common fund and I am Court-appointed Co-Lead Counsel in *In re DevaCurl Hair Prods. Litig.*, No. 1:20-cv-01234-GHW (S.D.N.Y.), which was resolved by the creation of a \$5.2 million settlement fund. Additional notable cases I have litigated include:

- a. *In re Swanson Creek Oil Spill Litig.*, No. PJM-00-1429 (D. Md.) (Lead Counsel) (Messetti, J.) (Mr. Mason was Lead Counsel in a case arising from the largest oil spill in history of State of Maryland. The case was resolved on a class-wide basis for area property owners with the creation of a \$2.25 million settlement fund).
- b. *Kendrick v. Standard Fire Ins. Co.*, No. 06-141-DLB (E.D. Ky.) (Lead Counsel). (Mr. Mason served as Lead Counsel in a class action against eleven insurance companies alleging improper collection of local government premium taxes. After the class was certified by the Hon. David L. Bunning, *see Kendrick v. Standard Fire Ins. Co.*, No. 06-141-DLB, 2010 U.S. Dist. LEXIS 135694 (E.D. Ky. Sept. 30, 2010), & *aff'd on appeal*, *Young v. Nationwide Mut. Ins. Co.*, 693 F.3d 532 (6th Cir. 2012) (Stranch, J.), in an oft-cited opinion (235 citations to date), all defendants settled by

creating settlement funds and directly refunding its insureds. Judge Bunning can be reached at the USDC, Eastern District of Kentucky, 35 W. 5th St., Covington, KY 41011 or at (859) 392-7907).

- c. *Galanti v. Goodyear Tire & Rubber Co.*, No. 3:03-cv-00209-SC (D.N.J.) (Co-Lead Counsel) (I served as Co-Lead Counsel in a class action against Goodyear alleging that the tubing it supplied for certain radiant heating systems was defective. The Hon. Stanley Chesler approved a \$330 million settlement fund. Judge Chesler may be reached at USDC, District of New Jersey, Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 State St., Trenton, NJ 08608 or at (973) 645-3136).
- d. *Hobbie v. RCR Holdings II, LLC*, No. 2:10-cv-01113-EEF (E.D. La.) (Co-Lead Counsel) (I served as Co-Lead Counsel in a class action against various manufacturers of Chinese drywall and the builder of a 354-unit condominium built with Chinese drywall. The Hon. Eldon E. Fallon approved a settlement for complete remediation at cost of over \$30 million. Judge Fallon may be reached at the USDC, Eastern District of Louisiana, U.S. Courthouse, 500 Poydras St., New Orleans, LA 70130 or at (504) 589-754).

8. Mason LLP also serves as Court-appointed Liaison Counsel in *In re U.S. Off. of Pers. Mgmt. Data Security Breach Litig.*, 266 F. Supp. 3d 1 (D.D.C. 2017).

MASON LLP WORK

9. Class Counsel's efforts in this case over the course of this matter, have resulted in a Class Settlement providing substantial benefit for Settlement Class Members. I assert that the attorneys' fees sought in the motion for attorneys' fees are reasonable and seeks fair and reasonable compensation for undertaking this case on a contingency basis, and for obtaining the relief for Plaintiffs and the Settlement Class. Throughout this action, Class Counsel have been challenged by highly

experienced and skilled Defense counsel who had the ability to deploy substantial resources on behalf of their respective client.

10. Mason LLP's work on this matter includes: investigating this case; drafting and finalizing complaints; attentively tracking news and announcements concerning the Data Incident; consolidating the cases before this Court; conducting informal discovery leading up to the mediation; preparing for and attending mediation; obtaining post-mediation information; negotiating a complex Settlement Agreement; discussing the notice and administration plans with the Settlement Administrator to ensure compliance with Due Process; negotiating and drafting the Settlement Agreement; moving for and successfully obtaining preliminary approval; working in concert with the Settlement Administrator; reviewing notices; monitoring the Notice Program and claims administration; planning and drafting the motions for final approval and for attorneys' fees, costs, expenses and service award. I provided assistance while being mindful to avoid duplicative efforts both within my firm and with Co-Counsel.

11. As part of the Settlement Agreement, Defendant has agreed to pay for the entire cost of Claims Administration and Notice separately from any funds made available to the class.

12. As a result of the Complaint and its allegations and the research and efforts Plaintiff's Counsel performed in drafting it, Defendant agreed to settlement negotiations and mediation to seek an early resolution to the dispute.

13. On August 27, 2021, the Parties reached an agreement as to the material terms of the settlement, but could not come to final agreement on all terms. Mediator Bennett G. Picker, Esq. then made a mediator's proposal and both parties ultimately accepted that proposal.

14. As part of the process, co-counsel, along with my then partner David Lietz, spent many hours crafting the confidential Term Sheet to memorialize the central terms of the settlement.

15. Over the course of the following weeks, co-counsel and Mr. Lietz diligently negotiated, drafted, and finalized the settlement agreement, notice forms, and came to an agreement on a claims process and administrator with Defense counsel.

16. The Settlement Agreement was finalized by the parties the first week of January 2022.

17. Co-counsel, with Mason LLP, then diligently worked to effectuate the Settlement Agreement including drafting and filing the Motion for Preliminary Approval and the Motion for Final Approval, filed concurrently with the instant motion.

18. The Court Preliminarily approved the settlement on February 22, 2022.

19. Continuing through today I have continued to work with co-counsel, Defendant and the Claims Administrator regarding claims administration and processing.

20. Based on my experience I expect to spend additional hours seeking final approval, defending the Settlement from objections, and supervising claims administration and the distribution of proceeds.

21. David Lietz and Gary Klinger, my former Partners, as well as Danielle Perry, my current Partner, assisted in this matter with respect to legal strategy, drafting motions, mediation and settlement negotiations, and completing legal research. They provided assistance while being mindful to avoid duplicative efforts.

22. David Beiss, a former Legal Fellow at Mason LLP, assisted in the inception of this case, researching Defendant and potential causes of action, and assisting in the drafting of the complaint.

23. Taylor Heath, a paralegal at Mason LLP, and Sandra Martin, a former paralegal at Mason LLP, assisted me and the other members of my firm in this matter with respect to: reviewing and finalizing filings, organizing and calendaring events, drafting and revising motions and other papers filed in this matter. They provided assistance while being mindful to avoid duplicative efforts.

24. The hourly rates of the professionals at Mason LLP reflect our experience. The rates of \$875 per hour for me, \$800 for David Lietz, \$800 for Gary Klinger, \$700 for Danielle Perry, \$350 for David Beiss, and \$170 for Taylor Heath and Sandra Martin, are within the lower end of the range of hourly rates charged by our contemporaries and are the customary rates charged by the Mason LLP.

25. The lawyers and other professional staff of Mason LLP maintain and record their respective time and the specific services they perform contemporaneously in a computerized system. Based upon the records in this system, the lodestar of the Mason LLP is in excess of 144 hours as of July 1, 2022, amounting to \$100,677.

26. Additional time will be spent to further respond to any objections, prepare for and attend the fairness hearing and obtain final approval, communicate with defense counsel, the class administrator and Class Members, and to assist with any appeal.

27. I assert that the attorneys' fees sought for Mason LLP personnel in the motion for attorneys' fees are reasonable, and my firm seeks fair and reasonable compensation for undertaking this case on a contingency basis and for obtaining the relief for Plaintiff and the Class.

28. My rates have been recently approved in numerous other class action cases in federal courts, including but not limited to: *Hill, et al v. Canidae Corporation*, No. 5:20-cv-1374 (C.D. Cal., Sept. 29, 2021) (approving Mr. Mason's rate of \$875 per hour and all rates submitted by Mason LLP (formerly known as

Mason Lietz & Klinger LLP)); *Newman v. Metropolitan Life Ins. Co.*, No. 1:20-2016-cv-03530 (N.D. Ill., Jan. 16, 2020) (same); *In re Adobe Systems Inc. Privacy Litig.*, No. 5:13-cv-05226 (N.D. Cal. 2015).

29. The chart below reflects the amount of time spent by members of Mason LLP in the investigation and prosecution of this case through June 30, 2022:

Timekeeper	Rate	Total Hours	Total Amount
Gary E. Mason	\$875	16.2	\$14,175
David Lietz	\$800	78.9	\$63,120
Gary Klinger	\$800	8.6	\$6,880
Danielle Perry	\$700	13.9	\$9,730
David Beiss	\$350	12.5	\$4,375
Taylor Heath	\$170	7.2	\$1,224
Sandra Martin	\$170	6.9	\$1,173
Totals:		144.2	\$100,677

30. We expended a significant amount of time litigating this matter and securing the Settlement. The expenditure of time on this case precluded our employment on other cases. We took meaningful steps to ensure the efficiency of our work and to avoid duplicating efforts. I expect to maintain a high level of oversight and involvement, along with co-counsel, as the case continues, and anticipate incurring significant additional lodestar. Detailed billing records are attached hereto as **Exhibit 1**.

31. Mason LLP's costs and expenses, totaling \$6,770.95, are detailed below. I assert they are reasonable, that they were derived from a computerized database maintained by individuals in the accounting office of my firm and checked for accuracy.

32. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred. It is anticipated that costs may continue to accrue, including, but not limited to, costs associated with preparation and filing of the motion for attorneys' fees and motion for final approval of the settlement.

Costs: Inception to 6/30/2022		
Category	Description	Cost
Court Costs	DC Bar – for PHV App	25.00
	Supreme Court Clerk	16.00
	DC Bar – for PHV App	25.00
	DC Bar – for PHV App	25.00
	Court of Appeals Clerk	7.00
Expert	Expert Costs	666.67
Mediation	Mediator Fees	2,000.00
	Mediator Fees	3,887.50
Office Exp. And Postage	FedEx	32.44
	FedEx	27.28
	FedEx	25.52
	FedEx	33.54
	Total:	\$6,770.95

I declare under penalty of perjury under the laws of the State of Maryland that the foregoing is true and correct. Executed this 6th day of July, 2022, at Bethesda, Maryland.

/s/ Gary E. Mason

Gary E. Mason

Exhibit 1

<u>Date</u>	<u>Project</u>	<u>Task</u>	<u>Notes</u>	<u>Hours</u>	<u>First Name</u>	<u>Last Name</u>	<u>Roles</u>	<u>Billable Rate</u>	<u>Billable Amount</u>
2/4/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to client contact and complaint	5.1	David	Beiss	Legal Fellow	350	1785
2/5/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to client contact and complaint	0.5	David	Beiss	Legal Fellow	350	175
2/9/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to client contact and complaint	0.6	David	Beiss	Legal Fellow	350	210
2/10/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to client contact and complaint	1.7	David	Beiss	Legal Fellow	350	595
2/12/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to client contact and complaint	2.1	David	Beiss	Legal Fellow	350	735
2/15/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to client contact and complaint	1.4	David	Beiss	Legal Fellow	350	490
2/15/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review client intake	0.1	Gary	Mason	Partner	875	87.5
3/24/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Complaint Draft	1.1	David	Beiss	Legal Fellow	350	385
4/2/21	Bosley, Inc.	Admin - Incl. Case File Management	Review sdraft complaint	0.4	Gary	Mason	Partner	875	350
4/7/21	Bosley, Inc.	Admin - Incl. Case File Management	EMs re complaint	0.2	Gary	Mason	Partner	875	175
4/16/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Review complaint	0.2	Gary	Mason	Partner	875	175
4/20/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Attention to complaint	0.2	Gary	Mason	Partner	875	175
4/21/21	Bosley, Inc.	Admin - Incl. Case File Management	Receipt and review of Complaint and initial case filings filed with the court. File administration.	0.3	Sandra	Martin	Paralegal	170	51
4/21/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails re: pro hac vice	0.1	David	Lietz	Partner	800	80
4/21/21	Bosley, Inc.	Admin - Incl. Case File Management	Save ECFs; Attn. to filing PHVs in 5 business days for DKL, GEM & GMK; Update Master Case List & To-do list	0.4	Taylor	Heath	Paralegal	170	68
4/22/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	phone call w/ Anderson Berry on Bosley data breach	0.5	Gary	Klinger	Partner	800	400
4/22/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Call with Anderson Berry re mediation strategy	0.5	Gary	Mason	Partner	875	437.5
4/22/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Call with Anderson Berry, Gary M, Gary K	1	David	Lietz	Partner	800	800
4/22/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Reviewed materials sent by Anderson; compiled email response and sent back to Anderson; emails with team	1	David	Lietz	Partner	800	800
4/22/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Telecon with Gary K	0.5	David	Lietz	Partner	800	400
4/23/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	& GEM; Order updated DC COGS for DKL; Send PHVs to Glancy to filing today; Order updated IL COGS for GMK to submit PHV next week	2.5	Taylor	Heath	Paralegal	170	425
4/23/21	Bosley, Inc.	Settlement	Revised draft term sheet per Anderson's request and sent to him	0.3	David	Lietz	Partner	800	240
4/23/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Email exchange with Anderson about amended complaint; email to CA local counsel to hold on pro hac	0.1	David	Lietz	Partner	800	80
4/27/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Combined Bowden complaint with Anderson Berry's draft FAC	2.5	David	Lietz	Partner	800	2000
4/27/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails with and telecon with Anderson Berry	0.2	David	Lietz	Partner	800	160
4/27/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails with team over combining two complaints	0.1	David	Lietz	Partner	800	80
4/27/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Find final copy of Complaint to send to DKL for re-formatting	0.3	Taylor	Heath	Paralegal	170	51
4/28/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Amended Complaint	0.5	David	Lietz	Partner	800	400
4/30/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Emails with co-counsel; reviewed FAC and proposed stipulation and sent to defense counsel	1.5	Sandra	Martin	Paralegal	170	255
4/30/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	G. Mason and D. Lietz and Proposed Orders. Draft PHV and Proposed Order of G. Klinger. Conf w. T. Heath. Email to local counsel re filing. File admin.	0.5	David	Lietz	Partner	800	400
4/30/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Drafted Rule 41 dismissal and arranged for filing	0.4	David	Lietz	Partner	800	320
4/30/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Reviewed stipulation and FAC; emails with Anderson Berry	0.3	David	Lietz	Partner	800	240
5/3/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails with Anderson over order on stipulation; reviewed draft order; emails with Anderson	0.2	David	Lietz	Partner	800	160
5/25/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Emails with Anderson Berry and with local counsel about putting FAC on file; getting PHVs on file	0.5	Gary	Klinger	Partner	800	400
5/25/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	confer re: potential mediators and settlement structures	0.8	David	Lietz	Partner	800	640
5/28/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	mediators	0.2	David	Lietz	Partner	800	160
6/1/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	team	0.1	David	Lietz	Partner	800	80
			Email with Anderson Berry re: research project						

6/8/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Attention to scheduling mediation	0.1 Gary	Mason	Partner	875	87.5
6/8/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Forwarded email about mediator selection to team; follow up emails about scheduling mediation	0.2 David	Lietz	Partner	800	160
6/9/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Emails about mediation date and forwarded to team	0.1 David	Lietz	Partner	800	80
6/10/21	Bosley, Inc.	Admin - Incl. Case File Management	Attn to email from D. Lietz re Bosley mediation. Calendar mediation date. File admin.	0.1 Sandra	Martin	Paralegal	170	17
6/10/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Received confirmation of August 12 mediation date from Picker and emailed team and paralegals	0.1 David	Lietz	Partner	800	80
6/21/21	Bosley, Inc.	Settlement	attention to mediation discovery requests	0.8 Gary	Klinger	Partner	800	640
6/21/21	Bosley, Inc.	Settlement	correspondence w/ Anderson Berry re: mediation preparation	0.3 Gary	Klinger	Partner	800	240
			Email with Gary K and Anderson Berry about searching for client data on dark web	0.1 David	Lietz	Partner	800	80
6/21/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails re: running dark web search on plaintiff	0.1 David	Lietz	Partner	800	80
6/28/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails about sending IRS notice to defense counsel	0.1 David	Lietz	Partner	800	80
6/29/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	correspond w/ expert re: dark web search	0.3 Gary	Klinger	Partner	800	240
7/2/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Call with Cheryl from Jeff Goldenberg's office with client info; call with Gary K; email to/from Anderson	0.2 David	Lietz	Partner	800	160
7/2/21	Bosley, Inc.	Fact/Investigation	Prepare for meeting with mediator	0.2 Gary	Mason	Partner	875	175
7/12/21	Bosley, Inc.	Fees/Expenses	phone call w/ mediator	0.8 Gary	Klinger	Partner	800	640
7/14/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	RE: Bosley: Mediation August 12, 2021	0.6 Gary	Mason	Partner	875	525
7/14/21	Bosley, Inc.	Fees/Expenses	Bosley: Mediation August 12, 2021 pre-cal; with Pickard	0.5 Gary	Mason	Partner	875	437.5
7/14/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Pre-mediation call with Ben Picker	0.7 David	Lietz	Partner	800	560
7/14/21	Bosley, Inc.	Discovery - Incl. Written or Oral	Email exchange with Anderson Berry re: documents produced	0.1 David	Lietz	Partner	800	80
7/23/21	Bosley, Inc.	Discovery - Incl. Written or Oral	Email to Teresa Chow to receive documents produced	0.1 David	Lietz	Partner	800	80
7/26/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Telecon with Gary K about drafting mediation statement; email to Jeff Goldenberg	0.3 David	Lietz	Partner	800	240
7/27/21	Bosley, Inc.	Discovery - Incl. Written or Oral	discovery; forwarded to Jeff Goldenberg for use in drafting mediation brief	0.3 David	Lietz	Partner	800	240
7/28/21	Bosley, Inc.	Discovery - Incl. Written or Oral	attention to Bosley mediation statement and document production	0.5 Gary	Klinger	Partner	800	400
7/29/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Pulled exemplar mediation statements for Goldenberg and emailed	0.2 David	Lietz	Partner	800	160
8/2/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	phone call re: mediation	0.8 Gary	Klinger	Partner	800	640
8/2/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Pre-mediation telecon with Anderson Berry and Gary K	1 David	Lietz	Partner	800	800
8/2/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Pulled term sheet and responded to Jeff G's email; email exchanges with co-counsel	0.3 David	Lietz	Partner	800	240
8/3/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Revised and redlined draft mediation brief; emails with team	2 David	Lietz	Partner	800	1600
8/3/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Emails re: pricing for Financial Shield for mediation	0.1 David	Lietz	Partner	800	80
8/3/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Telecon with Gary K to discuss attendees at mediation, strategy	0.2 David	Lietz	Partner	800	160
8/3/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attention to mediation statement	1.3 Gary	Klinger	Partner	800	1040
8/4/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	exhibits, sent to mediator and to paralegals with instructions to send hard copies	1.5 David	Lietz	Partner	800	1200
8/4/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	attention to mediation statement	0.8 Gary	Klinger	Partner	800	640
8/5/21	Bosley, Inc.	Admin - Incl. Case File Management	Attn to email from D. Lietz re mediation documents. Review of documents and save to file. Email to T. Heath re Fed Ex.	0.4 Sandra	Martin	Paralegal	170	68
8/5/21	Bosley, Inc.	Admin - Incl. Case File Management	Prep mediation docs for sending via FedEx overnight and take to FedEx for mailing; Ems. with DKL & SM re same	0.8 Taylor	Heath	Paralegal	170	136
8/5/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Emails with paralegals about FedEx mediation materials to Picker	0.1 David	Lietz	Partner	800	80
8/9/21	Bosley, Inc.	Admin - Incl. Case File Management	Pre-mediation call with Ben Picker and other plaintiffs' counsel	1.5 David	Lietz	Partner	800	1200
8/10/21	Bosley, Inc.	Settlement	Review email from DL to Ben Picker.	0.2 Gary	Mason	Partner	875	175
8/10/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Prepared and sent follow up email to mediator Picker	0.5 David	Lietz	Partner	800	400
8/11/21	Bosley, Inc.	Settlement	Prep for mediation	0.7 Gary	Mason	Partner	875	612.5

8/11/21	Bosley, Inc.	Settlement	Prepare for mediation; meeting with co-counsel	1.1	Gary	Mason	Partner	875	962.5
8/11/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Pre-mediation telecon with Anderson, Jeff, Gary M	0.8	David	Lietz	Partner	800	640
8/11/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Received and reviewed draft term sheet; emails with team	0.3	David	Lietz	Partner	800	240
8/11/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	information	0.1	David	Lietz	Partner	800	80
8/12/21	Bosley, Inc.	Settlement	Attention to EMs with mediator	0.3	Gary	Mason	Partner	875	262.5
8/12/21	Bosley, Inc.	Settlement	Mediation re Ben Picker	8	Gary	Mason	Partner	875	7000
8/12/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	mediator Picker, telecon with Gary K and mark ups of term sheet in preparation for mediation	1	David	Lietz	Partner	800	800
8/12/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Attended and participated in mediation	11	David	Lietz	Partner	800	8800
8/17/21	Bosley, Inc.	Admin - Incl. Case File Management	Bosley Part II Zoom Meeting	0.8	Gary	Mason	Partner	875	700
8/17/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	attended renewed mediation session	0.8	David	Lietz	Partner	800	640
8/18/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Reviewed and read 9th Circuit Tinder decision; emails with team; emails to mediator	0.4	David	Lietz	Partner	800	320
8/19/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Call with Ben Picker and plaintiffs' team	0.4	David	Lietz	Partner	800	320
8/24/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Email exchange with Ben Picker re: negotiations over equitable relief	0.1	David	Lietz	Partner	800	80
8/25/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Prepared for and had telecon with Paul Karlsgodt and Teresa Chow re: equitable relief	0.7	David	Lietz	Partner	800	560
8/27/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attend mediation on 8/27	2	Gary	Klinger	Partner	800	1600
8/27/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Attended and participated in fee mediation	6	David	Lietz	Partner	800	4800
8/27/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Worked on counter-proposal to equitable relief proposal and sent to defense counsel for review	0.5	David	Lietz	Partner	800	400
8/27/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Post-mediation call with Ben Picker and Anderson Berry	0.3	David	Lietz	Partner	800	240
8/29/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Drafted and sent email to Ben Picker regarding comparator cases	1	David	Lietz	Partner	800	800
8/30/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Telecon with Ben Picker	0.3	David	Lietz	Partner	800	240
8/30/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Picker	0.2	David	Lietz	Partner	800	160
8/30/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Follow up email exchanges with team about status of negotiations, conversations with Picker, defense's request for extension	0.2	David	Lietz	Partner	800	160
8/31/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Telecon with Ben Picker	0.2	David	Lietz	Partner	800	160
8/31/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	proposal	0.2	David	Lietz	Partner	800	160
9/2/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Email exchanges about consummating settlement deal; setting up call with Karlsgodt	0.2	David	Lietz	Partner	800	160
9/3/21	Bosley, Inc.	Settlement	Telecon with Paul Karlsgodt and Teresa Chow to work out final settlement details	0.5	David	Lietz	Partner	800	400
9/7/21	Bosley, Inc.	Mediation - Incl. Prep, Briefing, and Attendance	Email exchange with Ben Picker about final settlement details	0.1	David	Lietz	Partner	800	80
9/14/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Call with Anderson Berry to discuss next steps, drafting of settlement agreement	0.2	David	Lietz	Partner	800	160
9/15/21	Bosley, Inc.	Admin - Incl. Case File Management	meeting	0.1	David	Lietz	Partner	800	80
9/16/21	Bosley, Inc.	Settlement	Call with A. Berry, P Karlsgodt, T Chow	0.3	David	Lietz	Partner	800	240
10/12/21	Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Emails with defense counsel about further extension	0.1	David	Lietz	Partner	800	80
10/13/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Reviewed motions for further extension; emails with Anderson Berry	0.2	David	Lietz	Partner	800	160
11/3/21	Bosley, Inc.	Settlement	agreement	0.2	David	Lietz	Partner	800	160
11/4/21	Bosley, Inc.	Settlement	Emails with Teresa Chow re: settlement agreement	0.1	David	Lietz	Partner	800	80
11/10/21	Bosley, Inc.	Settlement	Emails with Anderson Berry and email to Teresa Chow	0.1	David	Lietz	Partner	800	80
11/12/21	Bosley, Inc.	Admin - Incl. Case File Management	review draft settlement agreement	0.3	Gary	Mason	Partner	875	262.5
11/12/21	Bosley, Inc.	Settlement	Reviewed and redlined settlement agreement and exhibits; circulated redline settlement agreement to team	1.5	David	Lietz	Partner	800	1200
11/13/21	Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to MPA	0.2	Danielle	Perry	Partner	700	140
11/15/21	Bosley, Inc.	Admin - Incl. Case File Management	docket to confirm PHV admissions. Update docket folder in SharePoint. Review of prior emails re filing of PHVs for GEM and DKL. File admin.	0.8	Sandra	Martin	Paralegal	170	136

11/15/21 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Motion and Proposed Order for D. Lietz. Email to E. Sams for filing. File admin.	0.7	Sandra	Martin	Paralegal	170	119
11/15/21 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Worked on drafting MPA	8	David	Lietz	Partner	800	6400
11/16/21 Bosley, Inc.	Settlement	Worked on MPA and declaration	4	David	Lietz	Partner	800	3200
11/17/21 Bosley, Inc.	Admin - Incl. Case File Management	Application of D. Lietz. Emails with D. Lietz and local counsel re same. File admin.	0.2	Sandra	Martin	Paralegal	170	34
11/17/21 Bosley, Inc.	Admin - Incl. Case File Management	filing	0.2	David	Lietz	Partner	800	160
11/17/21 Bosley, Inc.	Settlement	Worked on MPA and declaration	1	David	Lietz	Partner	800	800
11/22/21 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	review; emails about SA with Jeff and Charlie; forwarded drafts to Jeff and Charlie	4.2	David	Lietz	Partner	800	3360
11/23/21 Bosley, Inc.	Settlement	plan	0.1	David	Lietz	Partner	800	80
11/24/21 Bosley, Inc.	Settlement	Reviewed co-counsel edits to settlement agreement and sent to Anderson Berry for finalization	0.5	David	Lietz	Partner	800	400
11/24/21 Bosley, Inc.	Settlement	Call with Anderson Berry re: settlement documents	0.6	David	Lietz	Partner	800	480
11/28/21 Bosley, Inc.	Settlement	Reviewed and redlined draft preliminary and final approval orders; email to Anderson Berry	1	David	Lietz	Partner	800	800
11/29/21 Bosley, Inc.	Settlement	Email exchanges with Anderson Berry, Jeff Goldenberg re: current versions of all settlement docs	0.2	David	Lietz	Partner	800	160
11/30/21 Bosley, Inc.	Settlement	Telecon with Anderson Berry re: settlement docs, contacting defense counsel	0.2	David	Lietz	Partner	800	160
11/30/21 Bosley, Inc.	Settlement	Reviewed Jeff Goldenberg and Bob Sherwood's edits to various settlement docs and created newer versions	2	David	Lietz	Partner	800	1600
11/30/21 Bosley, Inc.	Settlement	Email exchanges with Teresa Chow and other plaintiffs' counsel about filing notice of settlement in lieu of MPA	0.2	David	Lietz	Partner	800	160
12/21/21 Bosley, Inc.	Settlement	Reviewed all settlement agreement exhibits (A-D) again, redlined, redlined SA; emails with A Berry and J Goldenberg; calls to defense counsel; calls with Gary M to discuss putting cap in short notice	2	David	Lietz	Partner	800	1600
12/22/21 Bosley, Inc.	Settlement	Telecon with Paul Karlsgodt; Teresa Chow; A Berry to discuss settlement issues	0.4	David	Lietz	Partner	800	320
12/22/21 Bosley, Inc.	Settlement	Additional edits to Settlement Agreement and sent to defense counsel and A Berry	0.2	David	Lietz	Partner	800	160
12/31/21 Bosley, Inc.	Settlement	Berry	0.2	David	Lietz	Partner	800	160
1/3/22 Bosley, Inc.	Settlement	Finalized all documents for MPA and circulated to all counsel	1.5	David	Lietz	Partner	800	1200
1/6/22 Bosley, Inc.	Settlement	Reviewed and signed "clean" version of settlement agreement; redlined Exhibit E; redlined notices; sent to all counsel	0.8	David	Lietz	Partner	800	640
1/6/22 Bosley, Inc.	Settlement	hearing date; added additional items to MPA; emails with Anderson about who is going to file	0.4	David	Lietz	Partner	800	320
1/7/22 Bosley, Inc.	Admin - Incl. Case File Management	save all missing docket entries. Update calendar deadlines. File admin. receipt and review of emails from D. Lietz re reviewing, finalizing and filing MPA with the court. Upload and save MPA, Memo, Declaration and Exhibits to SharePoint. Review of all documents. Finalize MPA documents and exhibits, and prepare for e-filing. Efile Motion, Memo and Declaration w/Exhibits with the Court. Upload and save all date-stamped copies to SharePoint and email to partners. File admin.	0.4	Sandra	Martin	Paralegal	170	68
1/7/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	counsel; emails securing declaration; finalized everything and coordinated filing of MPA	1.5	Sandra	Martin	Paralegal	170	255
1/7/22 Bosley, Inc.	Settlement	Thompson	1.7	David	Lietz	Partner	800	1360
1/21/22 Bosley, Inc.	Settlement	Email exchanged with Jerry Thompson about Aura specifics	0.2	David	Lietz	Partner	800	160
1/26/22 Bosley, Inc.	Settlement		0.1	David	Lietz	Partner	800	80

2/3/22 Bosley, Inc.	Settlement	Emails with Anderson Berry about seeking remote appearance at preliminary approval hearing	0.2 David	Lietz	Partner	800	160
2/8/22 Bosley, Inc.	Settlement	Reviewed draft motion for remote hearing and comments to Anderson Berry; emails with co-counsel and defense	0.2 David	Lietz	Partner	800	160
2/11/22 Bosley, Inc.	Settlement	Telecon and emails with A. Berry re: preliminary approval hearing	0.4 David	Lietz	Partner	800	320
2/22/22 Bosley, Inc.	Settlement	Telecon with Anderson Berry to discuss next steps after preliminary approval order granting PA	0.6 David	Lietz	Partner	800	480
2/23/22 Bosley, Inc.	Admin - Incl. Case File Management	Review of Order granting Prelim. Approval and Settlement Agreement. Calculate deadlines. Email to T. Heath re deadlines. Update Calendar.	1 Sandra	Martin	Paralegal	170	170
2/23/22 Bosley, Inc.	Admin - Incl. Case File Management	Emails with Jeff, Charlie, and Anderson about potential need to amend preliminary approval order	0.1 David	Lietz	Partner	800	80
2/25/22 Bosley, Inc.	Admin - Incl. Case File Management	Look into Bosley MPA deadlines - msgs. w/ SM re same; Attn to Prelim Approval Hearing being removed from calendar	0.2 Taylor	Heath	Paralegal	170	34
2/25/22 Bosley, Inc.	Admin - Incl. Case File Management	Emails re: cancellation of preliminary approval motion	0.1 David	Lietz	Partner	800	80
3/3/22 Bosley, Inc.	Settlement	Emails re: call with Aura rep	0.2 David	Lietz	Partner	800	160
3/7/22 Bosley, Inc.	Settlement	Emails with Pango (Aura) people re: conference call to discuss Aura	0.1 David	Lietz	Partner	800	80
3/9/22 Bosley, Inc.	Settlement	Telecon with Pango/Aura, settlement admin, Paul Karlsgodt, Teresa Chow, to discuss Aura issues	0.6 David	Lietz	Partner	800	480
3/20/22 Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review notice forms	0.9 Gary	Mason	Partner	875	787.5
3/20/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Attn to filing GEM PHV & DLP NOA tomorrow / early this week; Email MD COA re expediting COGS request	0.2 Taylor	Heath	Paralegal	170	34
3/21/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Draft & File NOA for DLP; Draft PHV for GEM; Ems. w/ Clerk from MD COA; Order MD COGS & DC COGS; Schedule FedEx Pickup for mailing MD COGS Request via expedited	1.7 Taylor	Heath	Paralegal	170	289
3/23/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Scan updated MD COGS; Request updated NY COGS; Ems. w. GEM & DLP re local counsel in Bosley; Edit GEM PHV accordingly & finalize; F/u w. GEM re NY COGS request	0.8 Taylor	Heath	Paralegal	170	136
3/25/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Save updated NY COGS; Update date on GEM PHV & send to local counsel for filing; Save ECFs	0.3 Taylor	Heath	Paralegal	170	51
3/30/22 Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and reply to emails re Bosely notice issues	0.4 Gary	Mason	Partner	875	350
3/30/22 Bosley, Inc.	Claims Administration	attn to ems re admin	0.1 Danielle	Perry	Partner	700	70
6/14/22 Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	call with cocounsel re response to objection	0.5 Danielle	Perry	Partner	700	350
6/14/22 Bosley, Inc.	Admin - Incl. Case File Management	Bosley Objectors - Zoom Meeting	0.5 Gary	Mason	Partner	875	437.5
6/15/22 Bosley, Inc.	Litigation Strategy/Analysis - Incl. Attorney Meetings	attn to ems from CoC re division of labor on response to objection	0.1 Danielle	Perry	Partner	700	70
6/29/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to em re objection response from CoC; attn to objection	1.7 Danielle	Perry	Partner	700	1190
6/30/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	attn to FA motion and response to objections	5.3 Danielle	Perry	Partner	700	3710
7/1/22 Bosley, Inc.	Pleadings - Incl. Motions, Briefs, Legal Research	Worked on FA Motion	6 Danielle	Perry	Partner	700	4200
TOTAL			144.2			\$	100,677.00