

Andrew W. Ferich (PA ID 313696)  
**AHDOOT & WOLFSON, PC**  
201 King of Prussia Rd., Ste. 650  
Radnor, PA 19087  
Tel: (310) 474-9111  
Fax: (310) 474-8585  
aferich@ahdootwolfson.com

*Interim Co-Lead Class Counsel*

[Additional counsel appear on the signature line]

**IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA  
WARREN COUNTY BRANCH – CIVIL**

ROBERT PESSIA, PETER HETTMAN,  
HEIDI TULLER, ROBERT MARRONE  
and JEAN BERRY, on behalf of themselves  
and all others similarly situated;

Plaintiff,

v.

WARREN GENERAL HOSPITAL,

Defendant.

Case No. 501-2023

CLASS ACTION

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

## TABLE OF CONTENTS

|      |                                                                                     |    |
|------|-------------------------------------------------------------------------------------|----|
| I.   | INTRODUCTION .....                                                                  | 1  |
| II.  | RELEVANT BACKGROUND.....                                                            | 2  |
| III. | ARGUMENT .....                                                                      | 2  |
| A.   | The Court Should Approve the Requested Attorneys’ Fees.....                         | 2  |
| B.   | The Requested Fee Represents a Reasonable Percentage of the Fund .....              | 3  |
| i.   | The time and effort reasonably expended by the attorneys in the<br>litigation ..... | 5  |
| ii.  | The quality of the services rendered .....                                          | 9  |
| iii. | The results achieved and benefits conferred upon the class or the<br>public.....    | 9  |
| iv.  | The magnitude, complexity, and uniqueness of the litigation .....                   | 9  |
| v.   | Whether the receipt of a fee was contingent on success .....                        | 10 |
| D.   | The Expense Reimbursement Request Is Reasonable .....                               | 11 |
| E.   | The Requested Service Awards Are Reasonable.....                                    | 12 |
| IV.  | CONCLUSION.....                                                                     | 13 |

## TABLE OF AUTHORITIES

|                                                                                                                                 | <b>Page(s)</b> |
|---------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Cases</b>                                                                                                                    |                |
| <i>Acevedo v. Brightview Landscapes, LLC</i> ,<br>No. 13-cv-02529, 2017 WL 4354809 (M.D. Pa. Oct. 2, 2017) .....                | 11             |
| <i>Ahrendsen v. Prudent Fiduciary Servs., LLC</i> ,<br>No. 21-cv-2157, 2023 WL 4139151 (E.D. Pa. June 22, 2023) .....           | 3              |
| <i>In re Am. Investors Life Ins. Co. Annuity Mktg. &amp; Sales Pracs. Litig.</i> ,<br>263 F.R.D. 226 (E.D. Pa. 2009) .....      | 11             |
| <i>In re Arby’s Rest. Grp., Inc. Data Sec. Litig.</i> ,<br>No. 17-cv-01035, 2019 WL 2720818 (N.D. Ga. June 6, 2019) .....       | 13             |
| <i>In re AT &amp; T Corp.</i> ,<br>455 F.3d 160 (3d Cir. 2006) .....                                                            | 3, 8           |
| <i>Bodnar v. Bank of Am., N.A.</i> ,<br>No. 14-cv-03224, 2016 WL 4582084 (E.D. Pa. Aug. 4, 2016) .....                          | 4              |
| <i>Bradburn Parent Tchr. Store, Inc. v. 3M (Minnesota Mining &amp; Mfg. Co.)</i> ,<br>513 F. Supp. 2d 322 (E.D. Pa. 2007) ..... | 4              |
| <i>Brown v. Progressions Behav. Health Servs., Inc.</i> ,<br>No. 16-cv-06054, 2017 WL 2986300 (E.D. Pa. July 13, 2017) .....    | 12             |
| <i>Cambanis v. Nationwide Ins. Co.</i> ,<br>501 A.2d 635 (Pa. Super. Ct. 1985) .....                                            | 2              |
| <i>In re Cendant Corp. PRIDES Litig.</i> ,<br>243 F.3d 722 (3d Cir. 2001) .....                                                 | 3              |
| <i>In re CertainTeed Corp. Roofing Shingle Prod. Liab. Litig.</i> ,<br>269 F.R.D. 468 (E.D. Pa. 2010) .....                     | 12             |
| <i>In re Cigna-Am. Specialty Health Admin. Fee Litig.</i> ,<br>No. 16-cv-03967, 2019 WL 4082946 (E.D. Pa. Aug. 29, 2019) .....  | 7              |
| <i>Creed v. Benco Dental Supply Co.</i> ,<br>No. 12-cv-01571, 2013 WL 5276109 (M.D. Pa. Sept. 17, 2013) .....                   | 9              |
| <i>Cunningham v. Wawa, Inc.</i> ,<br>No. 18-cv-03355, 2021 WL 1626482 (E.D. Pa. Apr. 21, 2021) .....                            | 11             |

|                                                                                                                              |               |
|------------------------------------------------------------------------------------------------------------------------------|---------------|
| <i>Diaz v. BTG Int’l, Inc.</i> ,<br>No. 19-cv-01664, 2021 WL 2414580 (E.D. Pa. June 14, 2021).....                           | 12            |
| <i>Dickerson v. York Int’l Corp.</i> ,<br>No. 15-cv-01105, 2017 WL 3601948 (M.D. Pa. Aug. 22, 2017).....                     | 8             |
| <i>In re Equifax Inc. Customer Data Sec. Breach Litig.</i> ,<br>No. 17-md-2800, 2020 WL 256132 (N.D. Ga. Mar. 17, 2020)..... | 8             |
| <i>In re Forefront Data Breach Litig.</i> ,<br>No. 1:21-cv-00887-LA, ECF No. 81 (E.D. Wis.).....                             | 7             |
| <i>Fulton-Green v. Accolade, Inc.</i> ,<br>No. 18-cv-274, 2019 WL 4677954 (E.D. Pa. Sept. 24, 2019).....                     | <i>passim</i> |
| <i>Glaberson v. Comcast Corp.</i> ,<br>No. 03-cv-06604, 2015 WL 5582251 (E.D. Pa. Sept. 22, 2015).....                       | 11            |
| <i>Gonzalez v. Account Resol. Servs., LLC</i> ,<br>No. 20-cv-03259, 2021 WL 3007257 (E.D. Pa. July 15, 2021) .....           | 6             |
| <i>Gordon v. Chipotle Mexican Grill, Inc.</i> ,<br>No. 17-cv-01415, 2019 WL 6972701 (D. Colo. Dec. 16, 2019) .....           | 10, 13        |
| <i>Gunter v. Ridgewood Energy Corp.</i> ,<br>223 F.3d (3d Cir. 2000).....                                                    | 4, 9          |
| <i>Haas v. Burlington Cty.</i> ,<br>No. 08-cv-01102, 2019 WL 413530 (D.N.J. Jan. 31, 2019).....                              | 4             |
| <i>In re Imprelis Herbicide Mktg., Sales Pracs. &amp; Prod. Liab. Litig.</i> ,<br>296 F.R.D. 351 (E.D. Pa. 2013).....        | 7, 12         |
| <i>Janicik v. Prudential Ins. Co. of Am.</i> ,<br>451 A.2d 451 (Pa. Super. Ct. 1982).....                                    | 2             |
| <i>Johnson v. Cmty. Bank, N.A.</i> ,<br>No. 12-cv-01405, 2013 WL 6185607 (M.D. Pa. Nov. 25, 2013).....                       | 9             |
| <i>In re LinkedIn User Priv. Litig.</i> ,<br>309 F.R.D. 573 (N.D. Cal. 2015).....                                            | 13            |
| <i>Lucas v. Kmart Corp.</i> ,<br>No. 99-cv-01923-JLK-CBS, 2006 WL 2729260 (D. Colo. July 27, 2006).....                      | 8             |
| <i>McCoy v. Health Net, Inc.</i> ,<br>569 F. Supp. 2d 448 (D.N.J. 2008) .....                                                | 4             |

|                                                                                                                                                                                                                 |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <i>McCullough v. True Health New Mexico, Inc.</i> ,<br>No. D-202-CV-2021-06816 (N.M. 2nd Judicial Dist.).....                                                                                                   | 7     |
| <i>Moore v. GMAC Mortg.</i> ,<br>No. 07-cv-04296, 2014 WL 12538188 (E.D. Pa. Sept. 19, 2014).....                                                                                                               | 12    |
| <i>In re Onix Grp., LLC Data Breach Litig.</i> ,<br>No. 23-2288-KSM, 2024 WL 5107594 (E.D. Pa. Dec. 13, 2024).....                                                                                              | 7, 8  |
| <i>Perdue v. Hy-Vee, Inc.</i> ,<br>550 F. Supp. 3d 572 (C.D. Ill. 2021) .....                                                                                                                                   | 12    |
| <i>In re Processed Egg Prod. Antitrust Litig.</i> ,<br>No. 08-md-2002, 2012 WL 5467530 (E.D. Pa. Nov. 9, 2012).....                                                                                             | 7     |
| <i>Se. Pennsylvania Transportation Auth. v. Orrstown Fin. Servs., Inc.</i> ,<br>No. 12-cv-00993 (M.D. Pa. May 19, 2023).....                                                                                    | 6     |
| <i>In re SmithKline Beckman Corp. Sec. Litig.</i> ,<br>751 F. Supp. 525 (E.D. Pa. 1990) .....                                                                                                                   | 4     |
| <i>In re Sonic Corp. Customer Data Sec. Breach Litig.</i> ,<br>No. 17-md-02807, 2019 WL 3773737 (N.D. Ohio Aug. 12, 2019) .....                                                                                 | 10    |
| <i>Stevens v. SEI Invs. Co.</i> ,<br>No. 18-cv-4205, 2020 WL 996418 (E.D. Pa. Feb. 28, 2020).....                                                                                                               | 3, 12 |
| <i>Swinton v. SquareTrade, Inc.</i> ,<br>454 F. Supp. 3d 848 (S.D. Iowa 2020) .....                                                                                                                             | 6     |
| <i>Tavares v. S-L Distribution Co.</i> ,<br>No. 13-cv-01313, 2016 WL 1743268 (M.D. Pa. May 2, 2016).....                                                                                                        | 10    |
| <i>Wallace v. Powell</i> ,<br>301 F.R.D. 144 (M.D. Pa. 2014).....                                                                                                                                               | 8     |
| <i>In re Wawa, Inc. Data Sec. Litig.</i> ,<br>No. 19-cv-6019, 2022 WL 1173179 (E.D. Pa. Apr. 20, 2022).....                                                                                                     | 11    |
| <i>In re Yahoo! Inc. Customer Data Sec. Breach Litig.</i> ,<br>No. 16-md-02752-LHK, 2020 WL 4212811 (N.D. Cal. July 22, 2020), <i>aff'd</i> ,<br>No. 20-16633, 2022 WL 2304236 (9th Cir. June 27 27, 2022)..... | 13    |
| <i>In re Zoom Video Commc'ns, Inc. Priv. Litig.</i> ,<br>No. 20-cv-02155-LB, 2022 WL 1593389 (N.D. Cal. Apr. 21, 2022) .....                                                                                    | 7     |
| <b>Rules</b>                                                                                                                                                                                                    |       |
| Fed. R. Civ. P. 23 .....                                                                                                                                                                                        | 2     |

|                             |          |
|-----------------------------|----------|
| Fed. R. Civ. P. 23(h) ..... | 2        |
| Pa. R. C. P. 1717 .....     | 3, 4, 11 |

Plaintiffs Robert Pessia, Peter Hettman, Heidi Tuller, Robert Marrone, and Jean Berry (“Plaintiffs”) submit this Memorandum in Support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards (the “Motion”).

## **I. INTRODUCTION**

Pursuant to the Court’s January 20, 2025 order granting preliminary approval of the proposed Settlement Agreement (“Settlement Agreement” or “SA”), Plaintiffs respectfully seek an Order approving payments of the following amounts out of the \$1,300,000 Settlement Fund: (i) \$455,000 for Class Counsel’s attorneys’ fees; (ii) \$19,367.77 as reimbursement for Class Counsel’s litigation expenses; and (iii) \$2,000 Service Awards to each Class Representative (total \$10,000).

As discussed below, the proposed attorneys’ fee is reasonable under the lodestar method, the percentage-of-the-fund analysis, and the Gunter and Prudential factors used in the Third Circuit. The proposed fee represents a multiplier of 1.12 based on Class Counsel’s lodestar of \$407,140.45 to date. The multiplier will continue to decrease as work continues through final approval.

The \$19,367.77 expense reimbursement request is also reasonable in amount and consistent in type with expense awards commonly approved in comparable cases. The expenses were necessary to the effective prosecution of this matter, as discussed below.

Finally, the proposed Service Awards are reasonable in light of the time and effort contributed by the Class Representatives to pursue this case on behalf of the Class. The \$2,000 amount of the Service Awards is conservative relative to service awards commonly approved in the Third Circuit and in other data breach cases nationwide.

In light of the foregoing, and as discussed below, Class Counsel respectfully request that the Court grant this motion and approve payment out of the Settlement Fund of \$455,000 for

attorneys' fees, \$19,367.77 as reimbursement of litigation expenses and expenses, and \$2,000 Service Awards to each of the Class Representatives.

## **II. RELEVANT BACKGROUND**

Plaintiffs have previously set forth the history of this litigation in their motion for preliminary approval, and repeat it only insofar as relevant to the issues raised herein. This case arises out of a Data Incident that affected Defendant Warren General Hospital ("WGH") in September 2023. WGH notified approximately 168,921 individuals that their Personal Information was potentially impacted by the Data Incident. The Settlement, which was reached with the assistance of respected data privacy mediator Bennett Picker of the Stradley Ronon law firm, establishes a non-reversionary Settlement Fund of \$1,300,000 to pay for Approved Claims, Notice and Administrative Expenses, and any Service Awards to the named Plaintiffs and any Fee Award and Costs awarded by the Court. Claimants may elect to receive: (1) a payment for reimbursement of Documented Losses of up to \$5,000; or (2) a Cash Fund Payment, calculated in accordance with the terms of the Settlement Agreement. The claims process is still ongoing and will remain open through April 20, 2025. The Settlement also requires robust business practices changes to be implemented and/or maintained for a period of three years following final approval of the Settlement. WGH has also agreed to confirm compliance with these measures.

## **III. ARGUMENT**

### **A. The Court Should Approve the Requested Attorneys' Fees**

"In a certified class action, the court may award reasonable attorney's fees and . . . costs . . . ." Fed. R. Civ. P. 23(h).<sup>1</sup> Where, as here, the settlement has created a common fund, "[t]he

---

<sup>1</sup> Plaintiffs rely on Fed. R. Civ. P. 23, and case law interpreting Rule 23, throughout this brief because "[f]ederal precedent is instructive in construing Pennsylvania's class action rules." *Janicik v. Prudential Ins. Co. of Am.*, 451 A.2d 451, 454 n.3 (Pa. Super. Ct. 1982); *see also Cambanis v. Nationwide Ins. Co.*, 501 A.2d 635, 637 n.4 (Pa. Super. Ct. 1985) ("Where Pennsylvania's class

preferred method for calculating attorneys' fees [is] the percentage-of-recovery approach, [which] involves applying a certain percentage to the total settlement fund to calculate attorney's fees." *Ahrendsen v. Prudent Fiduciary Servs., LLC*, No. 21-cv-2157, 2023 WL 4139151, at \*6 (E.D. Pa. June 22, 2023) (citing *Stevens v. SEI Invs. Co.*, No. 18-cv-4205, 2020 WL 996418, at \*10 (E.D. Pa. Feb. 28, 2020)). "The percentage-of-recovery method applies a certain percentage to the settlement fund." *In re AT & T Corp.*, 455 F.3d 160, 164 (3d Cir. 2006) (citing *In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 732 n.10 (3d Cir. 2001)).

Rule 1717 of the Pennsylvania Rules of Civil Procedure sets forth a list of five factors that Courts are to consider in setting the amount of an attorneys' fee award: "(1) the time and effort reasonably expended by the attorney in the litigation; (2) the quality of the services rendered; (3) the results achieved and benefits conferred upon the class or upon the public; (4) the magnitude, complexity and uniqueness of the litigation; and (5) whether the receipt of a fee was contingent on success." Pa. R. Civ. P. 1717.

As set forth below, the requested attorneys' fees are reasonable based on the percentage of the fund methodology and supported by the Rule 1717 factors.

#### **B. The Requested Fee Represents a Reasonable Percentage of the Fund**

Pursuant to the Settlement Agreement, Plaintiffs are requesting \$455,000 in fees, which represents 35% of the \$1,300,000 Settlement Fund. See SA § 9.1. This percentage is well within the range of fee awards commonly granted in the Third Circuit. *See, e.g., Fulton-Green v. Accolade, Inc.*, No. 18-cv-274, 2019 WL 4677954, at \*12 (E.D. Pa. Sept. 24, 2019) ("Courts have allowed attorney compensation ranging from 19 to 45% of the settlement fund created") (quoting

---

action rules are fashioned upon or taken verbatim from the Federal Rule then federal case law is particularly instructive but not binding.") (citations omitted).

*In re SmithKline Beckman Corp. Sec. Litig.*, 751 F. Supp. 525, 533 (E.D. Pa. 1990)); *Haas v. Burlington Cty.*, No. 08-cv-01102, 2019 WL 413530, at \*9 (D.N.J. Jan. 31, 2019) (“typical [percentage-of-recovery] fee awards range between 25%-45%”; approving fee of “60% of the settlement fund”); *Bradburn Parent Tchr. Store, Inc. v. 3M (Minnesota Mining & Mfg. Co.)*, 513 F. Supp. 2d 322, 342 (E.D. Pa. 2007) (approving “attorneys’ fees representing 35% of the Settlement Fund.”).

The requested 35% fee is in line with and less than approved fee requests in other common fund class action settlements, and is reasonable particularly when considered in light of the Rule 1717 factors, as well as the security enhancements that WGH has agreed to undertake for at least three years.<sup>2</sup>

### **C. The Rule 1717 Factors Demonstrate the Reasonableness of the Fee Request**

While Plaintiffs submit that the requested fee is reasonable by the percentage of the fund methodology alone, it is also reasonable based upon Rule 1717 and other pertinent factors. *See Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 199 (3d Cir. 2000) (noting that in common fund cases, “we have suggested that it is advisable to cross-check the percentage award counsel asks for against the lodestar method of awarding fees so as to insure that plaintiffs’ lawyers are not receiving an excessive fee at their clients’ expense.”).

---

<sup>2</sup> While difficult to value, courts generally consider similar non-monetary relief achieved in a settlement in analyzing counsel’s fee request. *See, e.g., Bodnar v. Bank of Am., N.A.*, No. 14-cv-03224, 2016 WL 4582084, at \*5 (E.D. Pa. Aug. 4, 2016) (“The value of the settlement is actually greater in light of the meaningful injunctive relief to which Bank of America has agreed, but which has not been quantified monetarily. . . . [T]his factor weighs in favor of the requested fee award.”); *McCoy v. Health Net, Inc.*, 569 F. Supp. 2d 448, 478 (D.N.J. 2008) (“The value of the injunctive relief here is a highly relevant circumstance in determining what percentage of the common fund class counsel should receive as attorneys’ fees.”).

**i. The time and effort reasonably expended by the attorneys in the litigation**

This factor essentially inquires as to Plaintiffs' counsel's lodestar, which is determined by "multiplying the number of hours reasonably worked on a client's case by a reasonable hourly billing rate for such services." *Accolade*, 2019 WL 4677954, at \*11 (citation omitted).

The number of hours incurred by Class Counsel was reasonable for a case of this type and size. Class Counsel collectively expended 626.87 hours on this case through March 7, 2025, which correlates to a lodestar amount of \$407,140.45. Joint Decl. at ¶ 7. Charts summarizing the hours and lodestar each Plaintiffs' counsel firm incurred, by biller, in the prosecution of this matter are contained in the accompanying counsel Declaration. *See id.*

The aggregate hours were spent on tasks that were necessary to the overall litigation and settlement of this case. Plaintiffs' counsel's efforts included, among other things:

- Investigating the facts of the data breach and its aftermath;
- Performing legal research regarding, e.g., standing, damages, causation, duty, class certification, and legal counts for potential common law and state statutory claims;
- Researching relevant data security standards and PCI-DSS rules;
- Engaging in informal discovery including issuing document requests, reviewing Defendant's production, and producing documents on behalf of Plaintiffs;
- Engaging in countless meet and confer phone calls with defense counsel regarding discovery and settlement issues;
- Conducting legal research related to subject matter jurisdiction issues;
- Preparing a detailed mediation statement and counterpoints to Defendant's mediation statement;
- Participating in a successful mediation;

- Drafting the Settlement Agreement, exhibits, and preliminary approval briefing;
- Working closely with Defendant’s counsel to ensure that the notice program was adequately implemented and voluntarily expanded to maximize notice; and
- Preparing for and arguing for the preliminary approval hearing.

Joint Decl. at ¶¶ 5-6.

In performing the tasks outlined above, Class Counsel took measures to ensure that the work was necessary considering the needs of the case, carried out efficiently, and non-duplicative. Joint Decl. at ¶ 10. Class Counsel’s work will continue through the Final Approval Hearing. *Id.* In sum, the number of hours incurred was reasonable given the tasks at hand and the overall needs of the case.

The second component of the lodestar calculation are the hourly rates. “‘Generally, a reasonable hourly rate is calculated according to the prevailing market rates in the relevant community.’ An appropriate starting point is usually the attorney’s normal billing rate.” *Gonzalez v. Account Resol. Servs., LLC*, No. 20-cv-03259, 2021 WL 3007257, at \*2 (E.D. Pa. July 15, 2021) (Citation omitted) “‘When determining reasonable hourly rates, district courts may rely on their own experience and knowledge of prevailing market rates.’ ‘There is no precise rule or formula for making these determinations.’” *Swinton v. SquareTrade, Inc.*, 454 F. Supp. 3d 848, 884 (S.D. Iowa 2020) (citations omitted).

Class Counsel’s hourly rates range from \$425 to \$1,100 for attorneys, and \$150 to \$300 for paralegals and administrative staff. Joint Decl. at ¶ 7. These hourly rates are consistent with rates courts have accepted in numerous class action settlements. *See Se. Pennsylvania Transportation Auth. v. Orrstown Fin. Servs., Inc.*, No. 12-cv-00993 (M.D. Pa. May 19, 2023) (ECF No. 309) (granting final approval and award of attorneys’ fees, approving hourly rates of up

to \$1,100, where several attorneys' rates were at or above \$875); *Accolade*, 2019 WL 4677954, at \*12 (approving fee where rates ranged from "\$202 to \$975" per hour in data breach case); *In re Imprelis Herbicide Mktg., Sales Pracs. & Prod. Liab. Litig.*, 296 F.R.D. 351, 370 (E.D. Pa. 2013) (approving fee request where hourly rates peaked at \$1,200 and several attorneys' rates were at or above \$900); *In re Processed Egg Prod. Antitrust Litig.*, No. 08-md-2002, 2012 WL 5467530, at \*6 (E.D. Pa. Nov. 9, 2012) (approving fee request where hourly rates peaked at \$1,100 and several attorneys' rates were at or above \$900; "the Court finds that the stated hourly rates of these attorneys and staff . . . are reasonable"); *In re Cigna-Am. Specialty Health Admin. Fee Litig.*, No. 16-cv-03967, 2019 WL 4082946, at \*15 (E.D. Pa. Aug. 29, 2019) ("Class Counsel and support staff are claiming . . . hourly rates between \$175 and \$995. . . . These hourly rates are also well within the range of what is reasonable and appropriate in this market."). Class Counsel's hourly rates (which are adjusted periodically according to market rates) have been accepted by courts throughout the country as reasonable. *See, e.g., McCullough v. True Health New Mexico, Inc.*, No. D-202-CV-2021-06816 (N.M. 2nd Judicial Dist.) (granting full fee request and approving Ahdoot Wolfson's ("AW") rates as follows: \$1,050 for partner Robert Ahdoot, \$850 for partner Andrew Ferich, \$150 for a legal assistant, \$250 for a paralegal, and \$675 for a senior associate); *In re Zoom Video Commc'ns, Inc. Priv. Litig.*, No. 20-cv-02155-LB, 2022 WL 1593389, at \*11 (N.D. Cal. Apr. 21, 2022) (granting final approval to \$85 million common fund privacy litigation settlement, and approving AW's hourly rates, including Andrew Ferich's then-current rate of \$750 for work performed in 2021, and Robert Ahdoot's then-current rate of \$950); *In re Forefront Data Breach Litig.*, No. 21-cv-00887-LA (E.D. Wis.) (ECF No. 81) (awarding attorneys' fees and reimbursement of costs and expenses at AW's current hourly rates); *see also In re Onix Grp., LLC*

*Data Breach Litig.*, No. 23-2288-KSM, 2024 WL 5107594 (E.D. Pa. Dec. 13, 2024) (granting full fee request at hourly rates of \$1,050 to Gary Mason and \$750 to Danielle Perry at Mason LLP).

“While the requested hourly rates are higher than those typically approved in cases in the Scranton–Wilkes–Barre area, . . . , a higher hourly billable rate is acceptable in light of the extensive experience that Class Counsel collectively shares and the complex legal services it provided in this case.” *Wallace v. Powell*, 301 F.R.D. 144, 167 (M.D. Pa. 2014); see also *Lucas v. Kmart Corp.*, No. 99-cv-01923-JLK-CBS, 2006 WL 2729260, at \*4 (D. Colo. July 27, 2006) (holding that because few attorneys handle nationwide class actions due to the “significant resources and skill required” it is appropriate to look at that community of lawyers rather than a local community for determining a reasonable hourly rate).

The 1.12 multiplier is also well within the range of multipliers commonly awarded in the Third Circuit. See, e.g., *In re AT&T Corp.*, 455 F.3d at 173 (“a multiplier of 1.28 is well within a reasonable range”); *Dickerson v. York Int’l Corp.*, No. 15-cv-01105, 2017 WL 3601948, at \*11 (M.D. Pa. Aug. 22, 2017) (“Multipliers between one and four are routinely approved in the Third Circuit.”). And, as courts in data breach cases have recognized, this amount will only further decrease as Plaintiffs’ counsel undertakes various post-settlement administrative and oversight work. See *Onix*, 2024 WL 5107594 at \*15 (“[Class Counsel] will have to oversee the claims administration process . . . their total amount of billable hours and lodestar will be higher than the reported amount”); *In re Equifax Inc. Customer Data Sec. Breach Litig.*, No. 17-md-2800, 2020 WL 256132, at \*40 (N.D. Ga. Mar. 17, 2020) (“[C]ourts have included future time in lodestar calculations . . . . Excluding such time thus would misapply the lodestar methodology and needlessly penalize class counsel.”). The multiplier, already reasonable, will only decrease as Class

Counsel performs all the additional necessary work to see the Settlement through final settlement approval.

This factor supports the requested fees.

**ii. The quality of the services rendered**

Class Counsel believe that the quality of their work speaks for itself. Class Counsel are nationally recognized data breach practitioners and were able to promptly and efficiently bring this case to an early resolution that was on favorable terms to their clients and the class—particularly given various litigation risks and in light of the resources of WGH, a non-profit organization. *See Johnson v. Cmty. Bank, N.A.*, No. 12-cv-01405, 2013 WL 6185607, at \*7 (M.D. Pa. Nov. 25, 2013) (“Considering the potential for this case to turn into a multi-year litigation, class counsel [have] done a good job of negotiating a quick settlement that more than adequately compensates the class.”) (quoting *Creed v. Benco Dental Supply Co.*, No. 12-cv-01571, 2013 WL 5276109 (M.D. Pa. Sept. 17, 2013)). This factor supports Plaintiffs’ request.

**iii. The results achieved and benefits conferred upon the class or the public**

The size of the fund available for distribution is \$1,300,000. The number of persons benefitted by the Settlement is approximately 168,921 Class Members. This is significant and, as discussed in the granted motion for preliminary approval motion, this result is in line with or better than results obtained in similar cases.

The Class will also benefit from the non-monetary relief in the form of business enhancements, which further supports this factor. *See Johnson*, 2013 WL 6185607, at \*7 (noting that the “settlement confers certain nonmonetary [injunctive] benefits on . . . class members”). This factor supports the requested fee.

**iv. The magnitude, complexity, and uniqueness of the litigation**

Courts have acknowledged that data breach litigation is inherently complex, and that such

complexity supports the fourth *Gunter* factor:

The complexity and duration of this data breach class action requires experienced counsel. This type of case presents issues on the duty of care . . . in storing their personal information, Article III standing . . . , types of damages available at trial; and, whether the plaintiffs can obtain and maintain class certification. This [*Gunter*] factor . . . weighs in favor of finding the fee reasonable.

*Accolade*, 2019 WL 4677954, at \*13. Numerous other courts have made the same observation. *See, e.g., Gordon v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415, 2019 WL 6972701, at \*1 (D. Colo. Dec. 16, 2019) (“Data breach cases such as the instant [payment card] case are particularly risky, expensive, and complex.”); *In re Sonic Corp. Customer Data Sec. Breach Litig.*, No. 17-md-02807, 2019 WL 3773737, at \*7 (N.D. Ohio Aug. 12, 2019) (recognizing that “data breach litigation is complex and risky,” and that “[t]his unsettled area of law often presents novel questions for courts.”). This factor supports the requested fee.

**v. Whether the receipt of a fee was contingent on success**

Class Counsel undertook this case on a purely contingent basis and faced a risk of receiving no compensation at all if the litigation was unsuccessful. Joint Decl. at ¶ 11. In working on behalf of the class, Class Counsel devoted hundreds of hours of time and significant out of pocket costs. Taking on that risk on behalf of the class lends weight to the fee request. *See Accolade*, 2019 WL 4677954, at \*13 (“Class Counsel invested considerable resources into this case with no guarantee that they would recover those costs given that they were retained on a contingency fee basis. This factor again weighs in favor of determining that the fee is reasonable.”); *Tavares v. S-L Distribution Co.*, No. 13-cv-01313, 2016 WL 1743268, at \*11 (M.D. Pa. May 2, 2016) (“[C]ourts have noted that where plaintiffs’ counsel faces a risk of nonpayment . . . that risk should be considered when assessing attorneys’ fee awards.”).

The fee sought here is reasonable when measured by either the percentage of the fund or lodestar approach and confirmed by the Rule 1717 factors. It should be approved.

**D. The Expense Reimbursement Request Is Reasonable**

Class Counsel request reimbursement of \$19,367.77 in litigation expenses. Reimbursement of fees and costs incurred in litigating a class action are ordinarily recovered as part of settlement approval. *See In re Wawa, Inc. Data Sec. Litig.*, No. 19-cv-6019, 2022 WL 1173179, at \*12 (E.D. Pa. Apr. 20, 2022) (“Class Counsel’s litigation expenses include their filing fees, service of process fees, expert and professional services fees, mediation fees, Westlaw/LEXIS fees, and PACER fees. These types of expenses are commonly approved by courts in this Circuit.”). Class Counsel’s litigation expenses were necessary and reasonable and should be approved. Joint Decl. at ¶ 8.

A chart summarizing the expense categories and amounts incurred by each firm is set forth in the accompanying Joint Declaration of Class Counsel. Joint Decl. at ¶ 8. The expense categories are consistent with the types of expenses commonly approved by courts. *See Cunningham v. Wawa, Inc.*, No. 18-cv-03355, 2021 WL 1626482, at \*8 (E.D. Pa. Apr. 21, 2021) (approving class counsel’s request for reimbursement of, e.g., “filing fees, . . . mediation fees, and other similar, ordinary litigation expenses”); *Acevedo v. Brightview Landscapes, LLC*, No. 13-cv-02529, 2017 WL 4354809, at \*20 (M.D. Pa. Oct. 2, 2017) (approving class counsel’s request for reimbursement of, e.g., filing fees, mediation fees, and legal research costs); *Glaberson v. Comcast Corp.*, No. 03-cv-06604, 2015 WL 5582251, at \*16 (E.D. Pa. Sept. 22, 2015) (approving class counsel’s request for reimbursement of, e.g., expert witness fees and legal research costs); *In re Am. Investors Life Ins. Co. Annuity Mktg. & Sales Pracs. Litig.*, 263 F.R.D. 226, 245 (E.D. Pa. 2009) (approving class counsel’s request for reimbursement of, e.g., “expert witness fees; mediation fees; . . . legal research; . . . and service of process”).

### **E. The Requested Service Awards Are Reasonable**

Plaintiffs request approval of a \$2,000 Service Award to each of the Class Representatives (total of \$10,000) for their time and effort pursuing the litigation on behalf of the Class. The Class Representatives' efforts included, among other things, undergoing lengthy initial and follow-up interviews by Class Counsel to gather their facts; searching for documents; agreeing to burdensome evidence preservation obligations regarding hardcopy documents, emails, financial records, and other ESI; reviewing case filings; monitoring the overall progress of the litigation; engaging in frequent communications with Class Counsel; and approving the Settlement Agreement. Joint Decl. at ¶ 12. The Settlement would not have been possible without their efforts.

The \$2,000 Service Award amount is conservative relative to service awards commonly approved in the Third Circuit. *See Diaz v. BTG Int'l, Inc.*, No. 19-cv-01664, 2021 WL 2414580, at \*9 (E.D. Pa. June 14, 2021) (\$10,000 service awards where plaintiffs were not deposed); *Stevens*, 2020 WL 996418, at \*14 (\$10,000 service award where plaintiff was not deposed); *Accolade*, 2019 WL 4677954, at \*13 (\$1,000 service awards in data breach case settled prior to discovery); *Brown v. Progressions Behav. Health Servs., Inc.*, No. 16-cv-06054, 2017 WL 2986300, at \*7 (E.D. Pa. July 13, 2017) (\$10,000 service awards where plaintiffs were not deposed); *Moore v. GMAC Mortg.*, No. 07-cv-04296, 2014 WL 12538188, at \*3 (E.D. Pa. Sept. 19, 2014) (\$5,000 service awards for plaintiffs who "respond[ed] to document requests and consult[ed] with Counsel about developments in the case"); *Imprelis*, 296 F.R.D. at 371 (service awards of \$1,500 for individual property owners and \$2,500 for commercial entities, none of whom were deposed); *In re CertainTeed Corp. Roofing Shingle Prod. Liab. Litig.*, 269 F.R.D. 468, 476 (E.D. Pa. 2010) ("if the named plaintiff was not deposed, the . . . incentive payment will be \$2,500").

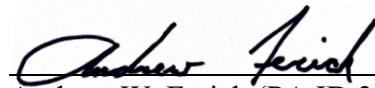
The \$2,000 Service Award amount is also conservative relative to awards routinely approved in data breach cases nationwide. *See, e.g., Perdue v. Hy-Vee, Inc.*, 550 F. Supp. 3d 572, 578 (C.D. Ill. 2021) (\$2,000 service awards for each plaintiff in case that settled prior to depositions); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-md-02752-LHK, 2020 WL 4212811, at \*43 (N.D. Cal. July 22, 2020), *aff'd*, No. 20-16633, 2022 WL 2304236 (9th Cir. June 27, 2022) (approving “\$2,500 for the five Settlement Class Representatives who participated in the instant case without being deposed”); *Chipotle*, 2019 WL 6972701, at \*2 (\$2,500 service awards for each of six plaintiffs in case that settled prior to depositions); *In re Arby’s Rest. Grp., Inc. Data Sec. Litig.*, No. 17-cv-01035, 2019 WL 2720818, at \*1 (N.D. Ga. June 6, 2019) (\$4,500 service awards for each of five plaintiffs in case that settled prior to depositions); *In re LinkedIn User Priv. Litig.*, 309 F.R.D. 573, 592 (N.D. Cal. 2015) (\$5,000 service award where plaintiff “did not need to respond to any discovery” and “was not deposed”). Accordingly, the requested Service Awards are reasonable and should be granted.

#### IV. CONCLUSION

Plaintiffs respectfully request that the Court grant Plaintiffs’ motion and approve the requested fees, expenses and service awards.

Dated: March 21, 2025

Respectfully submitted,



Andrew W. Ferich (PA ID 313696)

**AHDOOT & WOLFSON, PC**

201 King of Prussia Rd., Ste. 650

Radnor, PA 19087

Tel: (310) 474-9111

Fax: (310) 474-8585

aferich@ahdootwolfson.com

Danielle L. Perry (*pro hac vice*)

**MASON LLP**

5335 Wisconsin Ave., NW, Ste. 640  
Washington, DC 20015  
Tel: (202) 429-2290  
dperry@masonllp.com

*Interim Co-Lead Class Counsel*

Benjamin F. Johns (PA ID 201373)  
Samantha E. Holbrook (PA ID 311829)

**SHUB & JOHNS LLC**

Four Tower Bridge  
200 Barr Harbor Drive, Suite 400  
Conshohocken, PA 19428  
Tel: (610) 477-8380  
bjohns@shublawayers.com  
sholbrook@shublawayers.com

Gary F. Lynch (PA ID 56887)  
Kelly K. Iverson (PA ID 307175)

**LYNCH CARPENTER LLP**

1133 Penn Ave., 5th Floor  
Pittsburgh PA, 15222  
Tel: 412.322.9243  
kelly@lcllp.com  
gary@lcllp.com

Gary M. Klinger

**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**

227 W. Monroe St., Ste. 2100  
Chicago, IL 60606  
gklinger@milberg.com

Kenneth J. Grunfeld

Jeff Ostrow

**KOPELOWITZ OSTROW P.A.**

65 Overhill Road  
Bala Cynwyd, PA 19004  
Tel: (215) 967-8799  
grunfeld@kolawyers.com  
ostrow@kolawyers.com

Kevin Laukaitis

**LAUKAITIS LAW LLC**

954 Avenida Ponce De Leon  
Suite 205, #10518

San Juan, PR 00907  
Tel: (215) 789-4462  
klaukaitis@laukaitislaw.com

*Additional Counsel for Plaintiffs and the  
Proposed Class*

Andrew W. Ferich (PA ID 313696)  
**AHDOOT & WOLFSON, PC**  
201 King of Prussia Rd., Ste. 650  
Radnor, PA 19087  
Tel: (310) 474-9111  
Fax: (310) 474-8585  
aferich@ahdootwolfson.com

*Interim Co-Lead Class Counsel*

[Additional counsel appear on the signature line]

**IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA  
WARREN COUNTY BRANCH – CIVIL**

ROBERT PESSIA, PETER HETTMAN,  
HEIDI TULLER, ROBERT MARRONE  
and JEAN BERRY, on behalf of themselves  
and all others similarly situated;

Plaintiff,

v.

WARREN GENERAL HOSPITAL,

Defendant.

Case No. 501-2023

CLASS ACTION

**JOINT DECLARATION OF CLASS COUNSEL IN SUPPORT OF PLAINTIFFS’  
MOTION FOR ATTORNEYS’ FEES, REIMBURSEMENT OF  
COSTS AND EXPENSES, AND SERVICE AWARDS**

1. This declaration is made jointly by the undersigned, partners at the law firms Ahdoot & Wolfson, PC; Mason LLP; Shub Johns & Holbrook LLP; Lynch Carpenter LLP; Milberg Coleman Bryson Phillips Grossman, PLLC; Kopelowitz Ostrow PA; and Laukaitis Law LLC (collectively, “Class Counsel”).

2. This declaration accounts for the time and expenses of each of Class Counsel’s firms in this matter. The undersigned have personal knowledge contained herein as it relates to

the time and expenses incurred by their respective firms. If called as witnesses, each of the undersigned could and would testify competently thereto.

3. The undersigned Andrew W. Ferich of Ahdoot & Wolfson, PC and Danielle L. Perry of Mason LLP, are the Court appointed Interim Co-Lead Counsel for Plaintiffs and the settlement class. The other undersigned attorneys have represented Plaintiffs and the settlement class as additional counsel in this matter. Copies of each firm's resume are attached in **Exhibits A through G**.

4. Beginning in late November 2023, Warren General Hospital ("Warren") was named in several putative class action lawsuits related to a data breach. On January 29, 2024, the Court consolidated the actions and appointed Andrew Ferich and Danielle Perry as Interim Co-Lead Counsel. On February 29, 2024, Class Counsel filed the operative Complaint in the case.

5. Prior to commencing this litigation, Class Counsel diligently investigated potential legal claims (and potential defenses thereto) arising from Warren's alleged failure to implement adequate and reasonable data security procedures and protocols necessary to protect sensitive Personal Information.

6. Over the course of this case, Class Counsel's firms and their attorneys have performed the following work:

- Investigated the circumstances surrounding the Data Breach;
- Stayed abreast of and analyzed reports, articles, and other public materials discussing the Data Breach and describing Warren's challenged conduct;
- Reviewed public statements from Warren concerning the Data Breach, including the contents of the breach notification letter sent to impacted class members;

- Researched Warren’s corporate structure and potential co-defendants;
- Fielded numerous contacts from potential class members inquiring about this matter;
- Investigated the nature of the challenged conduct at issue here by interviewing multiple potential clients who contacted Class Counsel;
- Investigated the adequacy of the named Plaintiffs to represent the putative class;
- Drafted and filed an initial and consolidated complaint against Warren in federal court, and a complaint in this Court, and served those complaints on Warren;
- Communicated internally amongst plaintiffs’ counsel regarding the most efficient manner to organize this litigation, successfully engaging in private ordering and self-organizing leadership in this litigation;
- Analyzed information provided by Warren in pre-mediation discovery; and
- Engaged in mediation before Bennett Picker of the Stradley Ronon law firm and continued to engage in arm’s-length negotiations through numerous telephone conferences and e-mails, exchanging draft term sheets until the Parties—represented by experienced counsel who had a comprehensive understanding of the strengths and weaknesses of each party’s claims and defenses—were able to reach an agreement in principle for a settlement.

7. From the inception of the case until March 7, 2025, timekeepers at Class Counsel’s firms billed a total of \$407,140.45 on this matter, as follows:

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: AHDOOT &amp; WOLFSON, PC</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |               |                    |              |                     |
|-----------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|--------------|---------------------|
| <b>NAME</b>                                                                                                                 | <b>STATUS</b> | <b>HOURLY RATE</b> | <b>HOURS</b> | <b>LODESTAR</b>     |
| Andrew Ferich                                                                                                               | P             | \$850.00           | 71.8         | \$61,030.00         |
| Alyssa Brown                                                                                                                | A             | \$800.00           | 13.9         | \$11,120.00         |
| Deborah De Villa                                                                                                            | A             | \$750.00           | 10.3         | \$7,725.50          |
| Sarper Unal                                                                                                                 | A             | \$625.00           | 42.2         | \$26,375.00         |
| Carlynnne Wagner                                                                                                            | A             | \$550.00           | 0.7          | \$385.00            |
| Heidi Liivamagi                                                                                                             | PL            | \$350.00           | 59.4         | \$20,790.00         |
| Laura Lowe                                                                                                                  | PL            | \$350.00           | 0.4          | \$140.00            |
| Michelle Montecalvo                                                                                                         | PL            | \$350.00           | 27.8         | \$9,730.00          |
| <b>TOTALS:</b>                                                                                                              |               |                    | <b>226.5</b> | <b>\$137,295.00</b> |

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: MASON LLP</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |               |                    |              |                    |
|--------------------------------------------------------------------------------------------------------------|---------------|--------------------|--------------|--------------------|
| <b>NAME</b>                                                                                                  | <b>STATUS</b> | <b>HOURLY RATE</b> | <b>HOURS</b> | <b>LODESTAR</b>    |
| Gary E. Mason                                                                                                | P             | \$1,050.00         | 41.2         | \$43,260.00        |
| Danielle L. Perry (historical rate)                                                                          | P             | \$750.00           | 20.0         | \$15,000.00        |
| Danielle L. Perry (2025 rate)                                                                                | P             | \$825.00           | 0.7          | \$577.50           |
| Lisa A. White                                                                                                | A             | \$850.00           | 0.9          | \$765.00           |
| Ra O. Amen                                                                                                   | A             | \$625.00           | 43.4         | \$27,125.00        |
| Salena J. Chowdhury                                                                                          | A             | \$425.00           | 5.0          | \$2,125.00         |
| Jenni Suhr (historical rate)                                                                                 | PL            | \$225.00           | 8.7          | \$1,957.50         |
| Jenni Suhr (2025 rate)                                                                                       | PL            | \$350.00           | 1.6          | \$560.00           |
| Taylor Heath (historical rate)                                                                               | PL            | \$225.00           | 0.9          | \$202.50           |
| Taylor Heath (2025 rate)                                                                                     | PL            | \$385.00           | 1.0          | \$385.00           |
| Carol Corneilse                                                                                              | AE            | \$150.00           | 0.8          | \$120.00           |
| <b>TOTALS:</b>                                                                                               |               |                    | <b>124.2</b> | <b>\$92,077.50</b> |

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: SHUB JOHNS &amp; HOLBROOK LLP</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |               |                    |               |                    |
|----------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|---------------|--------------------|
| <b>NAME</b>                                                                                                                      | <b>STATUS</b> | <b>HOURLY RATE</b> | <b>HOURS</b>  | <b>LODESTAR</b>    |
| Benjamin F. Johns                                                                                                                | P             | \$1,000.00         | 31.45         | \$29,439.75        |
| Samantha E. Holbrook                                                                                                             | P             | \$800.00           | 20.22         | \$16,899.50        |
| Andrea L. Bonner                                                                                                                 | A             | \$650.00           | 23.80         | \$15,470.00        |
| Christine Powers                                                                                                                 | PL            | \$325.00           | 30.25         | \$9,831.25         |
| Lacey Russo                                                                                                                      | FPL           | \$300.00           | 6.80          | \$2,040.00         |
| Damian Gomez                                                                                                                     | AE            | \$275.00           | 2.30          | \$637.50           |
| Dawn Tormey                                                                                                                      | AE            | \$275.00           | 4.85          | \$1,333.75         |
| <b>TOTALS:</b>                                                                                                                   |               |                    | <b>119.67</b> | <b>\$75,651.75</b> |

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: LYNCH CARPENTER LLP</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |               |                    |              |                    |
|------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|--------------|--------------------|
| <b>NAME</b>                                                                                                            | <b>STATUS</b> | <b>HOURLY RATE</b> | <b>HOURS</b> | <b>LODESTAR</b>    |
| Gary Lynch                                                                                                             | P             | \$1,100.00         | 1.9          | \$2,090.00         |
| Kelly Iverson                                                                                                          | P             | \$950.00           | 11.5         | \$10,925.00        |
| Patrick Donathen                                                                                                       | A             | \$650.00           | 10.4         | \$6,760.00         |
| Christopher Cornelius                                                                                                  | A             | \$600.00           | 6.0          | \$3,600.00         |
| Lucia Romani                                                                                                           | A             | \$550.00           | 6.9          | \$3,795.00         |
| Jon Romanishin                                                                                                         | PL            | \$350.00           | 1.4          | \$490.00           |
| Daniel Hart                                                                                                            | PL            | \$350.00           | 3.2          | \$1,120.00         |
| Sadie Fahsbender                                                                                                       | LC            | \$275.00           | 7.2          | \$1,980.00         |
|                                                                                                                        |               |                    |              |                    |
| <b>TOTALS:</b>                                                                                                         |               |                    | <b>48.5</b>  | <b>\$30,760.00</b> |

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |        |                     |             |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------------------|-------------|--------------------|
| NAME                                                                                                                                              | STATUS | HOURLY RATE         | HOURS       | LODESTAR           |
| Gary M. Klinger                                                                                                                                   | P      | \$878.00            | 5.5         | \$4,829.00         |
| Mariya Weekes                                                                                                                                     | P      | \$878.00            | 5.0         | \$4,390.00         |
| John Nelson                                                                                                                                       | P      | \$538.00            | 5.6         | \$3,012.80         |
| Dean Meyer                                                                                                                                        | A      | \$437.00            | 19.5        | \$8,521.50         |
| Sandra Passanisi                                                                                                                                  | PL     | \$225.00 - \$239.00 | 3.1         | \$743.40           |
| Heather Sheflin                                                                                                                                   | PL     | \$239.00            | 1.6         | \$382.40           |
| Kerry Brennan                                                                                                                                     | PL     | \$239.00            | 13.4        | \$3,202.60         |
| Ashley Tyrrell                                                                                                                                    | PL     | \$208.00 - \$239.00 | 0.6         | \$134.10           |
| Michelle Benvenuto                                                                                                                                | PL     | \$258.00            | 0.3         | \$77.40            |
| <b>TOTALS:</b>                                                                                                                                    |        |                     | <b>54.6</b> | <b>\$25,293.20</b> |

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: KOPELOWITZ OSTROW PA</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |        |             |             |                    |
|-------------------------------------------------------------------------------------------------------------------------|--------|-------------|-------------|--------------------|
| NAME                                                                                                                    | STATUS | HOURLY RATE | HOURS       | LODESTAR           |
| Kenneth J. Grunfeld                                                                                                     | P      | \$950.00    | 28.5        | \$27,075.00        |
| Jeff Ostrow                                                                                                             | P      | \$1,025.00  | 6.0         | \$6,150.00         |
| Kristen L. Cardoso                                                                                                      | P      | \$750.00    | 5.9         | \$4,425.00         |
| <b>TOTALS</b>                                                                                                           |        |             | <b>40.4</b> | <b>\$37,650.00</b> |

| <b>LODESTAR REPORT</b><br><b>FIRM NAME: LAUKAITIS LAW, LLC</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |        |             |             |                   |
|-----------------------------------------------------------------------------------------------------------------------|--------|-------------|-------------|-------------------|
| NAME                                                                                                                  | STATUS | HOURLY RATE | HOURS       | LODESTAR          |
| Daniel Tomascik                                                                                                       | LC     | \$ 325.00   | 3.9         | \$1,267.50        |
| Daniellys Suarez                                                                                                      | LC     | \$ 300.00   | 1.3         | \$390.00          |
| Kevin Laukaitis                                                                                                       | P      | \$ 925.00   | 7.3         | \$6,752.50        |
| <b>TOTALS</b>                                                                                                         |        |             | <b>12.5</b> | <b>\$8,410.00</b> |

**P = Partner**  
**FP = Former Partner**  
**A = Associate**  
**FA = Former Associate**  
**LC = Law Clerk**  
**PL = Paralegal**  
**FPL = Former Paralegal**  
**AE = Administrative**

8. From the inception of the case until March 7, 2025, Class Counsel's firms recorded \$19,367.77 in the expenses on this matter, as follows:

| <b>EXPENSES</b><br><b>FIRM NAME: AHDOOT &amp; WOLFSON, PC</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |                                    |
|----------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Category Name</b>                                                                                                 | <b>Total Expenses per Category</b> |
| Electronic Research & Pacer Fees                                                                                     | \$32.50                            |
| Filing & Attorney Service Fees                                                                                       | \$1,339.90                         |
| Mailing/Postage                                                                                                      | \$511.18                           |
| Meal                                                                                                                 | \$40.12                            |
| Mediation Fees                                                                                                       | \$6,000.00                         |
| Office Supplies                                                                                                      | \$31.22                            |
| <b>Total</b>                                                                                                         | <b>\$8,251.82</b>                  |

| <b>EXPENSES</b><br><b>FIRM NAME: MASON LLP</b><br><b>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025</b> |                                    |
|-------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Category Name</b>                                                                                  | <b>Total Expenses per Category</b> |
| Court Fees                                                                                            | \$1,110.50                         |
| Travel                                                                                                | \$824.13                           |
| Mediation Fees                                                                                        | \$6,000.00                         |
| <b>Total</b>                                                                                          | <b>\$7,934.63</b>                  |

| EXPENSES<br>FIRM NAME: SHUB JOHNS & HOLBROOK LLP<br>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025 |                             |
|--------------------------------------------------------------------------------------------------|-----------------------------|
| Category Name                                                                                    | Total Expenses per Category |
| Court Fees                                                                                       | \$285.03                    |
| Legal Research                                                                                   | \$87.56                     |
| Postage/Shipping                                                                                 | \$170.74                    |
| <b>Total</b>                                                                                     | <b>\$543.33</b>             |

| EXPENSES<br>FIRM NAME: LYNCH CARPENTER LLP<br>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025 |                             |
|--------------------------------------------------------------------------------------------|-----------------------------|
| Category Name                                                                              | Total Expenses per Category |
| Court Fees                                                                                 | \$84.50                     |
| Filing & Service Fees                                                                      | \$1,177.52                  |
| Mailing/Postage                                                                            | \$92.35                     |
| <b>Total</b>                                                                               | <b>\$1,354.37</b>           |

| EXPENSES<br>FIRM NAME: MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC<br>REPORTING PERIOD: INCEPTION TO MARCH 7, 2025 |                             |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Category Name                                                                                                         | Total Expenses per Category |
| Pro Hac Vice Fees                                                                                                     | \$375.00                    |
| Out-of-Town Travel & Meals                                                                                            | \$908.62                    |
| <b>Total</b>                                                                                                          | <b>\$1,283.62</b>           |

9. The foregoing data and information were obtained from the records and accounts kept in the ordinary course of business at the respective firms.

10. The work performed by each of these firms in this case was reasonable and necessary to the prosecution and settlement of this case. Class Counsel coordinated their efforts to ensure that necessary tasks were carried out efficiently and that work was not duplicated. Class

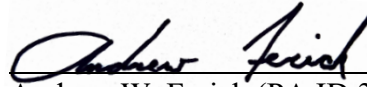
Counsel conducted a significant factual investigation before commencing this action and litigated this action diligently and vigorously after it was filed. Because of our comprehensive evaluation of the facts and law, Class Counsel was able to settle this case for a very substantial sum. Class Counsel provided Class Members with substantive and certain relief much sooner than would have otherwise been obtained if litigation of this matter had continued. Class Counsel's work will continue through the Final Approval Hearing, and hours incurred after March 7, 2025 are not accounted for in the lodestar reports included in this declaration, ¶ 7.

11. Class Counsel prosecuted this case on a contingent-fee basis with no guarantee of recovery. Each firm was forced to forgo other employment in order to devote the time necessary to pursue this litigation. Class Counsel advanced expenses with the understanding that we would be paid a fee and receive reimbursement for expenses only if successful and only if approved by the Court. Class Counsel have not been paid for any of their time in this litigation or reimbursed for any of the expenses incurred in this matter.

12. Class Representatives played an active role in this litigation and their efforts were critical in attaining settlement. Class Representatives' efforts included, among other things, undergoing lengthy initial and follow-up interviews by Class Counsel to gather their facts; searching for documents; agreeing to burdensome evidence preservation obligations regarding hardcopy documents, emails, financial records, and other ESI; reviewing case filings; monitoring the overall progress of the litigation; engaging in frequent communications with Class Counsel; and approving the Settlement Agreement.

Dated: March 21, 2025

Respectfully submitted,



Andrew W. Ferich (PA ID 313696)

**AHDOOT & WOLFSON, PC**

201 King of Prussia Rd., Ste. 650

Radnor, PA 19087

Tel: (310) 474-9111

Fax: (310) 474-8585

aferich@ahdootwolfson.com

Danielle L. Perry (*pro hac vice*)

**MASON LLP**

5335 Wisconsin Ave., NW, Ste. 640

Washington, DC 20015

Tel: (202) 429-2290

dperry@masonllp.com

*Interim Co-Lead Class Counsel*

Benjamin F. Johns (PA ID 201373)

Samantha E. Holbrook (PA ID 311829)

**SHUB & JOHNS LLC**

Four Tower Bridge

200 Barr Harbor Drive, Suite 400

Conshohocken, PA 19428

Tel: (610) 477-8380

bjohns@shublawyers.com

sholbrook@shublawyers.com

Gary F. Lynch (PA ID 56887)

Kelly K. Iverson (PA ID 307175)

**LYNCH CARPENTER LLP**

1133 Penn Ave., 5th Floor

Pittsburgh PA, 15222

Tel: 412.322.9243

kelly@lcllp.com

gary@lcllp.com

Gary M. Klinger

**MILBERG COLEMAN BRYSON**

**PHILLIPS GROSSMAN, PLLC**

227 W. Monroe St., Ste. 2100

Chicago, IL 60606

gklinger@milberg.com

Kenneth J. Grunfeld  
Jeff Ostrow  
**KOPELOWITZ OSTROW P.A.**  
65 Overhill Road  
Bala Cynwyd, PA 19004  
Tel: (215) 967-8799  
grunfeld@kolawyers.com  
ostrow@kolawyers.com

Kevin Laukaitis  
**LAUKAITIS LAW LLC**  
954 Avenida Ponce De Leon  
Suite 205, #10518  
San Juan, PR 00907  
Tel: (215) 789-4462  
klaukaitis@laukaitislaw.com

*Additional Counsel for Plaintiffs and the  
Proposed Class*

# **Exhibit A**



Ahdoot & Wolfson, PC ("AW") is a nationally recognized law firm founded in 1998 that specializes in complex and class action litigation, with a focus on privacy rights, unfair and anti-competitive business practices, consumer fraud, employee rights, defective products, civil rights, and taxpayer rights and unfair practices by municipalities. The attorneys at AW are experienced litigators who often have been and are appointed by state and federal courts as lead class counsel, including in multidistrict litigation. In over two decades of its successful existence, AW has successfully vindicated the rights of millions of class members in protracted, complex litigation, conferring billions of dollars to the victims, and affecting real change in corporate behavior.

### **Profile of Partner Andrew W. Ferich**



Mr. Ferich is a leading national data privacy practitioner known for his collaborative and cooperative approach with co-counsel, and his zealous advocacy for the clients and classes he represents. He has extensive experience serving in leadership and leadership support roles in complex class actions, including some of the highest profile data privacy and consumer class action cases.

Examples of Mr. Ferich's leadership abound. He is routinely appointed as interim co-lead class counsel in major data breach class action litigations. *See, e.g., Reichbart v. Financial Business and Consumer Solutions, Inc.*, No. 2:24-cv-01876, ECF No. 23 (E.D. Pa. July 17, 2024) (over 4 million class members); *Bianucci v. Rite Aid Corp.*, No. 2:24-cv-03356, ECF No. 11 (E.D. Pa. Aug. 16, 2024) (Bartle III, J.) (over 2 million class members); *Anaya, et al. v. Cencora, Inc., et al.*, No. 24-2961, ECF No. 75 (E.D. Pa. Sept. 30, 2024) (hub-and-spoke-like data breach involving Cencora f/k/a AmerisourceBergen and numerous of its pharma customer companies).

Mr. Ferich also recently was appointed to the Plaintiffs' Steering Committee in the Snowflake MDL, a massive hub-and-spoke data breach litigation. *See In re: Snowflake, Inc. Data Security Breach Litigation*, 2:24-md-03126-BMM (D. Montana), ECF Nos. 253, 255 (appointing Mr. Ferich to the Plaintiffs' Steering Committee and to serve on the law and briefing team and co-manage the Snowflake component of the litigation).

Mr. Ferich has been at the forefront of the highly publicized Accellion FTA hub-and-spoke data breach litigation. In two of the Accellion cases, final settlement approval was granted and Mr. Ferich was appointed as co-lead class counsel. See *Harbour, et al. v. California Health & Wellness Plan, et al.*, No. 5:21-cv-03322 (N.D. Cal.) (Hon. Edward J. Davila) (approved \$10 million nationwide class action settlement, that also provided robust injunctive relief); *Cochran, et al. v. The Kroger Co., et al.*, No. 5:21-cv-01887-EJD (N.D. Cal.), ECF No. 115 (approved \$5 million nationwide class action settlement, that also provided robust injunctive relief).

Mr. Ferich routinely is appointed in other major, non-privacy class action litigations. A comprehensive list of Mr. Ferich's case appointments and leadership, results, and other active litigation can be found at the end of this biography.

For example, in *Udeen v. Subaru of Am., Inc.*, No. 18-17334 (RBK) (JS)(D.N.J.), Mr. Ferich was co-lead counsel in an automotive defect class action that resulted in a settlement valued at \$6.25 million. The Court observed that Mr. Ferich and his co-counsel "are very skilled and very efficient lawyers . . . . They've done a nice job." In *Steinhardt et al. v. Volkswagen Group of America, Inc. et al.*, No. 3:23-cv-02291-RK-RLS (D.N.J.), Mr. Ferich is currently appointed co-lead settlement class counsel in lawsuit that alleged a defective belt start generator in certain Audi automobiles and involved hundreds of thousands of class members. That settlement, valued at over \$30 million, recently received final settlement approval. *Id.*, ECF No. 76; see also *Cilluffo, et al. v. Subaru of America, Inc., et al.*, No. 1:23-cv-01897-RBK-MJS (D.N.J.) (Mr. Ferich is appointed interim co-lead counsel in a second case against Subaru alleging defective infotainment systems in Subaru vehicles); *Smith, et al. v. VCA Inc., et al.*, No. 2:21-cv-09140-GW-AGR (C.D. Cal.) (Mr. Ferich is class counsel in approved ERISA class action settlement relating to case alleging excessive 401(k) plan recordkeeping and administrative fees, and other fiduciary breaches).

Mr. Ferich is admitted to the bars of Pennsylvania, New Jersey, and the District of Columbia. He graduated from Georgetown University in 2009 and received his law degree from the Villanova University Charles Widger School of Law in 2012. Mr. Ferich has significant experience in consumer protection, ERISA/retirement plan, and whistleblower/*qui tam* litigation. Before joining the plaintiffs' bar, Mr. Ferich was an attorney at an AmLaw 200 national litigation firm in Philadelphia where he focused his practice on commercial litigation and financial services litigation. Mr. Ferich possesses major jury trial experience and has assisted in litigating cases through all stages that have collectively resulted in hundreds of millions in settlement value in damages and injunctive relief for various classes and groups of people.

#### **AW's Results and Current Noteworthy Leadership Roles in Privacy Cases**

AW has achieved excellent results as lead counsel in numerous complex class actions throughout its more than two decade existence.

As co-lead counsel in the *Zoom Video Communications, Inc. Privacy Litigation*, No. 5:20-cv-02155 (N.D. Cal.) (Hon. Laurel Beeler), a nationwide class action alleging privacy violations from the collection of personal information through third-party software development kits and failure to provide end to end encryption, AW achieved an \$85 million nationwide class settlement that also included robust injunctive relief overhauling Zoom’s data collection and security practices.

As co-lead counsel in the *Experian Data Breach Litigation*, No. 8:15-cv-01592-AG-DFM (C.D. Cal.) (Hon. Andrew J. Guilford), which affected nearly 15 million class members, AW achieved a settlement conservatively valued at over \$150 million. Each class member was entitled to two years of additional premium credit monitoring and ID theft insurance (to begin whenever their current credit monitoring product, if any, expires) plus monetary relief (in the form of either documented losses or a default payment for non-documented claims). Experian also provided robust injunctive relief. Judge Guilford praised counsel’s efforts and efficiency in achieving the settlement, commenting “You folks have truly done a great job, both sides. I commend you.”

In *Rivera v. Google LLC*, No. 2019-CH-00990 (Ill Cir. Ct.) (Hon. Anna M. Loftus), a class action arising from Google’s alleged illegal collection, storage, and use of the biometrics of individuals who appear in photographs uploaded to Google Photos in violation of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.*, AW achieved a settlement that establishes a \$100 million non-reversionary cash settlement fund and provides meaningful prospective relief for the benefit of class members.

As an invaluable member of a five-firm PSC in the *Premiera Blue Cross Customer Data Sec. Breach Litigation*, No. 3:15-cv-02633-SI (D. Or.) (Hon. Michael H. Simon), arising from a data breach disclosing the sensitive personal and medical information of 11 million Premiera Blue Cross members, AW was instrumental in litigating the case through class certification and achieving a nationwide class settlement valued at \$74 million.

Similarly, in the *U.S. Office of Personnel Management Data Security Breach Litigation*, No. 1:15-mc-1394-ABJ (D.D.C.) (Hon. Amy Berman Jackson), AW, as a member of the PSC, briefed and argued, in part, the granted motions to dismiss based on standing, briefed in part the successful appeal to the D.C. Circuit, and had an important role in a preliminarily approved settlement providing for a \$63 million settlement fund.

In *The Home Depot, Inc., Customer Data Sec. Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.), AW served on the consumer PSC and was instrumental in achieving a \$29 million settlement fund and robust injunctive relief for the consumer class.

AW also currently serves on the PSC in *Am. Med. Collection Agency, Inc., Customer Data Sec. Breach Litigation*, No. 2:19-md-2904-MCA-MAH (D.N.J.) (Hon. Madeline Cox Arleo), a class action arising out of a medical data breach that disclosed the personal and financial information of over 20 million patients, as well as many other data breach class actions.

\* \* \*

AW has all the resources at its disposal necessary to effectively and efficiently litigate large scale class action litigation. The firm has never used litigation funding for any of its cases. AW employs 11 attorneys and numerous paralegals and support staff, and is willing and able to deploy its resources as needed in each of the cases it is leading. More information about AW and its lawyers is available at the firm's website, <https://www.ahdootwolfson.com>.

## ANDREW W. FERICH – AHDOOT & WOLFSON, P.C.

### Case Results, Appointments and Leadership, and Active Litigation

#### AUTOMOTIVE DEFECTS LITIGATION

##### *Results*

*Steinhardt et al. v. Volkswagen Group of America, Inc. et al.*, No. 3:23-cv-02291-RK-RLS (D.N.J.) (Kirsch, J.): approved settlement valued at over **\$30 million**, in a class action lawsuit alleging a defective belt start generator in certain Audi automobiles that involved hundreds of thousands of class members. Mr. Ferich was appointed settlement co-lead class counsel. In granting final settlement approval, the Court stated that plaintiffs' counsel "are highly experienced and dedicated attorneys who secured what I view to be an excellent outcome for the class."

*In re MyFord Touch Consumer Litig.*, No. 13-cv-03072-EMC (N.D. Cal.) (Chen, J.): **\$17 million** approved settlement in this consumer class action concerning allegedly defective MyFord Touch infotainment systems, which settled shortly before trial. Mr. Ferich was an instrumental part of the litigation team, including substantial contributions to trial preparation.

*Udeen v. Subaru of Am., Inc.*, No. 18-17334 (RBK) (JS) (D.N.J.) (Kugler, J.): Mr. Ferich was co-lead counsel in this class action involving a defect in the Starlink infotainment system in certain Subaru automobiles that resulted in an approved settlement valued at **\$6.25 million**. The Court observed that Mr. Ferich and his co-counsel "are very skilled and very efficient lawyers . . . . They've done a nice job."

*Duffy, et al. v. Mazda Motor of America, Inc.*, No. 3:24-cv-388-BB (W.D. Ky.) (Beaton, J.): preliminarily approved settlement in a class action lawsuit involving 1.7 million class members. The lawsuit alleges an infotainment system defect in certain Mazda automobiles. Mr. Ferich is one of two court-appointed co-lead counsel.

*Cilluffo, et al. v. Subaru of America, Inc., et al.*, No. 1:23-cv-01897-KMW-AMD (D.N.J.) (Williams, J.): Mr. Ferich was appointed interim co-lead counsel in a second case against Subaru alleging defective Starlink infotainment systems in certain Subaru vehicles.

##### *Active Litigation and Leadership*

*McNeely, et al. v. FCA US, LLC*, No. 5:24-cv-11596-JEL-DRG (E.D. Mich.) (Levy, J.): Mr. Ferich identified and developed this case, and is leading this litigation on behalf of his firm. In this case, Plaintiffs allege that certain Fiat Chrysler vehicles across various model years suffer from a host of issues that cause the vehicles' Uconnect infotainment system to work intermittently or fail.

*Le Beau, et al. v. Kia America, Inc.*, No. 8:22-cv-01545-FWS-JDE (C.D. Cal.) (Slaughter, J.): Mr. Ferich identified and developed this case, and is leading this litigation on behalf of his firm. In this case, Plaintiffs allege that certain Kia Optima and Sportage model year vehicles suffer from defective power window regulators that cause the power windows to fail over time.

## **PRODUCTS LIABILITY AND DEFECTIVE PRODUCTS LITIGATION**

### ***Results***

*In re: MacBook Keyboard Litig.*, No: 5:18-cv-02813-EJD (N.D. Cal.) (Davila, J.): **\$50 million** approved settlement that alleged certain Apple MacBook laptop models contained a known defect plaguing the functionality of Apple's notorious butterfly keyboard. Mr. Ferich identified and developed this proprietary, high profile, and highly covered case. He also developed the relevant legal theories, and was instrumental in litigating this action. In granting final settlement approval, the Court noted that plaintiffs' counsel "achieved excellent results for the class."

*In re Nexus 6P Prods. Liab. Litig.*, No. 5:17-cv-02185-BLF (N.D. Cal.) (Freeman, J.): **\$9.75 million** approved settlement in an action alleging that Google smartphones contained a defect that caused "bootlooping" and sudden battery drain. Mr. Ferich principally was involved in litigating this case to settlement.

*Weeks, et al. v. Google LLC*, No. 5:18-cv-00801-NC (N.D. Cal.) (Cousins, J.): **\$7.25 million** approved settlement in a consumer class action alleging that Google sold first-generation Pixel smartphones with a known microphone defect. Mr. Ferich principally was involved in litigating this case to settlement.

### ***Active Litigation and Leadership***

*In re Apple Data Privacy Litig.*, No. 5:22-cv-07069-EJD (N.D. Cal.) (Davila, J.): Mr. Ferich developed and principally litigated this case for his law firm. The litigation alleges that certain Apple mobile devices continue to record and track user activity even after consumers change their device settings to prevent data sharing.

*McFadden v. Microsoft Corp.*, No. C20-0640-RSM-MAT (W.D. Wash.) (Martinez, J.): Mr. Ferich was appointed as interim co-lead class counsel in a consumer products class action alleging that certain Microsoft Xbox controllers are plagued with a defect causing controller "drift."

## **ERISA / RETIREMENT PLAN LITIGATION**

### ***Results***

*Davis, et al. v. Washington University in St. Louis, et al.*, No. 4:17-cv-01641-RLW (E.D. Mo.) (White, J.): **\$7.5 million** approved common fund settlement in an ERISA class action lawsuit alleging excessive fees and other fiduciary breaches relating to one of the largest university 403(b) retirement plans,

with nearly \$6 billion in assets. Mr. Ferich identified, developed, and principally litigated this case, including drafting the briefing that revived the litigation on appeal to the United States Court of Appeals for the Eighth Circuit.

*Smith, et al. v. VCA Inc., et al.*, No. 2:21-cv-09140-GW-AGR (C.D. Cal.) (Wu, J.): **\$1.5 million** approved common fund class action settlement in a lawsuit alleging violations of ERISA relating to excessive 401(k) plan recordkeeping and administrative fees, and other fiduciary breaches. Mr. Ferich was appointed co-lead class counsel.

*Tsui, et al. v. Universal Services of America, LP, et al.*, No. 8:22-cv-01158-JWH-JDE (C.D. Cal.) (Holcombe, J.): **\$1.4 million** common fund class action settlement pending preliminary approval in a lawsuit alleging violations of ERISA relating to excessive 401(k) plan recordkeeping and administrative fees, and other fiduciary breaches. Mr. Ferich is appointed co-lead class counsel.

## PRIVACY AND DATA BREACH LITIGATION

### *Results*

*In re loanDepot Data Breach Litigation*, Case No.: 8:24-cv-00136-DOC-JDEx (C.D. Cal.) (Carter, J.): **\$25 million** preliminarily approved common fund class action settlement on behalf of over 16.9 million class members in a data breach lawsuit against a large retail mortgage lender that involves highly sensitive personally identifying information. Mr. Ferich identified, developed, and principally litigated this case from inception through settlement.

*Heath, et al. v. Keenan & Associates, et al.*, Case No. 24STCV03018 (Cal. Super. Ct. Los Angeles Cty.): **\$14 million** common fund class action settlement on behalf of over 1.78 million victims in an insurance broker data breach case, pending preliminary approval. Mr. Ferich is seeking to be appointed co-lead class counsel.

*Harbour, et al. v. California Health & Wellness Plan, et al.*, No. 5:21-cv-03322 (N.D. Cal.) (Davila, J.): **\$10 million** approved common fund class action settlement on behalf of 1.5 million victims in a medical information data breach case that is part of the Accellion hub-and-spoke data breach litigation. Mr. Ferich was appointed as co-lead counsel.

*In re Wawa, Inc. Data Breach Litigation*, No. 2:19-cv-06019 (E.D. Pa.) (Pratter, J.): settlement including **\$9 million** in cash and gift cards and data security enhancements valued at no less than \$35 million on behalf of consumers whose sensitive payment card information was exposed to criminals as part of a highly publicized data breach. Mr. Ferich identified and was instrumental in developing and litigating this lawsuit prior to settlement.

*Bianucci v. Rite Aid Corp.*, No. 2:24-cv-03356 (E.D. Pa.) (Bartle III, J.): preliminarily approved **\$6.8 million** common fund class action settlement on behalf of 2.2 million consumers who had, among other data, their driver's license information compromised. Mr. Ferich is appointed co-lead class counsel.

*Cochran, et al. v. The Kroger Co., et al.*, No. 5:21-cv-01887-EJD (N.D. Cal.) (Davila, J.): **\$5 million** approved common fund class action settlement on behalf of 3.82 million victims in a medical information data breach case that is part of the Accellion hub-and-spoke data breach litigation. Mr. Ferich was appointed as co-lead counsel.

*Smeltz, et al. v. Logan Health, et al.*, No. A-DV-22-0124 (Mont. 8th Jud. Dist. Ct., Cascade Cty.): **\$4.3 million** approved common fund class action settlement on behalf of hundreds of thousands of Montanans whose sensitive medical information was reportedly exposed to cybercriminals. Mr. Ferich was appointed as co-lead class counsel. On appeal to the Montana Supreme Court, Mr. Ferich wrote the appellate briefing and overcame an objection that resulted in published opinion affirming the final approval order and shaped class action jurisprudence in the State of Montana.

*Nelson, et al. v. Connexin Software Inc. d/b/a Office Practicum*, No. 2:22-cv-04676-JDW (E.D. Pa.) (Wolson, J.): **\$4 million** approved common fund class action settlement on behalf of millions of victims in a pediatric medical information data breach case. Mr. Ferich was appointed to the Plaintiffs' Steering Committee.

*Leitermann, et al. v. Forefront Dermatology SC, et al.*, No. 1:21-cv-00887-LA (E.D. Wis.) (Adelman, J.): **\$3.75 million** approved common fund class action settlement on behalf of millions of victims in a medical data breach case. Mr. Ferich was appointed as co-lead class counsel.

*Gravley, Sr., et al. v. Fresenius Vascular Care, Inc. d/b/a Azura Vascular Care*, No. 2:24-cv-01148 (E.D. Pa.) (Baylson, J.): **\$3.15 million** preliminarily approved common fund class action settlement on behalf of approximately 334,000 class members in a medical data breach case. Mr. Ferich is appointed as co-lead class counsel.

*In re: Eskenazi Health Data Incident Litig.*, No. 49D01-2111-PL-038870 (Ind. Comm. Ct. Jan. 24, 2022): **\$2.5 million** approved common fund class action settlement on behalf of approximately 160,000 victims in a medical data breach case. Mr. Ferich was appointed to the plaintiffs' steering committee.

*Lukens v. Utah Imaging Assocs.*, No. 210906618 (Dist. Ct. Salt Lake Cty., Utah): **\$2.1 million** approved common fund class action settlement on behalf of nearly 584,000 victims in a medical data breach case. Mr. Ferich was appointed as one of two co-lead class counsel.

*Briscoe v. First Financial Credit Union*, No. D-202-CV-2022-02974 (New Mexico 2d Judicial Dist. Ct. Bernalillo Cty.): **\$1.6 million** approved common fund class action settlement on behalf of approximately 230,000 victims in a credit union data breach case. Mr. Ferich was appointed as co-lead counsel.

*Pessia, et al. v. Warren General Hospital*, Case No. 501 (Pa. Com. Pl. Warren Cty.): **\$1.3 million** preliminarily approved common fund class action settlement on behalf of hundreds of thousands of victims in a medical data breach case. Mr. Ferich is appointed as one of two co-lead class counsel.

*Kesner, et al. v. UMass Mem'l Health Care, Inc.*, No. 2185 CV 01210 (Mass. Super. Ct.): **\$1.2 million** approved common fund class action settlement on behalf of hundreds of thousands of class members in a medical data breach case. Mr. Ferich was appointed co-lead class counsel.

*Finn, et al. v. Empress Ambulance Service, LLC.*, Index No. 61058/2023 (N.Y. Supreme Court Westchester Cty.): **\$1.05 million** approved common fund class action settlement on behalf of approximately 308,000 million victims in a medical data breach case. Mr. Ferich was appointed co-lead class counsel and overcame an objection to the settlement.

*Breneman, et al. v. Keystone Rural Health Center d/b/a Keystone Health*, No. 2023-618 (Pa. Com. Pl. Franklin Cnty.): **\$900,000** approved common fund class action settlement on behalf of hundreds of thousands of victims who sensitive medical and other person information was disclosed in a data breach. Mr. Ferich was appointed as class counsel. He previously had been appointed as interim co-lead counsel in the federal court companion case, *In re Keystone Data Breach Litig.*, No. 1:22-cv-01643-CCC (M.D. Pa.).

*Perdue v. Hy-Vee, Inc.*, No. 1:19-cv-01330 (C.D. Ill.): Mr. Ferich was appointed co-lead class counsel in payment card data breach litigation, where the settlement received final approval and included corporate commitments with a value of at least \$20 million in data security improvements.

*Easter, et al. v. Sound Generations*, No. 21-2-16953-4 SEA (Wash. Super. Ct. King Cty.): Mr. Ferich was appointed class counsel in a medical information data breach class action impacting 600,000 people, where final settlement approval was granted.

*McCullough v. True Health New Mexico, Inc.*, No. D-202-CV-2021-06816 (New Mexico 2d Judicial Dist. Ct. Bernalillo Cty.): Mr. Ferich was appointed class counsel in a medical information data breach class action impacting 63,000 people, where final settlement approval was granted.

*Rivera, et al. v. Essen Medical Associates, P.C. d/b/a Essen Health Care*, Index No. 801239/2024E N.Y. Supreme Court Bronx Cty.): Mr. Ferich is leading this class action litigation with co-counsel on behalf of nearly 908,000 victims in a medical data breach case.

*Bray, et al. v. GameStop Corp.*, No. 1:17-cv-01365 (D. Del.) (Jones III, J.): Mr. Ferich was principally responsible for this payment card data breach litigation that involved 1.3 million credit and debit card holder class members. Mr. Ferich's efforts led to a nationwide class action action settlement. In approving the settlement in this matter, the District Judge commented that the settlement was "so comprehensive that there's really nothing else that I need developed further . . . ."

*Gordon, et al. v. Chipotle*, Case No. 17-cv-01415-CMA-SKC (D. Colo.) (Arguello, J.): Mr. Ferich identified, developed, and principally litigated this payment card data breach lawsuit alleging millions of debit and credit cardholders who shopped at Chipotle stores were impacted by a payment card breach. In approving the settlement, the Court observed that plaintiffs' counsel have "extensive experience in class action litigation . . . ."

### *Active Litigation and Leadership*

*In re: Snowflake, Inc. Data Security Breach Litigation*, 2:24-md-03126-BMM, ECF Nos. 253, 255 (D. Mont.) (Morris, J.): Mr. Ferich is appointed to the Plaintiffs' Steering Committee and to serve on the law and briefing team and co-manage the Snowflake component of this sprawling hub-and-spoke data breach multi-district litigation.

*Reichbart v. Financial Business and Consumer Solutions, Inc.*, No. 2:24-cv-01876 (E.D. Pa.) (Quiñones Alejandro, J.): Mr. Ferich is one of four court-appointed interim co-lead class counsel in a data breach class action lawsuit involving a debt collection company and its customers, in which over four million class members are impacted.

*Anaya, et al. v. Cencora, Inc., et al.*, No. 24-2961 (E.D. Pa.) (Rufe, J.): Mr. Ferich is one of four court-appointed interim co-lead class counsel and a medical information hub-and-spoke-like data breach involving Cencora f/k/a AmerisourceBergen and numerous of its pharmaceutical company customers.

*Volio v. Sugarhouse HSP Gaming, L.P. d/b/a Rivers Casino Philadelphia, et al.*, No. 2:25-cv-00039-JDW (E.D. Pa.) (Wolson, J.): Mr. Ferich is one of four court-appointed interim co-lead class counsel in a casino data breach involving Social Security numbers and direct deposit information.

*Johnsen v. American Water Works Company, Inc.*, No. 1:24-cv-09752-RMB-EAP (D.N.J.) (Bumb, J.): Mr. Ferich is appointed Chair of the PSC in this data breach litigation involving one of the nation's largest water utilities.

*In re: Geisinger Health Data Security Incident Litig.*, No. 4:24-cv-01071-MWB (M.D. Pa.) (Brann, J.): Mr. Ferich is appointed to the PSC in this health information data breach litigation.

*In re HealthEquity, Inc. Data Security Incident Litig.*, No. 2:24-cv-00528-JNP-CMR (D. Utah) (Parrish, J.): Mr. Ferich is appointed as one of lead counsel on the Plaintiffs' Executive Committee in this health information data breach litigation.

*In re GEICO Customer Data Breach Litig.*, No. 1:21-cv-02210-NCM-SJB (E.D.N.Y.) (Merle, J.): Mr. Ferich identified, developed, and principally litigates this case alleging that GEICO disclosed sensitive information, including information from motor vehicle records, as part of a data security incident, in violation of the law, including the federal Drivers Privacy Protection Act (DPPA), 28 U.S.C. §§ 2721, *et seq.*

# **Exhibit B**



Mason LLP is dedicated to representing plaintiffs in class actions, mass torts and individual cases in courts throughout the United States

Our attorneys have a long history of obtaining major verdicts and settlements. We frequently lead, co-lead, or perform other leadership roles in class actions of national significance. Examples include the Office of Personal Management (OPM) data breach litigation (in which one of our attorneys was appointed Liaison Counsel) and the Entran II product liability litigation (in which one of our attorneys served as Co-Lead Counsel and successfully resolved the case for \$330 million).

### **THE FIRM'S PRINCIPAL LAWYERS**

**Gary E. Mason**  
*Founding Partner*



Gary graduated magna cum laude, Phi Beta Kappa, from Brown University and Duke University Law School, where he was an editor of *Law and Contemporary Problems*. He then served as a law clerk for the Honorable Andrew J. Kleinfeld of the U.S. District Court for the District of Alaska. Gary was previously an Associate at Skadden Arps and a Partner at Cohen Milstein where he was the first Co-Chair of its Consumer Protection Practice Group.

Gary is a nationally recognized leader of the class action bar. Focusing on consumer class actions and mass torts, Gary has recovered more than \$1.5 billion in the 29 years he has represented plaintiffs. With his broad experience, Gary is nationally known for representing consumers in class actions involving a wide range of defective products, including Chinese drywall, fire retardant plywood, polybutylene pipe, high-temperature plastic venting, hardboard siding, pharmaceutical products, consumer electronics and automobiles. He also is recognized for his successful representation of persons injured by negligently discharged pollutants (e.g., *In re the Exxon Valdez*) and victims of wage theft. He currently represents more than 2,000 Customs and Border Patrol Agents in FLSA litigation against the federal government, more than 1,500 women injured by use of a defective tampon product, thousands of owners of animals injured by contaminated dog food, and over 23 million individuals whose personal data was compromised by the U.S. Office of Personal Management data breach.

Gary was an early advocate for victims of security breaches and privacy violations, starting with the first settlement arising from a Google data breach (*In re Google Buzz*), the Department of Veterans

Affairs stolen laptop case, and continuing in data breach cases to-date. Mr. Mason recently served as liaison counsel in a data breach case filed against the Office of Personnel Management. *In re U.S. Off. Of Pers. Mgmt. Data Security Breach Litig.*, 266 F. Supp. 3d 1 (D.D.C. 2017) (final approval of a \$63 million settlement fund granted in October 2022). He currently serves as one of the co-lead counsel for the *Farley, et al. v. Eye Care Leaders* data breach matter related to the breach of over three million individuals' data, which is pending in the Middle District of North Carolina, Case No. 1:22-cv-468. He also serves as co-lead counsel for the following pending cases: *Guy, et al. v. Convergent Outsourcing, Inc.*, Case 2:22-cv-01558 (WD Wash.); *Alvarado, et al. v. JDC Healthcare Management, LLC*, Case No. DC-22-03137 (District Court of Dallas County, Texas); *Tucker, et al. v. Marietta Area Health Care*, Case No. 2:22-cv-00184 (SD Ohio) (preliminary approval granted June 2023); and *Darrin v. Huntington Ingalls Industries*, Case No. 4:2023-cv-00053 (ED Virginia).

Gary has served in leadership positions in many consumer class actions in State and Federal courts nationwide as well as in MDLs. Gary writes and speaks frequently on topics related to class action litigation. He was the 2012–2013 Co-Chair of the Class Action Litigation group for the American Association for Justice and presently serves as the Chairman of its Rule 23 Task Group. He has repeatedly been named a Washington, DC Super Lawyer for Class Actions.

Gary lives in Bethesda, Maryland.

### **Danielle L. Perry** **Partner**



Danielle L. Perry is a partner at Mason LLP, and offers nearly a decade of class action litigation experience to the benefit of her clients. Graduating from the University of California, Berkeley in 2010 and from Loyola Law School, Los Angeles in 2013, Ms. Perry is licensed to practice in the State of California, District of Columbia, and in numerous federal district courts across the country as well as the U.S. Court of Federal Claims, and the Fifth, Seventh, and Federal Circuit Courts of Appeals. While Ms. Perry originally focused her career on employment law class actions, after her first few years of practice she expanded her experience and resume to cover numerous data breach and consumer class actions as well. Ms. Perry, either as an individual or as a member of her firm, has been named class counsel or appointed to leadership positions in numerous data breach class actions including: *Payton v. Fam. Vision of Anderson, P.A.*, No. 2023CP0401636 (S.C. Ct. C.P. Anderson Cnty.) (appointed Interim Co-Lead Class Counsel Sept. 11, 2023); *Woods v. Albany ENT & Allergy Services, P.C.*, No. 904730-23 (N.Y. Sup. Ct. Albany Cnty.) (appointed Interim Co-Lead Counsel July 2023); *Rasmussen et al. v. Uintah Basin Healthcare*, Case No. 2:23-cv-00322 (D. Utah) (appointed Interim Co-Lead Counsel June 2023); *In re NCB Management Services, Inc. Data Breach Litigation*, Case No. 23-1236 (E.D. Pa.) (appointed to the Plaintiffs' Steering Committee, June 2023); *In re Flagstar December 2021 Data Security Incident Litigation*, Case No. 22-cv-11385 (E.D. Mich.) (appointed to the Plaintiffs' Executive Committee, May 2023); *Rodriguez v. Mena Regional Health System*, Case No. 2:23-cv-02002 (W.D. Ark.) (appointed Co-Lead Counsel, Apr. 2023); *Anderson v. Fortra, LLC*, Case No. 23-cv-533 (Dist. Minn.) (appointed to the Executive Committee, Apr. 2023); *Nelson et al. v. Connexin Software Inc., d/b/a Office Practicum*, Case No.

2:22-cv-04676 (E.D. Penn.) (appointed to the Plaintiffs' Steering Committee, Apr. 2023); *Colston et al. v. Envision Credit Union*, Case No. 2022CA1476 (2d. Jud. Cir. For Leon County, Fl.) (appointed class counsel, final approval granted Apr. 2023); *Dekenipp v. Gastroenterology Consultants, P.A.*, Case No. 202161470 (295<sup>th</sup> District Court for Harris County, Texas) (appointed class counsel, final approval granted Nov. 2022); *Richardson v. Overlake Hosp. Med. Ctr., et al.*, No. 20-2-07460-8 SEA (Wash. Super. Ct. King Cnty.) (appointed class counsel, final approval granted Sept. 2021); *Cece, et al. v. St. Mary's Health Care Sys., Inc., et al.*, No. SU20CV0500 (Ga. Super. Ct. Athens-Clarke Cnty.) (appointed class counsel, final approval granted Apr. 2022).

Ms. Perry also has extensive experience providing support to appointed committees in MDL cases across the country. *See, e.g., In re Deva Concepts Prods. Liab. Litig.*, No. 1:20-cv-01234-GHW (S.D.N.Y.) (final approval granted Jan. 3, 2022) (Mason LLP served as court-appointed Co-Lead Counsel and Ms. Perry undertook significant work for clients and class members with extensive hair loss, leading client interviews, drafting pleadings, and preparing settlement and settlement approval papers); *In re Hill's Pet Nutrition, Inc. Dog Food Prods. Liab. Litig.*, No. 2:19-md-02887, MDL No. 2887 (D. Kan.) (final approval granted Oct. 2021) (Mason LLP served as court-appointed Co-Lead Counsel and Ms. Perry played a significant role for clients and class members who purchased dog food with sometimes lethal amounts of vitamin D, participating in client intake, discovery, and preparing settlement and settlement approval papers); *In re Marriott Int'l Inc., Customer Data Sec. Breach Litig.*, No. 8:19-md-02879 (D. Md.) (Ms. Perry contributed to the plaintiff interview process and drafting of the consolidated amended complaint in data breach case); *In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig.*, 266 F. Supp. 3d 1 (D.D.C. 2017) (Mason LLP served as Liaison Counsel, and Ms. Perry has completed research assignments in support of and at the request of Lead Counsel in data breach case). Additionally, Ms. Perry has also been appointed to the Leadership Development Committee in *In re SoClean, Inc., Mktg., Sales Pracs. & Prods. Liab. Litig.*, No. 2:22-mc-00152, MDL No. 3021 (W.D. Pa. Apr. 27, 2022), where she works closely with Lead Counsel in all areas of litigation and fights for consumers' rights pertaining to the purchase of defective and/or unsafe products.

Outside of work, Ms. Perry enjoys being in the sun and on the water, is trying not to kill her garden, and is constantly planning future home renovations. Ms. Perry lives outside of Annapolis, Maryland.

**Lisa White**  
**Senior Attorney**



Lisa A. White is a writer and researcher at heart, known for her attention to detail, optimism, and creative approach to legal problem-solving. Most of Lisa's work is in the federal court system, both in the District Courts and Circuit Courts of Appeals. She is licensed to practice in the State of Tennessee, and in numerous federal district courts across the country as well as the Seventh and Ninth Circuit Courts of Appeals.

Lisa's primary areas of practice are data breach litigation, product defect, product misrepresentation, and wage and hour class actions. Her role at Mason LLP frequently involves investigating and researching potential cases and claims prior to a complaint being filed, as well as drafting

responsive pleadings, and leading the detailed research tasks that are required for and during litigation. In addition, she is actively involved in Mason LLP's mediations, from drafting premediation requests and mediation statements to participating in mediated resolutions to cases.

Prior to joining Mason LLP, Lisa practiced at another plaintiffs' class action firm, where she advocated for employees who were improperly paid, especially in the airline industry. She also worked on lawsuits related to defective products and deceptive advertising. She was frequently called on to research and draft appellate briefs.

Lisa returned to law school after completing her Bachelor's and Master's in Sociology from The University of Tennessee. She then worked for the University's Center for Literacy Studies and taught for a number of years at universities. She completed the coursework for her Ph.D. in American Studies at The College of William and Mary, then opted to go to law school—a lifelong goal. Lisa is a graduate of The University of Tennessee College of Law. While at The University of Tennessee College of Law, Lisa was a Co-Coordinator of the Tennessee Innocence Project, and was the Research Editor for the Tennessee Journal of Law and Policy. While a law student, she practiced in both the Domestic Violence Clinic and the Advocacy Clinic. Lisa has published peer-reviewed papers in three academic fields: law, sociology, and history.

Lisa and her family are avid travelers, and she has visited all seven continents. In addition, for three years, she worked remotely practicing class action law while living in Greymouth, New Zealand.

### **Theo Bell** ***Attorney***



Theodore B. Bell (“Theo”) is Of Counsel at Mason LLP. Theo is an experienced attorney with over 25 years of litigation experience. Theo is admitted to practice law in both Illinois and Michigan and various federal courts around the country. Before recently joining Mason LLP, Mr. Bell’s prior work experience included over 12 years at a mid-sized nationwide class action firm where Mr. Bell focused his practice mainly on antitrust, as well as consumer and securities class actions. Theo’s previous work experience also includes working at a firm that focused on representing class action opt-outs in antitrust cases, another firm that represented workers’ compensation insurance carriers where he focused his practice on litigating premium fraud cases in federal court, as well as a general practice firm where Theo gained extensive experience litigating state court cases in a wide array of civil practice areas.

Notable cases that Mr. Bell has worked on include:

- *Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan*, Case No. 10-cv-14360 (E.D. Mich.) (antitrust price-fixing case involving most-favored-nation agreements – \$29.9 million class settlement);
- *In re Dairy Farmers of America Cheese Antitrust Litigation*, Case No. 09-cv-3960, (N.D. Ill.) (antitrust price-fixing case involving manipulation of cheese and milk futures to raise

- prices of dairy products – \$46 million class settlement);
- *McDonough, et al. v. Toys “R” Us*, Case No. 06-cv-242 (E.D. Pa.) (antitrust case involving retail price maintenance – \$35.5 million class settlement);
- *In re Sulfuric Acid*, Case No. 03-4576, (N.D. Ill.) (antitrust price-fixing case involving output restrictions – class settlements totaling over \$6 million);
- *In Re: Groupon Derivative Litigation*, Case No. 12-cv-5300 (N.D. Ill.) (shareholder derivative suit involving materially false and misleading statements concerning Groupon’s business operations and financial condition prior to Groupon’s IPO – settlement obtained substantial beneficial corporate-governance reforms); and
- *Messner v. Northshore University Health System*, 669 F.3d 802 (7th Cir. 2012) (illegal monopolization and attempted monopolization through hospital mergers – Theo was part of the appellate team that successfully obtained reversal of the U.S. District Court’s denial of class certification).

Theo is a graduate of The University of Michigan, where he earned his Bachelor’s degree in Sociology, and the University of Detroit Mercy School of Law where Mr. Bell earned his law degree.

**Ra O. Amen**  
**Associate Attorney**



Ra, a native of the California Bay Area, graduated from Stanford University with a degree in economics and from Emory University School of Law, with honors, where he was a Notes and Comments Editor for the Bankruptcy Developments Journal. Ra was previously an Associate at Hunton Andrews Kurth LLP and Morgan & Morgan’s Complex Litigation Group.

Ra has over seven years of complex litigation experience, specializing in consumer class actions, data breach and other privacy litigation. Ra was recently appointed to the Leadership Development Committee in *Geleng v. Independent Living Systems, LLC*, Case No. 1:23-cv-21060 (S.D. Fl.) (data breach affecting over four million individuals). Ra was also an integral part of the team that recovered a \$190 million settlement for the class in *In re: Capital One Inc. Customer Data Security Breach Litigation*, MDL No. 1:19-md-2915 (E.D. Va.) (data breach affecting 98 million individuals) where his discovery and briefing efforts helped facilitate said settlement.

Ra is also a former Peace Corps. Morocco volunteer and an avid guitarist having performed with, recorded with, and opened for a number of Grammy-nominated artists.

**Salena Chowdhury**  
***Associate Attorney***



Salena Chowdhury is an associate attorney at Mason LLP. She is a graduate of the University of Tennessee College of Law. She also attended the University of Tennessee at Knoxville for her bachelor's where she majored in political science with a concentration in public administration and a minor in psychology. Salena has been admitted to the Illinois bar and to the District of Columbia bar.

Salena has had a passion for law since she was a kid. While Salena was still in high school, she began working at her first law firm. She continued to work at various law firms gaining a diverse area of legal experience throughout her undergraduate studies and law school.

Since joining Mason LLP Salena has gained experience in mediations, data breach, product defect, product misrepresentation, and wage & hour class actions. She is known for her quick learning curve and adaptability to challenges. Her role at Mason LLP is expanding as she takes on new responsibilities in major cases.

Salena comes from a large diverse family background. She values the time spent with her family. She enjoys outdoor activities like 4-wheeling, soccer, and playing with her dogs. Additionally, she loves to travel and to learn about other cultures.

## **NOTABLE CLASS ACTION CASES**

### **Antitrust**

*In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. 3:07-cv-01827, MDL No. 1827 (N.D. Cal.) (combined settlement totaling nearly \$1.1 billion in suit alleging the illegal formation of an international cartel to restrict competition in the LCD panel market) (2012).

### **Products**

*In re SoClean, Inc., Mktg., Sales Pracs. & Prods. Liab. Litig.*, No. 2:22-mc-00152, MDL No. 3021 (W.D. Pa) (court-appointed Co-Lead Counsel).

*In re Deva Concepts Prods. Liab. Litig.*, No. 1:20-cv-01234 (S.D.N.Y.) (court appointed Co-Lead Counsel; \$5.2 million settlement).

*In re Hill's Pet Nutrition, Inc., Dog Food Prods. Liab. Litig.*, No. 19-md-2887-JAR-TJJ, MDL No. 2887 (D. Kan.) (court-appointed Co-Lead Counsel; \$12.5 million settlement).

*Smid et al. v. Nutranext, LLC*, No. 20L0190 (Ill. Cir. Cit. St. Clair Cnty. 2020) (\$6.7 million settlement).

*Ersler, et. al v. Toshiba Am., et. al*, No. 1:07-cv-02304 (E.D.N.Y. 2009) (settlement of claims arising from allegedly defective television lamps).

*Maytag Neptune Washing Machines* (class action settlement for owners of Maytag Neptune washing machines).

*Stalcup, et al. v. Thomson, Inc.* (Ill. Cir. Ct. 2004) (\$100 million class settlement of claims that certain GE, PROSCAN and RCA televisions may have been susceptible to temporary loss of audio when receiving broadcast data packages that were longer than reasonably anticipated or specified).

*Hurkes Harris Design Assocs., Inc., et al. v. Fujitsu Comput. Prods. of Am., Inc.* (2003) (settlement provides \$42.5 million to pay claims of all consumers and other end users who bought certain Fujitsu Desktop 3.5” IDE hard disk drives).

*Turner v. Gen. Elec. Co.*, No. 2:05-cv-00186 (M.D. Fla. 2006) (national settlement of claims arising from allegedly defective refrigerators).

### **Automobiles**

*Falk v. Nissan N. Am., Inc.*, No. 4:17-cv-04871 (N.D. Cal. 2020) (Co-Lead Counsel in litigation alleging damages from defective transmissions; national settlement extending warranty for 1.5 million vehicles).

*In re Gen. Motors Corp. Speedometer Prods. Liab. Litig.*, MDL No. 1896 (W.D. Wash. 2007) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective speedometers).

*Baugh v. The Goodyear Tire & Rubber Co.* (2002) (class settlement of claims that Goodyear sold defective tires that are prone to tread separation when operated at highway speeds; Goodyear agreed to provide a combination of both monetary and non-monetary consideration to the Settlement Class in the form of an Enhanced Warranty Program and Rebate Program).

*Lubitz v. Daimler Chrysler Corp.*, No. L-4883-04 (N.J. Super. Ct. Bergen Cnty. 2006) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective brake system; creation of \$12 million fund; 7th largest judgment or settlement in New Jersey).

*Berman et al. v. Gen. Motors LLC*, No. 2:18-cv-14371 (S.D. Fla. 2019) (Co-Lead Counsel; national settlement for repairs and reimbursement of repair costs incurred in connection with Chevrolet Equinox excessive oil consumption).

### **Civil Rights**

*In re Black Farmers Discrimination Litig.*, No. 1:08-mc-00511 (D.D.C. 2013) (\$1.25 billion settlement fund for black farmers who alleged U.S. Department of Agriculture discriminated against them by denying farm loans).

*Bruce, et. al. v. County of Rensselaer et. al.*, No. 02-cv-0847 (N.D.N.Y. 2004) (class settlement of claims that corrections officers and others employed at the Rensselaer County Jail (NY) engaged in the practice of illegally strip searching all individuals charged with only misdemeanors or minor offenses).

### **Commercial**

*In re Outer Banks Power Outage Litig.*, No. 4:17-cv-141 (E.D.N.C. 2018) (Co-Lead Counsel; \$10.35 million settlement for residents, businesses, and vacationers on Hatteras and Ocracoke Islands who were impacted by a 9-day power outage).

### **Construction Materials**

*Cordes et al v. IPEX, Inc.*, No. 08-cv-02220-CMA-BNB (D. Colo. 2011) (class action arising out of defective brass fittings; court-appointed member of Plaintiffs' Steering Committee).

*Elliott et al v. KB Home North Carolina Inc. et al*, No. 08-cv-21190 (N.C. Super. Ct. Wake Cnty. 2017) (Lead Counsel; class action settlement for those whose homes were constructed without a weather-resistant barrier).

*In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Pracs. & Prods. Liab. Litig.*, MDL No. 2514 (D.S.C.) (class action arising from allegedly defective windows; Court-appointed Co-Lead Counsel).

*In re MI Windows & Doors, Inc., Prods. Liab. Litig.*, MDL No. 2333 (D.S.C) (National class action settlement for homeowners who purchased defective windows; Court-appointed Co-Lead Counsel).

*In re Atlas Roofing Corp. Chalet Shingle Prods. Liab. Litig.*, MDL No. 2495 (N.D. Ga.) (class action arising from allegedly defective shingles; Court-appointed Co-Lead Counsel).

*Helmer et al. v. Goodyear Tire & Rubber Co.*, No. 12-cv-00685-RBJ, 2014 WL 3353264 (D. Colo. July 9, 2014) (class action arising from allegedly defective radiant heating systems; Colorado class certified).

*In re Zurn Pex Plumbing Prods. Liab. Litig.*, No. 08-md-01958, MDL No. 1958 (D. Minn. 2012) (class action arising from allegedly plumbing systems; member of Executive Committee; settlement).

*Hobbie et al. v. RCR Holdings II, LLC, et al.*, No. 10-1113, MDL No. 2047 (E.D. La. 2012) (\$30 million settlement for remediation of 364-unit residential high-rise constructed with Chinese drywall).

*In re Chinese Manufactured Drywall Prods. Liab. Litig.*, No. 2:09-md-02047, MDL No. 2047 (E.D. La. 2012) (litigation arising out of defective drywall) (appointed Co-Chair, Insurance Committee).

*Galanti v. Goodyear Tire & Rubber Co.*, No. 03-209 (D.N.J. 2003) (national settlement and creation of \$330 million fund for payment to owners of homes with defective radiant heating systems).

*In re Synthetic Stucco Litig.*, No. 5:96-CV-287-BR(2) (E.D.N.C.) (member of Plaintiffs' Steering Committee; settlements with four EIFS Manufacturers for North Carolina homeowners valued at more than \$50 million).

*In re Synthetic Stucco (EIFS) Prods. Liab. Litig.*, MDL No. 1132 (E.D.N.C.) (represented over 100 individual homeowners in lawsuits against homebuilders and EIFS manufacturers).

*Posey et al. v. Dryvit Sys., Inc.*, No. 17,715-IV (Tenn. Cir. Ct. 2002) (Co-Lead Counsel; national class action settlement provided cash and repairs to more than 7,000 claimants).

*Sutton, et al. v. The Fed. Materials Co., et al.*, No. 07-CI-00007 (Ky. Cir. Ct.) (Co-Lead Counsel; \$10.1 million class settlement for owners of residential and commercial properties constructed with defective concrete).

*Staton v. IMI South, et al.* (Ky. Cir. Ct.) (Co-Lead Counsel; class settlement for approximately \$30 million for repair and purchase of houses built with defective concrete).

*In re Elk Cross Timbers Decking Mktg., Sales Pracs. & Prod. Liab. Litig.*, No. 15-cv-0018, MDL No. 2577 (D.N.J. 2017) (Lead Counsel; national settlement to homeowners who purchased defective GAF decking and railings).

*Bridget Smith v. Floor & Decor Outlets of America, Inc.*, No. 1:15-cv-4316 (N.D. Ga.) (Co-Lead Counsel; National class action settlement for homeowners who purchased unsafe laminate wood flooring).

*In re Lumber Liquidators Chinese-Manufactured Laminate Flooring Durability Mktg., Sales Pracs. Litig.*, No. 1:16-md-2743 (E.D. Va.) (Co-Lead Counsel; Durability case; \$36 million national class action settlement for member who purchased a certain type of laminate flooring).

*In re Windsor Wood Clad Window Prods. Liab. Litig.*, No. 2:16-md-02688 (E.D. Wis.) (National class action settlement for homeowners who purchased defective windows; Court-appointed Lead Counsel).

*In re Allura Fiber Cement Siding Prods. Liab. Litig.*, No. 2:19-md-02886 (D.S.C.) (class action arising from allegedly defective cement board siding; Court-appointed Lead Counsel).

## **Environmental**

*Bell v. WestRock, CP, LLC*, No. 3:17-cv-829-JAG (E.D. Va. 2020) (Co-Lead Counsel in litigation alleging nuisance from wood dust from paper mill; class certification motion pending; class certified; \$700,000 settlement).

*Nnadili, et al. v. Chevron U.S.A., Inc.*, No. 02-cv-1620 (D.D.C. 2008) (\$6.2 million settlement for owners and residents of 200 properties located above underground plume of petroleum from former Chevron gas station).

*In re Swanson Creek Oil Spill Litig.*, No. 8:00-cv-01429-PJM (D. Md. 2002) (Lead Counsel; \$2.25 million settlement of litigation arising from largest oil spill in history of State of Maryland).

## **Fair Labor Standards Act (FLSA) / Wage and Hour**

*Craig v. Rite Aid Corp.*, No. 08-2317 (M.D. Pa. 2013) (FLSA collective action and class action settled for \$20.9 million).

*Stillman v. Staples, Inc.*, No. 2:07-cv-00849-PS (D.N.J. 2009) (FLSA collective action, plaintiffs' trial verdict for \$2.5 million; national settlement approved for \$42 million).

*Lew v. Pizza Hut of Maryland, Inc.*, No. CBB-09-CV-3162 (D. Md. 2011) (FLSA collective action, statewide settlement for managers-in-training and assistant managers, providing recompense of 100% of lost wages).

## **Financial**

*Roberts v. Fleet Bank (R.I.), N.A.*, No. 00-6142 (E. D. Pa. 2003) (\$4 million dollar settlement on claims that Fleet changed the interest rate on consumers' credit cards which had been advertised as "fixed.").

*Penobscot Indian Nation v U.S. Dep't of Housing & Urban Dev.*, No. 07-1282 (PLF) (D.D.C. 2008) (represented charitable organization which successfully challenged regulation barring certain kinds of down-payment assistance; Court held that HUD's promulgation of rule violated the Administrative Procedure Act).

## **Insurance**

*Young, et al. v. Nationwide Mut. Ins. Co., et al.*, No. 11-5015 (E.D. Ky. 2014) (series of class actions against multiple insurance companies arising from unlawful collection of local taxes on premium payments; class certified and affirmed on appeal, 693 F.3d 532 (6th Cir. 2012); settlements with all defendants for 100% refund of taxes collected).

*Nichols v. Progressive Direct Ins. Co., et al.*, No. 2:06-cv-146 (E.D. Ky. 2012) (Class Counsel; class action arising from unlawful taxation of insurance premiums; statewide settlement with Safe

Auto Insurance Company and creation of \$2 million Settlement Fund; statewide settlement with Hartford Insurance Company and tax refunds of \$1.75 million).

### **Privacy / Data Breach**

*Payton v. Fam. Vision of Anderson, P.A.*, No. 2023CP0401636 (S.C. Ct. C.P. Anderson Cnty.) (Court-appointed Co-Lead Counsel).

*Woods v. Albany ENT & Allergy Services, P.C.*, Index No. 904730-23 (N.Y. Sup. Ct. Albany Cnty.) (Court-appointed Co-Lead Counsel).

*Darrin v. Huntington Ingalls Industries*, No. 4:2023-cv-00053 (ED Vir.) (Court-appointed Co-Lead Counsel).

*Farley v. Eye Care Leaders*, No. 22-cv-468 (M.D.N.C.) (Court-appointed Co-Lead Counsel).

*Nierman v. Schneck Med. Ctr.*, No. 36D01-2206-CT-000013 (Ind. Super. Ct. Jackson Cnty.) (Court-appointed Co-Lead Counsel).

*Dekenipp v. Gastroenterology Consultants, P.A.*, No. 202161470 (Tex. 295th Jud. Dist. Ct. Harris Cnty.) (Lead Counsel; claims made settlement and 18 months credit monitoring for class of 162,000 patients).

*Bailey v. Grays Harbor Cnty. Pub. Hosp. Dist.*, No. 20-2-00217-14 (Wash. Super. Ct. Grays Harbor Cnty.) (Mr. Mason appointed Class Counsel in hospital data breach class action; final approval granted Sept. 2020).

*Mowery v. Saint Francis Healthcare Sys.*, No. 1:20-cv-00013-SRC (E.D. Mo.) (Mr. Mason appointed Class Counsel; final approval granted Dec. 2020).

*Chatelain v. C, L & W PLLC d/b/a Affordacare Urgent Care Clinics*, No. 50742-A (Tex. 42d Jud. Dist. Ct. Taylor Cnty.) (data breach class action settlement valued at over \$7 million; final approval granted Feb. 2021).

*Jackson-Battle v. Navicent Health, Inc.*, No. 2020-CV-072287 (Ga. Super. Ct. Bibb Cnty.) (data breach case involving 360,000 patients; final approval granted Aug. 2021).

*Chacon v. Nebraska Med.*, No. 8:21-cv-00070-RFR-CRZ (D. Neb) (data breach settlement, final approval granted Sept. 2021).

*Richardson v. Overlake Hosp. Med. Ctr.*, No. 20-2-07460-8 SEA (Wash. Super. Ct. King Cnty.) (data breach class action involving approximately 109,000 individuals, final approval granted Sept. 2021).

*Martinez v. NCH Healthcare Sys., Inc.*, No. 2020-CA-000996 (Fla. 20th Jud. Cir. Ct. Collier Cnty.) (data breach class action settlement, final approval granted Oct. 2021).

*Carr v. Beaumont Health et al.*, No. 2020-181002-NZ (Mich. Cir. Ct. Oakland Cnty.) (data breach class action involving 112,000 people; final approval granted Oct. 2021).

*Klemm v. Maryland Health Enters. Inc.*, No. C-03-CV-20-022899 (Md. Cir. Ct. Balto. Cnty.) (appointed Class Counsel, final approval granted Nov. 2021).

*In re Ambry Genetics Data Breach Litig.*, No. 8:20-cv-00791 (C.D. Cal.) (court-appointed member Executive Committee; \$12 million settlement).

*Baksh v. Ivy Rehab Network, Inc.*, No. 7:20-cv-01845-CS (S.D.N.Y.) (Court-appointed Class Counsel; final approval granted Feb. 2021).

*Kenney v. Centerstone of America, Inc.*, No. 3:20-cv-01007 (M.D. Tenn.) (settlement involving over 63,000 class members; final approval granted August 2021);

*North v. Hunt Mem'l Hosp. Dist.*, No. 89642 (Tex. 196th Jud. Dist. Ct. Hunt Cnty) (settlement; final approval granted Dec. 2021).

*Cece v. St. Mary's Health Care Sys., Inc.*, No. SU20CV0500 (Ga. Super. Ct. Athens-Clarke Cnty.) (data breach case involving 55,652 people; final approval granted Apr. 2022).

*In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig.*, No. 15-1393 (ABJ), MDL No. 2664 (D.D.C.) (court appointed interim Liaison Counsel; \$60 million settlement).

*In re Google Buzz Priv. Litig.*, No. 5:10-cv-00672 (N.D. Cal. 2010) (court-appointed Lead Class Counsel; \$8.5 million cy pres settlement).

*In re Dept. of Veterans Affs. (VA) Data Theft Litig.*, No. 1:2006-cv-00506, MDL 1796 (D.D.C. 2009) (Co-Lead Counsel representing veterans whose privacy rights had been compromised by the theft of an external hard drive containing personal information of approximately 26.6 million veterans and their spouses; creation of a \$20 million fund for affected veterans and a cy pres award for two non-profit organizations).

*In re Adobe Sys. Inc. Priv. Litig.*, No. 5:13-cv-05226 (N.D. Cal. 2015) (settlement requiring enhanced cyber security measures and audits).

# **Exhibit C**



SHUB JOHNS & Holbrook LLP

Four Tower Bridge  
200 Barr Harbor Drive  
Suite 400  
Conshohocken, PA 19428

(610) 477-8380  
SHUBLAWYERS.COM  
INFO@SHUBLAWYERS.COM



**Jonathan Shub** is a co-founder of Shub Johns & Holbrook LLP. Mr. Shub graduated from American University (Washington, D.C.), B.A., in 1983 and Delaware Law School of Widener University (now Widener University Delaware School of Law), cum laude, in 1988. While enrolled in Delaware Law School of Widener University, he served as the Law Review Articles Editor. Jon was a Wolcott Fellow Law Clerk to the Hon. Joseph T. Walsh, Delaware Supreme Court in 1988. He is a member of the American Association of Justice (past chairman of class action litigation section), the American Bar Association and the Consumer Attorneys of California. Jon was named a Pennsylvania SuperLawyer from 2005-2009 and 2012-2024. Jon is also an active member of his local synagogue and an avid political fundraiser.

Jonathan Shub is the founder of Shub Johns & HolbrookLLC. He is recognized as one of the nation's leading class action consumer rights lawyers, based on his 30+ years representing classes of individuals and businesses in a vast array of matters involving unlawful conduct. He has gained notable attention in the area of defective consumer electronics and computer hardware as a result of many leadership positions in federal and state cases against companies such as Hewlett-Packard, Maytag, IBM and Palm. In fact, Maximum PC Magazine, a leading industry publication, said years back that "Shub is becoming renowned for orchestrating suits that have simultaneously benefited consumers and exposed buggy hardware." He also has vast experience in mass tort class actions such as Vioxx, light tobacco litigation, and in consumer class actions such as energy deregulation.

Jon was an editor of his school's law review and launched his career in the Washington office of Fried, Frank, Harris, Shriver & Jacobson, where he worked on complex commercial matters including corporate investigations and securities litigation. He then moved into a practice of consumer protection and advocacy, and was a partner in two prominent class actions firms (Seeger Weiss and Kohn, Swift & Graf) before launching his firm in 2020. He is a frequent lecturer on cutting edge class action issues, and is a past chairman of the Class Action Litigation Group of the American Association for Justice. Jon regularly appears in state and federal courts nationwide, and in many high profile consumer protection cases. Jon's leadership roles require him to develop the theories of liability for the entire class as well as the overall trial strategy for the cases. Jon was co-lead and co-trial counsel in a case in a federal court case against municipality for violation of a state privacy law. The trial resulted in a jury award of approximately \$68,000,000 to the Class. Most recently, he is co-lead counsel of a certified class against a hospital in Philadelphia for violating Philadelphia's Ban the Box law.

**Jon's experience in class action litigation includes the following leadership positions:**

- *Pugh et al. v. CHHS Hospital Company, LLC et al.*, No. 01768 (Phila. Ct. Common Pl.) (court certifies class of impacted individuals and grants preliminary approval of settlement in this class action alleging violation of the "Ban the Box Law." The Court's order appoints Jonathan Shub as co-lead Settlement Class Counsel);
- *Hasbrook v. EP Global Production Solutions, LLC, et al.*, Case No. 23STCV19711 (Cal. Super. Ct.) (Shub Johns & Holbrook LLP appointed as Co-lead Settlement

Class Counsel in a consumer class action data breach litigation in California);

- *Mercado v. Verde Energy USA, Inc.*, No. 18-cv-2068 (N.D. Ill. Aug. 18, 2021) (ECF No. 136) (court approved a settlement involving all individual residential consumers who enrolled in Verde Energy's variable rate electricity plan in connection with properties located in New York, Massachusetts, Illinois, New Jersey, Ohio or Pennsylvania arising out of allegations of deceptive advertising of residential energy practices);
- *Taha v. Bucks County.*, NO. 12-6867 (E.D. Pa. Apr. 29, 2019) (appointed as co-lead counsel in a national class action alleging the illegal publication of arrest records for thousands of individuals);
- *In re: AZEK Building Products Inc. Marketing and Sales Practices Litigation*, MDL No. 2506, Civil Action No. 2:12-cv-06627-MCA-MAH, (D.N.J.) (ECF 219) (appointed as co-lead class counsel in settled national litigation against CPG International for deceptive advertising in connections with deceptive advertising of AZEK-branded decking products);
- *Tennille v. Western Union Company*, No. 09-cv-00938 (D. Colo.) (ECF No. 175) (appointed as part of the executive committee counsel in settled national litigation against Western Union for deceptive practices in connection with money transfers);
- *In re Facebook PPC Advertising Litig.*, No. 09-cv-3043 (N.D. Cal.) (ECF No. 56) (appointed as co-lead class counsel and as a member of the Plaintiffs' Executive Committee in litigation against Facebook for deceptive advertising practices);
- *In re: Palm Treo 600 and 650 Litig.*, No. 05-cv-3774 (N.D. Cal.) (ECF No. 18) (appointed as co-lead counsel in a national class action involving defective smart phones); and
- *Austin v. Kiwi Energy NY, LLC*, Index No. 515350/2017 (N.Y. Super. Kings Cty.) (ECF No. 66) (preliminarily approving class action settlement against KIWI Energy LLC for deceptive advertising of residential energy prices and appointing Mr. Shub as Class Counsel).

#### **Publications and Presentations:**

- Moderator, Class Actions, Annual Meeting of American Association of Justice, 2015, 2016
- Speaker, Class Actions, Annual Meeting of American Association of Justice, 2015, 2016
- Speaker, "Finding the Right Class Action", New Jersey Association of Justice, June, 2016
- Speaker, "Nuts and Bolts of MDL Practice", Class Action Symposium, Chicago, Illinois, June, 2016
- Speaker, "Computer Technology and Consumer Products Class Actions", Consumer Attorneys of California 46<sup>th</sup> Annual Convention, November 2007
- Frequent speaker, American Association for Justice (formerly ATLA)
- Author, "Distinguishing Individual from Derivative Claims in the Context of Battles for Corporate Control", 13 Del. J. Corp. L 579 (1998)

- Author, “Shareholder Rights Plans? Do They Render Shareholders Defenseless Against Their Own Management”, 12 Del J. Corp, L. 991 (1997)
- Co-author, “Once Again, the Court Fails to Rein in RICO”, Legal Times (April 27, 1992)
- Co-author, “Failed One-Share, One Vote Rule Let SEC Intrude in Boardroom”, National LawJournal (October 8, 1990).



**Benjamin F. Johns**, a co-founding partner at Shub Johns & Holbrook LLP, is a consumer protection advocate with two decades of litigation experience. He is admitted to practice in all of the state and federal courts in Pennsylvania and New Jersey, and has personally argued in the Third Circuit, D.C. Circuit, PA Supreme Court, and PA Commonwealth Court. Over the course of his career, Mr. Johns has taken and defended hundreds of depositions, argued and won dispositive motions (including contested motions for class certification), and been appointed to leadership positions by various courts across the country. He was recently described by the legal publication Law360 as being a “data breach specialist.” He was the lead litigator at his prior firm in a case against Apple which resulted in a \$50 million settlement and was the No. 1 ranked Consumer Fraud settlement in California for 2022 by TopVerdict.com.

Mr. Johns is currently serving as court-appointed co-lead counsel in several consumer data breach class actions, including *Bianucci v. Rite Aid Corporation*, No. 2:24-cv-3356-HB (E.D. Pa.); *Gravley, Sr. v. Fresenius Vascular Care, Inc.*, No. 2:24-cv-1148 (E.D. Pa.); *In re NCB Management Services, Inc. Data Breach Litig.*, No. 2:23-cv-1236-KNS (E.D. Pa.); *In re Geisinger Health Data Security Incident Litig.*, No. 4:24-cv-01071-MWB (M.D. Pa.); *In re Community Health Systems, Inc. Data Sec. Litig.*, No. 3:23-cv-00285 (M.D. Tenn.) (now part of MDL No. 3090); *Drugich v McLaren Health Care Corp*, No. 23-CV-12520 (E.D. Mich.); *Guarnaschelli et al. v. East River Medical Imaging, P.C.*, Index No. 656099/2023 (N.Y. Sup. Ct.); *Jay Kay Collision Center, Inc. v. CDK Global, LLC*, No. 1:24-cv-05313 (N.D. Ill.); and *Salinas et al. v. Southwest Louisiana Hospital Association, d/b/a Lake Charles Memorial Health System*, No. 20213-0090 D (La. J. D. Ct.). He is also interim co-lead counsel in *Zeiders v. Volkswagen Group of Am., Inc.*, No. 2:24-cv-11197-BRM-JSA (D.N.J.) and *Duffy v. Mazda Motor of Am.*, No. 3:24-CV-388-BJB (W.D. Ky.).

Over the course of his career, Mr. Johns has provided substantial assistance in the prosecution and resolution of the following cases:

- *In re CorrectCare Data Breach Litig.*, No. 5:22-319-DCR (E.D. Ky.) (Mr. Johns served as co-lead counsel in this case regarding a data breach at an entity that manages medical claims at certain correctional facilities, which ultimately resulted in a \$6.49 million settlement)

- *Nelson v. Connexin Software Inc. d/b/a Office Practicum*, No. 2:22-cv-04676-JDW (E.D. Pa.) (Mr. Johns served as co-lead counsel in this data breach class action brought by pediatric patients against an electronic medical records vendor, which resulted in a \$4 million settlement)
- *In re R&B Corporation of Virginia d/b/a Credit Control Corporation, Data Security Breach Litig.*, No. 4:23-CV-66 (E.D. Va.) (Mr. Johns served as co-lead counsel in this data breach class action against a debt collection agency which resulted in a \$1.6 million settlement)
- *In re Wright & Filippis, LLC Data Security Breach Litigation*, No. 2:22-cv-12908 (E.D. Mich.) (Mr. Johns served as co-lead counsel in this case involving a cyber security incident at a prosthetics and orthotics provider, which resulted in a \$2.9 million settlement)
- *In re Hope Coll. Data Sec. Breach Litig.*, No. 1:22-CV-01224-PLM (W.D. Mich.) (Mr. Johns was designated lead counsel in this data breach case against a private college in Michigan which resulted in a \$1.5 million settlement)
- *In re Onix Group, LLC Data Breach Litig.*, No. 23-2288-KSM (E.D. Pa.) (\$1.25 million common fund settlement); (Mr. Johns was designated co-lead counsel in this data breach case impacting consumer personal identifiable and private health information, resulting in a settlement valued at \$1.25 million).
- *In re Macbook Keyboard Litig.*, No. 5:18-cv-02813-EJD (N.D. Cal.) (Mr. Johns took and defended numerous depositions and successfully argued two motions to dismiss and co-argued plaintiffs' motion for class certification in this widely-covered case against Apple which ultimately settled for a \$50 million common fund. In granting final approval to the settlement, the district court wrote that plaintiffs' counsel "achieved excellent results for the class.")
- *Kostka v. Dickey's Barbecue Restaurants Inc.*, No. 3:20-CV-03424-K (N.D. Tex.) (Mr. Johns served as co-lead counsel in this consumer data breach case which resulted in a \$2.35 million common fund settlement)
- *Udeen v. Subaru of Am., Inc.*, No. 18-17334 (RBK/JS) (D.N.J.) (Mr. Johns was co-lead counsel in this consumer class action involving allegedly defective infotainment systems in certain Subaru automobiles, which resulted a settlement valued at \$6.25 million. At the hearing granting final approval of the settlement, the district court commented that the plaintiffs' team "are very skilled and very efficient lawyers...They've done a nice job.")
- *Breneman v. Keystone Health*, Case No. 2023-618 (Pa. Ct. Com. Pl.) (Mr. Johns was co-lead counsel in this medical data breach class action which resulted in a \$900,000 common fund settlement)
- *In re Nexus 6P Product Liability Litig.*, No. 5:17-cv-02185-BLF (N.D. Cal.) (Mr. Johns served as co-lead counsel – and argued two of the motions to dismiss – in this defective

smartphone class action. The case resulted in a settlement valued at \$9.75 million, which Judge Beth Labson Freeman described as “substantial” and an “excellent resolution of the case.”)

- *In re MyFord Touch Consumer Litig.*, No. 13-cv-03072-EMC (N.D. Cal.) (Mr. Johns served as court-appointed co-lead counsel in this consumer class action concerning allegedly defective MyFord Touch infotainment systems, which settled for \$17 million shortly before trial.)
- *Weeks v. Google LLC*, 5:18-cv-00801-NC, 2019 U.S. Dist. LEXIS 215943, at \*8-9 (N.D. Cal. Dec. 13, 2019) (Mr. Johns was co-lead counsel – and successfully argued against a motion to dismiss – in this defective smartphone class action. A \$7.25 million settlement was reached, which Magistrate Judge Nathanael M. Cousins described as being an “excellent result.”)
- *Gordon v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415-CMA-SKC (D. Colo.) (Mr. Johns served as co-lead counsel of behalf of a class of millions of cardholders who were impacted by a data breach at Chipotle restaurants. After largely defeating a motion to dismiss filed by Chipotle, the case resulted in a favorable settlement for affected consumers. At the final approval of the settlement, the district court noted that class counsel has “extensive experience in class action litigation, and are very familiar with claims, remedies, and defenses at issue in this case.”)
- *Hughes v. UGI Storage Co.*, 263 A.3d 1144 (Pa. 2021) (Mr. Johns argued this precedent-setting *de facto* takings matter before the Pennsylvania Supreme Court in October of 2021, which resulted in a 6-0 reversal of the underlying Commonwealth Court decision that had affirmed the trial court’s dismissal of the case)
- *Bray et al. v. GameStop Corp.*, 1:17-cv-01365-JEJ (D. Del.) (Mr. Johns served as co-lead counsel for consumers affected by a data breach at GameStop. After largely defeating a motion to dismiss, the case was resolved on favorable terms that provided significant relief to GameStop customers. At the final approval hearing, the District Judge found the settlement to be “so comprehensive that really there’s nothing else that I need developed further,” that “the settlement is fair,” “reasonable,” and “that under the circumstances it is good for the members of the class under the circumstances of the claim.”)
- *In re: Elk Cross Timbers Decking Marketing, Sales Practices and Products Liability Litig.*, No. 15-cv-18-JLL-JAD (D.N.J.) (Mr. Johns served on the Plaintiffs’ Steering Committee in this MDL proceeding, which involved allegedly defective wood-composite decking, and which ultimately resulted in a \$20 million settlement.)
- *In re Checking Account Overdraft Litig.*, No. 1:09-MD-02036-JLK (S.D. Fla.) (Mr. Johns was actively involved in these Multidistrict Litigation proceedings, which involve allegations that dozens of banks reorder and manipulate the posting order of debit transactions. Settlements collectively in excess of \$1 billion were reached with several

banks. Mr. Johns was actively involved in prosecuting the actions against U.S. Bank (\$55 million settlement) and Comerica Bank (\$14.5 million settlement.).

- *Physicians of Winter Haven LLC, d/b/a Day Surgery Center v. STERIS Corporation*, No. 1:10-cv-00264-CAB (N.D. Ohio) (Mr. Johns was the primary associate working on this case which resulted in a \$20 million settlement on behalf of hospitals and surgery centers that purchased a sterilization device that allegedly did not receive the required pre-sale authorization from the FDA.)
- *West v. ExamSoft Worldwide, Inc.*, No. 14-cv-22950-UU (S.D. Fla.) (Mr. Johns was co-lead counsel in this case which resulted in a \$2.1 million settlement on behalf of July 2014 bar exam applicants in several states who paid to use software for the written portion of the exam which allegedly failed to function properly)
- *Henderson v. Volvo Cars of North America, LLC*, No. 2:09-cv-04146-CCC-JAD (D. N.J.) (provided substantial assistance in this consumer automobile case that settled after the plaintiffs prevailed, in large part, on a motion to dismiss)
- *In re Marine Hose Antitrust Litig.*, No. 08-MDL-1888 (S.D. Fla.) (settlements totaling nearly \$32 million on behalf of purchasers of marine hose.)
- *In re Philips/Magnavox Television Litig.*, No. 2:09-cv-03072-CCC-JAD (D. N.J.) (settlement in excess of \$4 million on behalf of consumers whose flat screen televisions failed due to an alleged design defect. Mr. Johns argued against one of the motions to dismiss.)
- *Allison, et al. v. The GEO Group*, No. 2:08-cv-467-JD (E.D. Pa.), and *Kurian v. County of Lancaster*, No. 2:07-cv-03482-PD (E.D. Pa.) (settlements totaling \$5.4 million in two civil rights class action lawsuits involving allegedly unconstitutional strip searches at prisons)

Mr. Johns was elected by fellow members of the Philadelphia Bar Association to serve a three-year term on the Executive Committee of the organization's Young Lawyers Division. He also served on the Editorial Board of the Philadelphia Bar Reporter and the Board of Directors for the Dickinson School of Law Alumni Society. Mr. Johns has been published in the Philadelphia Lawyer magazine and the Philadelphia Bar Reporter. While in college, Mr. Johns was on the varsity basketball team and spent a semester studying abroad in Osaka, Japan. He graduated from Harriton High School in 1998 as the then all-time leading scorer in the history of the boys' basketball program. Ben has been named a "Lawyer on the Fast Track" by The Legal Intelligencer, a "Top 40 Under 40" attorney by The National Trial Lawyers, and a Pennsylvania "Rising Star"/"Super Lawyer."

## **Education**

- Penn State Dickinson School of Law, J.D., 2005 – Woolsack Honor Society
- Penn State Harrisburg, M.B.A., 2004 – Beta Gamma Sigma Honor Society

- Washington and Lee University, B.S., 2002 – *cum laude*
- Kansai Gaidai University, Osaka Prefecture, Japan (studied abroad during 2000-2001 semester)
- Executive Committee, Young Lawyers Division of the Philadelphia Bar Association
- Board Member, The Dickinson School of Law Alumni Society
- Editorial Board, Philadelphia Bar Reporter 2013-16
- Former Member, Washington and Lee Alumni Admissions Program

### **Admissions**

- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States District Court for the District of New Jersey
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois
- United States District Court for the Central District of Illinois
- United States District Court for the Eastern District of Michigan
- United States District Court for the Western District of Michigan
- United States District Court for the Eastern District of Wisconsin
- United States Court of Federal Claims
- Supreme Court of Pennsylvania
- Supreme Court of New Jersey

### **Memberships and Associations**

- Named a “Lawyer on the Fast Track” by *The Legal Intelligencer*

- Named to the Pennsylvania “Rising Stars” List from Super Lawyers: 2010-Present
- Recognized as a “Top 40 Under 40” lawyer by The National Trial Lawyers
- Member of the Delaware County Bar Association

**Samantha E. Holbrook**, a co-founding partner of Shub Johns & Holbrook LLP, has extensive



experience in consumer protection class action litigation. Prior to joining the firm, Ms. Holbrook practiced at two different national class action law firms where she represented consumers and investors in nationwide class actions. Ms. Holbrook has experience handling and litigating all aspects of the prosecution of national class action litigation asserting claims under state and federal law challenging predatory lending practices, product defects, breach of fiduciary duty, antitrust claims, consumer fraud and unfair and deceptive acts and practices in federal courts throughout the country.

Ms. Holbrook has also obtained favorable recoveries on behalf of multiple nationwide classes of borrowers whose insurance was force-placed by their mortgage services.

Ms. Holbrook received her law degree from Temple University Beasley School of Law. While in law school, she served as the President of the Moot Court Honor Society and President of the Student Animal Legal Defense Fund. She was also a member of Temple’s nationally recognized Trial Team. Upon graduating, she served as an adjunct professor for Temple coaching its Trial Team from 2013-2018. Ms. Holbrook received her undergraduate degrees from the Pennsylvania State University in Political Science and Spanish. While in college, Ms. Holbrook spent a semester studying abroad in Sevilla, Spain. She is proficient in Spanish. Ms. Holbrook also currently serves as the Board President for Citizens for a No-Kill Philadelphia, a Philadelphia-based animal welfare advocacy organization, and serves on the Board of Directors of City of Elderly Love, a senior-focused animal rescue organization.

Ms. Holbrook has been recognized by Pennsylvania Super Lawyers as a Rising Star for each year from 2020-2024. She has also been recognized as a Top Young Rising Attorney in Pennsylvania in 2020, and a Pennsylvania & Delaware Top Attorneys Rising Stars in 2021. She is admitted to practice in all federal and state courts in Pennsylvania and New Jersey.

**Over the course of her career, Ms. Holbrook has provided substantial assistance in the prosecution of the following cases:**

- *In re HealthEquity, Inc. Data Security Incident Litigation*, No. 2:2024-cv-00528 (D. Utah.) (appointed to serve on Plaintiff’s Executive Committee in a consumer class action medical data breach litigation pending in Utah);
- *Reichbart v. Financial Business and Consumer Solutions, Inc.*, No. 24-cv-1876 (E.D. Pa.) (ECF No. 23) (appointing Ms. Holbrook as Liaison Counsel in data breach class action);

- *In re F21 OPCO LLC Data Breach Litigation*, No. 2:2023-cv-07390 (C.D. Ca.) (appointed as Plaintiffs' Co-lead Counsel in a consumer class action data breach litigation pending in California);
- *Lockhart et al., v. El Centro Del Barrio d/b/a CentroMed*, No. 5:23-cv-01156 (W.D. Tx.) (appointed as Plaintiff's Interim Co-Lead Counsel in a consumer class action medical data breach litigation pending in Texas);
- *Krenk v. Murfreesboro Medical Clinic, P.A. D/B/A Murfreesboro Medical Clinic & Surgicenter*, Case No. 75CC1-2023-CV-81005 (Rutherford Cir. Ct.) (appointed to the Plaintiffs' Steering Committee in a consumer class action medical data breach litigation pending in Tennessee);
- *Doe v. Highmark, Inc.*, No. 2:23-cv-00250 (W.D. Pa.) (provisionally appointed as a member of the Plaintiffs' Executive Committee in this medical data breach litigation pending in Pennsylvania);
- *Suarez v. Nissan North America*, No. 3:21-cv-00393 (M.D. Tenn.) (appointed lead class counsel in a consumer class action alleging defective headlamps in Nissan Altima vehicles which reached a settlement valued at over \$50 million that provides reimbursements, free repairs, and an extended warranty);
- *Kostka v. Dickey's Barbecue Restaurants, Inc.*, No. 3:20-cv-03424-K (N.D. Tex.) (appointed as additional interim class counsel on behalf of consumers whose sensitive payment card information was exposed in a data breach at Dickey's restaurant chains);
- *In re Wawa, Inc. Data Security Litig.*, No. 2:19-cv-06019-GEKP (E.D. Pa.) (achieved \$12 million settlement on behalf of consumers whose sensitive payment card information was exposed to criminals as part of a highly-publicized data breach);
- *Lacher et al v. Aramark Corp.*, 2:19-cv-00687 (E.D. Pa. 2019) (represented a class of Aramark's current and former managers alleging that Aramark breached its employment contracts by failing to pay bonuses and restricted stock unit compensation to managers nationwide);
- *Turner v. Sony Interactive Entertainment LLC*, No. 4:21-cv-02454-DMR (N.D. Cal.) (class action lawsuit alleging that Sony's PlayStation 5 DualSense Controller suffers from a "drift defect" that results in character or gameplay moving on the screen without user command or manual operation of the controller thereby compromising its core functionality);
- *Board of Trustees of the AFTRA Retirement Fund, et al. v. JPMorgan Chase Bank, N.A.*, 09-CV-686 (SAS), 2012 WL 2064907 (S.D.N.Y. June 7, 2012) (approving \$150 million settlement); and
- *In re 2008 Fannie Mae ERISA Litigation*, Case No. 09-cv-1350 (S.D.N.Y.) (\$9 million settlement on behalf of participants in the Federal National Mortgage Association Employee Stock Ownership Plan).



**Andrea Bonner** is an **Associate Attorney** at Shub Johns & Holbrook LLP. She received her law degree from the Villanova University Charles Widger School of Law where she wrote for the Environmental Law Journal. Following graduation, she clerked for the Honorable Judge Pereksta of the New Jersey Superior Court. She then practiced Labor and Employment law at a regional mid-sized firm that is headquartered in Philadelphia. During this time, Andrea became interested in plaintiff work and the ability to advocate for clients no matter their background or circumstances. Andrea is an enthusiastic member of the Shub Johns & Holbrook team and looks forward to working alongside her colleagues on Class Action claims.

**Damian Gomez** joined Shub Johns & Holbrook LLP in March 2022 and is currently positioned as a **Legal Assistant** and **Consumer Communications Specialist** with the firm. Damian graduated from the University of Texas at Austin in 2021 with a Bachelor's degree in History with a focus on Classical Studies, as well as a Certificate in Creative Writing. Damian's prior professional experiences include building relationship and communication skills with clientele while working as an Intake Specialist at Filevine, a legal software company. Various courses in copywriting and email marketing have alike prepared him for his initial role as intake paralegal at Shub Johns & Holbrook.



Damian's current responsibilities include conducting widespread investigations and initial research into potential class action and consumer protection cases, interviewing and vetting potential clients and class representatives, and assisting in legal projects as necessary. Aside from legal assistance, Damian manages Shub Johns & Holbrook's Marketing and Outreach ventures, writes for and oversees the Shub Johns & Holbrook's website content, and runs Shub Johns & Holbrook's social media accounts.



**Christine Powers** is a **Senior Paralegal** with Shub Johns & Holbrook LLP. She has over 25 years of legal experience supporting attorneys in all aspects of the litigation process in jurisdictions nationwide. Before joining Shub Johns & Holbrook in September 2024, Christine worked on complex litigation matters, including areas of corporate governance and mergers and acquisitions, for over 15 years at a large plaintiffs' class action law firm. Christine graduated with a bachelor's degree in communications from LaSalle University.

# **Exhibit D**



# LYNCH CARPENTER

Pittsburgh ■ San Diego ■ Chicago  
Los Angeles

## **OUR MISSION**

Lynch Carpenter is a national law firm with a singular mission – to provide a voice to those who have been silenced by the disproportionate powers which too often exist in America. With lawyers based in Pittsburgh, San Diego, Los Angeles, and Chicago, Lynch Carpenter has created an inclusive national community of like-minded legal talent to represent plaintiffs in complex litigation. Lynch Carpenter lawyers have developed strong collaborative working relationships with counsel throughout the nation and have been involved in numerous high-profile multidistrict litigation proceedings, frequently in leadership roles.

The Lynch Carpenter platform is self-made, without reliance upon the legacy of a long-established “repeat player” law firm and is based upon the fundamental principle that input from a broad base of lawyers with diverse backgrounds, working together with mutual respect, will result in the strongest possible organization. The firm strives to provide equal opportunities for promotion and leadership to its attorneys and supporting professionals. Fourteen of the twenty-one Lynch Carpenter attorneys have been appointed to leadership positions in multidistrict or otherwise consolidated litigation, or in class-action matters involving financial fraud (including securities fraud, derivative actions, and lending fraud), data breach, privacy, consumer fraud, breach of contract, labor and employment, antitrust, and civil rights, in federal and state courts throughout the country.

Lynch Carpenter represents a wide variety of clients, including individual consumers and employees, small businesses, non-profits, issue advocacy groups, and governmental entities. Over the past ten years, Lynch Carpenter lawyers emerged as national leaders in data breach and privacy litigation, and in that time have negotiated or contributed to class recoveries totaling more than \$250 million in that sector alone. Along the way, the Lynch Carpenter team has generated seminal legal authority in both trial and appellate courts. For example, in 2018, as a direct result of Lynch Carpenter’s tenacious appellate advocacy, the Pennsylvania Supreme Court became one of the first state high courts to recognize that a common-law duty of reasonable care applies to the collection and management of sensitive electronically-stored data. This landmark opinion, *Dittman v. UPMC*, 196 A.3d 1036 (Pa. 2018), paved the way for data breach victims to bring viable negligence claims against companies whose inadequate security practices allow major breach incidents to happen.

In October 2020, *The Legal Intelligencer* named Lynch Carpenter (under its predecessor name) “Litigation Department of the Year” for general litigation in Pennsylvania. In 2021, the firm was named as a finalist for Litigation Department of the Year in the Pennsylvania region by *The American Lawyer*. In 2022, the firm was named as a finalist for Privacy/Data Breach firm of the year by *ALM*. In 2023 and 2024, the firm was named as a Pennsylvania Powerhouse by *Law360*. Several of its partners co-authored updates to *Class Actions: The Law of 50 States*, published by Law Journal Press, from 2021 to 2023. Lynch Carpenter’s attorneys are recipients of numerous additional individual awards, as described in more detail in the individual biographies on the firm’s website.

Lynch Carpenter continues to grow and establish itself as a leader in representing plaintiffs in complex litigation throughout the country. The firm remains committed to developing its younger lawyers and providing them with opportunities for professional growth, both inside and outside of the firm. In leading major complex litigation, the firm draws strength from its decentralized management structure, which fosters collaboration within the firm and enables the assembly of internal litigation teams for each case and epitomizes the synergistic benefits which result from a group of good lawyers working together to do good things.

## **REPRESENTATIVE AND NOTABLE CASES**

### **PRIVACY & DATA BREACH LITIGATION**

***In re: MOVEit Customer Data Security Breach Litig.***, MDL No. 3083 (D. Mass). In January 2024, Judge Burroughs appointed Gary Lynch as Co-Lead Counsel in this sprawling multi-district litigation action arising from an exploited file-sharing software vulnerability, which led to thousands of data breaches that compromised PII and PHI of nearly 80 million individuals. In December 2024, the court granted in part and denied in part the defendants' motion to dismiss for lack of Article III standing. Certain bellwether defendants' motions to dismiss for failure to state a claim are currently pending.

***In re: Change Healthcare Inc., Customer Data Security Breach Litig.***, MDL No. 3108 (D. Minn.). Gary Lynch serves as the court-appointed chair of the Patient Track Plaintiffs' Steering Committee in this MDL arising from a data breach that compromised the personally identifying information and protected health information of 190 million individuals. The Patient Track Plaintiffs recently filed their consolidated amended complaint in January 2025. Defendants' motions to dismiss are forthcoming.

***Hasson v. Comcast Cable Communications, LLC.***, Case No. 2:23-cv-05039 (E.D. Pa.). In May 2024, Judge Younger appointed Gary Lynch as Co-Lead counsel in this consolidated action involving a data breach that impacted the personal information of 36 million individuals. Defendants' motions to dismiss the second amended class action complaint are currently pending.

***Hulewat v. Medical Management Resource Group***, No. 2:24-cv-00377 (D. Ariz.). In July 2024, Judge Humetewa appointed Patrick Donathen to the Plaintiffs' Executive Committee in this consolidated action involving a data breach that impacted the personal information of approximately 2.3 million individuals. The defendants' motions to dismiss are currently pending.

***In Re: Perry Johnson & Associates Medical Transcription Data Breach Litig.***, MDL No. 3096 (E.D.N.Y.). In June 2024, Judge Kovner appointed Connor Hayes as the Federal-State Court Liaison in this multidistrict litigation arising from a data breach at a medical transcription services company that impacted the personal and protected health information of approximately 13.3 million individuals. The defendants' motions to dismiss are currently pending.

***In re TikTok, Inc., Consumer Privacy Litig.***, No. 20-cv-4699 (MDL No. 2948) (N.D. Ill.). Judge Lee appointed a Lynch Carpenter Attorney as Co-lead Counsel in this multidistrict litigation alleging that one of the world's biggest social media platforms captured, collected, and transmitted personal data from TikTok users and their devices without their consent and/or knowledge, including private information and biometric information within the meaning of the Illinois Biometric Information Privacy Act. In August 2022, a settlement for \$92 million received final approval.

***Kolstedt v. TMX Finance Corporate Services, Inc.***, No. 4:23-cv-00076 (S.D. Ga.). In September 2023, Judge Baker appointed Kelly Iverson as Co-Lead Counsel in this consolidated litigation involving a data breach impacting 5 million consumers. Plaintiffs recently filed their motion for preliminary approval of class action settlement.

***Miller et al. v. NextGen Healthcare Inc.***, No. 1:23-cv-02043 (N.D. Ga.). In September 2023, Judge Thrash appointed Gary Lynch to the Plaintiffs' Steering Committee in this consolidated matter related to a data breach at

an electronic health record provider which compromised the information of over 1 million patients. The cases are currently in active discovery, with the parties' substantial competition deadline upcoming.

***In re Wawa, Inc. Data Security Litig.***, No. 2:19-cv-6019 (E.D. Pa.). Gary Lynch was appointed Co-Lead Counsel for a putative class of financial institution plaintiffs in consolidated actions brought against Wawa, Inc. arising out of a 2019 payment card data breach involving the convenience store's point-of-sale systems. A consolidated amended complaint was filed in July 2020, and in 2021 the district court denied the defendant's motion to dismiss the primary claims. In March 2023, the parties negotiated a proposed settlement that will provide up to \$37 million in relief for the class; a final approval motion is currently pending.

***In re Equifax, Inc. Customer Data Security Breach Litig.***, MDL No. 2800 (N.D. Ga.). The Equifax data breach compromised the nation's entire credit reporting system. More than 400 lawsuits filed by consumers and financial institutions were consolidated in the MDL. Gary Lynch was appointed Co-Lead Counsel for financial institution plaintiffs. After significant dispositive motions practice and initial rounds of discovery, the parties negotiated a settlement of the financial institution class action that provides up to \$7.75 million in cash benefits, plus additional injunctive relief. The court granted final approval in October 2020.

***In re Blackbaud, Inc. Customer Data Breach Litig.***, MDL No. 2972 (D.S.C.). In 2020, data security company Blackbaud, Inc. was targeted for a ransomware attack. In the litigation that followed, brought by Blackbaud's customers, Kelly Iverson was appointed to the Plaintiffs' Steering Committee. On October 19, 2021, the Honorable J. Michelle Childs denied Blackbaud's motion to dismiss Plaintiffs' negligence and gross negligence claims. Defendant's motion for summary judgment is currently pending.

***Popa v. Harriet Carter Gifts, Inc.***, 52 F.4th 121 (3d Cir. 2022). Lynch Carpenter won reversal of a district court's summary judgment for defendants in a case regarding applicability of Pennsylvania's Wiretapping and Electronic Surveillance Control Act ("WESCA"), 18 PA. CONS. STAT. 5702 *et seq.* The Third Circuit rejected the defendants' attempt to establish a "direct party" exception to WESCA, which would have undermined the two-party consent requirement of the statute. The Third Circuit also confirmed that defendants bear the burden of proving a prior consent defense, and that the location of electronic interception of website communications under WESCA is at the point where software re-routes transmissions from a user's device, not where the website communications are ultimately received. The remanded case remains in litigation in the Western District of Pennsylvania.

***In re Marriott International Customer Data Security Breach Litig.***, MDL No. 2879 (D. Md.). Lynch Carpenter was appointed to the Plaintiffs' Steering Committee in this multidistrict litigation related to the data breach involving Starwood guest information dating back to at least 2014. The MDL includes more than 100 cases and is in pretrial litigation. The district court certified several bellwether classes in May 2022 and the Fourth Circuit granted the defendant's Rule 23(f) appeal. On remand, the case was re-certified by the district court and is, again, on appeal to the Fourth Circuit.

***Baker v. ParkMobile, LLC***, No. 1:21-cv-02182 (N.D. Ga.). This case involved a data breach of ParkMobile's servers, impacting personal information of 21 million consumers. Nicholas Colella was appointed to the Plaintiffs' Steering Committee. Judge Steve Jones denied ParkMobile's motion to dismiss the negligence, negligence per se, and state consumer protection claims. In November 2024, the court granted preliminary approval to a \$9 million class settlement. The plaintiffs' motion for final approval is pending.

***In re Home Depot Customer Data Breach Litig.***, MDL 2583 (N.D. Ga.). In this multidistrict litigation, Lynch Carpenter attorneys represented financial institutions in litigation related to the major data breach at the retailer which continued for almost six months in 2014 and resulted in the compromise of approximately 56 million payment card accounts. Lynch Carpenter was appointed by Judge Thrash to be one of three Lead Counsel managing the financial institution track of the litigation. In September 2017, the Court granted final approval to a comprehensive class settlement that provides over \$27 million in relief to the financial institution class.

***First Choice Federal Credit Union v. The Wendy's Company et al.***, No. 2:16-cv-0506, (W.D. Pa.). This class action arose out of malware installed on the point-of-sale systems of Wendy's franchised restaurants for the purpose of capturing and ex-filtrating customer payment card data. Approximately 18 million payment cards were exposed. The United States District Court for the Western District of Pennsylvania consolidated several proposed class actions and appointed Lynch Carpenter as Co-lead Counsel on behalf of the plaintiff financial institutions. In November 2018, after three rounds of in-person mediation, Wendy's agreed to pay \$50 million into a non-reversionary fund and to adopt and/or maintain certain reasonable safeguards to manage its data security risks. When the settlement received final approval in November 2019, the Honorable Maureen P. Kelly noted Class Counsel's "national reputation," "significant experience in these types of class actions and in data breach litigation," and "high level of skill and efficiency." Judge Kelly further explained:

This case has gone on for three and a half years...This was a very involved case and everyone brought to the table an incredible wealth of knowledge, was always prepared, really was thorough and professional in everything that was provided to the Court. And as involved as this case was, if every case I had was as well organized and professionally presented as this case has been, my life would be much easier... The briefs I got in this case and any filings were just so well-done and detailed. And my law clerks and I have discussed that a number of times. I want to thank counsel for the way you have conducted yourselves and the way you've all presented this case.

***Dittman et al. v. UPMC d/b/a The University of Pittsburgh Medical Center and UPMC McKeesport***, Allegheny Cty., Pa. No. GD-14-003285; 196 A.3d 1036 (Pa. 2018). Lynch Carpenter represented several employees of the health care group UPMC in a class action stemming from a breach of UPMC's personnel files. On November 21, 2018, the Supreme Court of Pennsylvania issued a landmark decision, reversing two lower courts, regarding the viability of common law negligence claims in the wake of a data breach. The Court found that UPMC engaged in affirmative conduct by collecting and storing employee data, and that general principles of negligence support holding actors to "a duty to others to exercise the care of a reasonable man to protect [others] against an unreasonable risk of harm to them arising out of the act." As to the economic loss doctrine, the Court agreed with Plaintiffs' interpretation of Pennsylvania legal precedent on the issue, finding that the question of whether the economic loss doctrine applies necessarily turns on the "source of the duty alleged," and, accordingly, a plaintiff may seek pecuniary damages under a negligence theory if the duty sought to be enforced arises independently of any contractual relationship between the parties. After remand to the trial court, additional motions practice, and initiating discovery, the parties reached a multimillion-dollar settlement that received final approval in December 2021.

### **Consumer Protection/Products Liability**

***In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litig.***, MDL No. 3014 (W.D. Pa.). In February 2022, Kelly Iverson was appointed as one of four Co-Lead Counsel from a pool of 75 applicants. The MDL includes over 300 actions involving allegations regarding the potentially harmful degradation of sound abatement foam on recalled continuous positive airway pressure (CPAP) machines and the

manufacturers' conduct in marketing and ultimate recall of the machines. The parties negotiated a proposed \$479 million resolution of the economic loss claims in the case, which received final approval in April 2024. The parties further reached a \$1.1 million dollar settlement to resolve the personal injury and medical monitoring claims in April 2024.

***In re East Palestine Train Derailment***, No. 4:23-cv-00242 (N.D. Ohio). The court appointed Kelly K. Iverson to the Plaintiffs' Steering Committee in this consolidated action arising from the derailment of a Norfolk Southern train and subsequent release of toxic chemicals in East Palestine, Ohio. The parties reached a \$600 million settlement which received final approval in September 2024. An appeal is pending.

***In re Robinhood Outage Litig.***, No. 20-cv-1626 (N.D. Cal.). In July 2020, Jamisen Etzel was appointed to the Executive Committee overseeing consolidated actions brought by consumers who sustained losses when the trading application Robinhood suffered severe service outages during a period of intense market volatility. A class settlement received final approval in July 2023 for \$9.9 million.

***Luca v. Wyndham Hotel Group, LLC***, No. 2:16-cv-746 (W.D. Pa.). Lynch Carpenter attorneys were Co-Lead Counsel in a class action against the Wyndham hotel companies for violations of New Jersey consumer protection statutes. Plaintiffs alleged that Wyndham's websites deceptively masked the resort fees charged at certain hotels and forced patrons to agree to illegal terms and conditions. In 2017, plaintiffs defeated a motion to dismiss filed by two of the primary operating subsidiaries. A class settlement worth up to \$7.6 million was reached in 2019 and approved later that year.

***Mednick v. Precor, Inc.***, No. 14-cv-03624 (N.D. Ill.): A Lynch Carpenter attorney served as court-appointed Co-lead Counsel in this products liability matter concerning the heart rate monitoring feature on Precor fitness machines. Due to Ms. Carroll's efforts, the plaintiffs defeated a contested class certification motion and obtained class certification for a multi-state consumer class. Ms. Carroll was instrumental in negotiating a class settlement providing meaningful relief for class members, for which the Court issued final approval in 2019.

***Morrow v. Ann Inc.***, No. 16-cv-3340 (S.D.N.Y.). Lynch Carpenter attorneys were Co-Class Counsel in a case alleging deceptive pricing practices by a major national retail chain. After plaintiffs overcame a motion to dismiss, the case settled for \$6.1 million worth of class benefits. The settlement was approved in April 2018.

***In re Rust-Oleum Restore Marketing, Sales Practices and Prods. Liab. Litig.***, No. 1:15-cv- 1364 (N.D. Ill.): In this sprawling products liability MDL relating to defective deck resurfacing products, a Lynch carpenter was instrumental in negotiating a \$9.3 million settlement providing meaningful relief to consumers, which received final approval in March of 2017 by the Honorable Amy J. St. Eve of the United States District Court for the Northern District of Illinois, now a sitting Judge of the Court of Appeals for the Seventh Circuit.

### **Financial Fraud, Lending Practices, and Securities**

***CitiMortgage SCRA Litig.***, (S.D.N.Y.). Lynch Carpenter attorneys were Tri-Lead Counsel in this class action against CitiMortgage on behalf of Sergeant Jorge Rodriguez in the Southern District of New York. This case alleges that CitiMortgage improperly foreclosed upon Mr. Rodriguez's home (and the homes of similarly situated individuals) while he was serving in Iraq, in violation of the Servicemembers Civil Relief Act. The case settled and received final approval in October 2015, securing \$38.2 million for members of our military service.

***In re Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Secondary Mortgage Loan Litig.***, (W.D. Pa./3d Cir.). Lynch Carpenter attorneys were Co-Lead Class Counsel in this national litigation on behalf of second mortgage borrowers under the Real Estate Settlement Procedures Act. The class was certified by the district court and affirmed by the Third Circuit, 795 F.3d 380 (2015). A class settlement was finalized in early 2017 and obtained a total recovery of \$24 million.

***In re Motorola Securities Litig.***, No. 03-cv-287 (N.D. Ill.). A Lynch Carpenter attorney represented the State of New Jersey's Division of Investment in this securities class action against Motorola, stemming from misrepresentations made by the company regarding a \$2 billion loan it made to a Turkish entity that was not repaid. The case settled a few days before trial for \$190 million.

***Figueroa v. Capital One***, No. 18-cv-692 (S.D. Cal.). Todd Carpenter and Eddie Kim served as Class Counsel in a class action challenging the unlawful assessment of multiple ATM fees in contravention of the customer account agreement, which resulted in a \$13 million settlement.

***Schertzer v. Bank of America***, No. 19-cv-264 (S.D. Cal.). Lynch Carpenter attorneys represent bank customers who were assessed out-of-network ATM fees for balance inquiries transpiring from deceptive ATM prompts utilized by independent ATM operators Cardtronics and FCTI. Plaintiffs prevailed on challenges to the pleadings. An appeal is currently pending in the 9th Circuit regarding class certification.

***Bingham v. Acorns Grow***, 30-2019-0150842 (Cal. Sup. Ct. Orange Cnty.). Eddie Kim served as Class Counsel in a class action on behalf of customers of a financial mobile app that automatically transferred "spare change" from each purchase using debit cards issued by customers' banks into an Acorns Grow investment account. This action challenged the app's failure to prevent overdrafts of customers' checking accounts as a result of the automated transfers and the resultant assessment of overdraft fees. A \$2.5 million settlement received final approval in September 2022.

### **COVID-19 Closures Litigation**

***Hickey v. Univ. of Pittsburgh***, 8 F.4th 301 (3d Cir. 2023). Partner Gary Lynch argued in front of the Third Circuit after motions to dismiss were granted in favor of the University of Pittsburgh and Temple University. The District Courts held that students could not bring a breach of implied contract under Pennsylvania law, and must point to specific promises in writing. The Third Circuit reversed and remanded, adopting Mr. Lynch's argument that nothing in Pennsylvania case law suggests implied contract claims brought by students are barred, but rather, can be inferred based on course of conduct and marketing material received by the students that tout the benefits of campus. The Third Circuit also reversed the District Courts' dismissal of unjust enrichment in the alternative. The case against the University of Pittsburgh is currently pending in the district court.

***Ramey v. The Pennsylvania State University***, No. 2:20-cv-00753 (W.D. Pa.). Lynch Carpenter serves as co-lead counsel for students enrolled at Penn State University during the Spring 2020 semester, who received only remote online only instruction and lost access to most campus facilities during the Covid-19 pandemic. In February 2025, the court granted final approval to a \$17 million class settlement for approximately 72,000 class members, is the largest settlement in the nation for claims of this type.

***Ryan v. Temple University***, No. 5:22-cv-02164 (E.D. Pa.). Lynch Carpenter serves as co-lead counsel in this consolidated tuition and fee refund class action case against Temple University which alleged that the university breached implied contracts and/or was otherwise unjustly enriched when it transitioned from in-person education

to remote learning in response to the COVID-19 pandemic during the Spring 2020 semester. Following remand from successful appeal before the United States Court of Appeals for the Third Circuit, the parties reached a \$6.9 million class action settlement that will resolve all the claims asserted in the litigation. The settlement received preliminary approval by the court in October of 2024. The court granted final approval to the settlement in February 2025.

***Pfingsten v. Carnegie Mellon University***, No. 2:20-cv-00716 (W.D. Pa.). Lynch Carpenter serves as co-lead counsel in this tuition and fee refund class action case against CMU, which alleged that university the breached implied contracts and/or was otherwise unjustly enriched when it transitioned from in-person education to remote learning in response to the COVID-19 pandemic during the Spring 2020 semester. In February 2025, the court granted preliminary approval to a \$4.8 class action settlement agreement.

***Espejo et al. v. Cornell Univ.***, No. 3:20-cv-00467 (N.D.N.Y.). Lynch Carpenter represented students of Cornell University who paid for in-person learning, but received remote online only education and services for half of the Spring 2020 semester following the Covid-19 pandemic. The parties reached a settlement of \$3 million class action settlement, which received final approval in December 2023.

***Carpey v. Board of Regents of the Univ. of Colorado***, No.: 2020cv31409 (Colo. Dist. Ct., Denver Cnty.). Lynch Carpenter represented students of the University of Colorado who paid for in-person learning, but received remote online only education and services for half of the Spring 2020 semester following the Covid-19 pandemic. The parties reached a settlement of \$5 million for the class, which was approved in July 2023.

***Figueroa v. Point Park Univ.***, No. 2:20-cv-01484 (W.D. Pa.). Lynch Carpenter represented students of Point Park University who paid for in-person learning, but received remote online only education and services for half of the Spring 2020 semester following the Covid-19 pandemic. After overcoming a motion to dismiss breach of implied contract and unjust enrichment claims, the parties reached a settlement of \$1.25 million for the class, which received final approval in December 2023.

***Smith v. Univ. of Pennsylvania***, No. 2:20c-cv-2086 (E.D. Pa.). Lynch Carpenter was appointed co-lead counsel to represent students who paid for in-person learning but received remote online only education and services for half of the Spring 2020 semester following the Covid-19 pandemic. Plaintiffs prevailed on a motion to dismiss as to the fees paid for the semester. The parties reached a settlement of \$4.5 million for the class, which received final approval in January 2023.

### **WAGE AND HOUR & EMPLOYMENT DISCRIMINATION LITIGATION**

***Genesis Healthcare v. Symczyk***, No. 11-1059 (U.S. Supreme Court). Gary Lynch served as Counsel of Record before the United States Supreme Court in an appeal addressing the application of mootness principles in a putative collective action filed under Section 216(b) of the Fair Labor Standards Act. When defendant served the plaintiff with a Rule 68 offer of judgment for “make whole” relief, the district court dismissed the case as moot. Gary Lynch successfully argued the appeal in the United States Court of Appeals for the Third Circuit, which held that the FLSA collective action did not become moot upon the plaintiff’s receipt of a Rule 68 offer of judgment for full satisfaction of her individual claim. The Supreme Court reversed in a 5-4 opinion, with Justice Kagan writing a strong dissent on behalf of our client—a position which was subsequently adopted by the majority of the Court in *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153 (2016). Plaintiff’s position before the Supreme Court was supported by the United States as Amicus Curiae.

***Verma v. 3001 Castor Inc.***, No. 2:13-cv-03034 (E.D. Pa.). As Co-Class Counsel, Lynch Carpenter attorneys won a \$4.59 million jury verdict in 2018 for misclassified workers at a Philadelphia nightclub. The claims were brought under the FLSA and Pennsylvania Minimum Wage Act. The trial verdict was fully affirmed by the Third Circuit in August 2019.

***Reynolds v. Turning Point Holding Co., et. al.***, Case No. 2:19-cv-01935 (E.D. Pa.). Lynch Carpenter served as co-lead counsel in this wage and hour class action and collective action that alleged that the defendants failed to properly provide complete and accurate tip credit notification to their tipped employees in violation of the FLSA and similar state wage and hour laws. Following extensive discovery and motions practice, the parties reached a \$799,500 settlement on behalf of classes consisting of Pennsylvania and New Jersey employees. The settlement received final approval on March 3, 2023.

***Copley v. Evolution Well Services, LLC***, No. 2:20-cv-01442 (W.D. Pa.). In February 2022, Lynch Carpenter obtained collective certification under the FLSA of several hundred “hitch employees.” These employees spent hours per week travelling to remote job sites, time for which they were unpaid. In July 2023, Judge Wiegand finally approved a \$2.55 million dollar settlement for the FLSA collective, as well as Pennsylvania and Ohio state classes.

***Wintjen v. Denny’s, Inc. et al.***, No. 2:19-cv-00069 (W.D. Pa). On November 18, 2021, Judge Wiegand of the Western District of Pennsylvania granted class and conditional certification and appointed Lynch Carpenter LLP as Class Counsel. The class encompasses all tipped employees within the Commonwealth of Pennsylvania and involves Denny’s failure to comply with the tip credit notification requirements as well as the 80/20 rule regarding side work.

### **ANTITRUST**

***In re Railway Industry Employee No-Poach Antitrust Litig.***, MDL No. 2850 (W.D. Pa.), Chief Judge Joy Flowers Conti appointed Lynch Carpenter partner Kelly K. Iverson as Plaintiffs’ Liaison Counsel on behalf of the class of employees who alleged the defendants and their co-conspirators entered into unlawful agreements to reduce and eliminate competition among them for employees and to suppress the compensation of those employees. The two defendants agreed to class settlements worth a combined \$48.95 million, and final approval was granted in August 2020.

***In re Blue Cross Blue Shield Antitrust Litig.***, MDL No. 2406 (N.D. Ala.). Lynch Carpenter attorneys represented healthcare subscriber plaintiffs in four states in this nationwide class action challenging the anti-competitive practices of Blue Cross/Blue Shield’s nationwide network of local insurers who do not compete with each other based on geographic boundaries. A \$2.7 billion settlement received final approval in August 2022. An appeal of final approval ensued, and the Eleventh Circuit affirmed the judgment approving the settlement agreement in October 2023.

# **Exhibit E**



## **FIRM RESUME**

Milberg Coleman Bryson Phillips Grossman PLLC (“Milberg”) is an AV-rated international law firm with more than 100 attorneys and offices across the United States, the European Union, and South America. Combining decades of experience, Milberg was established through the merger of Milberg Phillips Grossman LLP, Sanders Phillips Grossman LLC, Greg Coleman Law PC, and Whitfield Bryson LLP.

Milberg prides itself on providing thoughtful and knowledgeable legal services to clients worldwide across multiple practice areas. The firm represents plaintiffs in the areas of antitrust, securities, financial fraud, consumer protection, automobile emissions claims, defective drugs and devices, environmental litigation, financial and insurance litigation, and cyber law and security.

For over 50 years, Milberg and its affiliates have been protecting victims’ rights. We have recovered over \$50 billion for our clients. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride ourselves on providing stellar service to our clients. We have repeatedly been recognized as leaders in the plaintiffs’ bar and appointed to numerous leadership roles in prominent national mass torts and class actions.

*Milberg challenges corporate wrongdoing through class action, mass tort, consumer and shareholder right services, both domestically and globally.*

In the United States, Milberg currently holds more than 100 court-appointed full- and co-leadership positions in state and federal courts across the country. Our firm has offices in California, Chicago, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, Washington, Washington D.C., and Puerto Rico. Milberg’s commitment to its clients reaches beyond the United States, litigating antitrust, securities, and consumer fraud actions in Europe and South America, with offices located in the United Kingdom, and the Netherlands. Milberg prides itself on providing excellent service worldwide.

The firm’s lawyers have been regularly recognized as leaders in the plaintiffs’ bar by the National Law Journal, Legal 500, Chambers USA, Time Magazine, and Super Lawyers, among others.

*“A powerhouse that compelled miscreant and recalcitrant businesses to pay billions of dollars to aggrieved shareholders and customers.”*  
- THE NEW YORK TIMES

# PRACTICE AREAS

Milberg maintains a robust practice, representing plaintiffs across numerous areas of law. Milberg attorneys have amassed a wealth of experience in the areas of antitrust and competition law, securities litigation, defective consumer product and automobile litigation, consumer services litigation, dangerous drugs and devices litigation, data breach and biometric data litigation, environmental and toxic tort litigation, finance and insurance litigation, state and local government litigation, and whistleblower and qui tam lawsuits. Milberg attorneys focus their practice among these groups to provide their clients with the best representation possible. Over decades, Milberg attorneys have developed expertise in handling class action lawsuits, leading and overseeing multidistrict litigation, and representing municipalities and other public and governmental clients. Based on their reputation and experience, Milberg attorneys have been assigned to leadership roles in class actions, mass torts litigation, and multidistrict litigation nationwide, across all of these practice areas.

## SECURITIES FRAUD

Milberg pioneered the use of class action lawsuits to litigate claims involving investment products, securities, and the banking industry. Fifty years ago, the firm set the standard for case theories, organization, discovery, methods of settlement, and amounts recovered for clients. Milberg remains among the most influential securities litigators in the United States and internationally.

Milberg and its attorneys were appointed Lead Counsel and Co-Lead Counsel in hundreds of federal, state, and multidistrict litigation cases throughout its history.

### EXEMPLAR CASES

#### [In re: Nortel Networks Corp. Securities Litigation](#)

U.S. District Court for the Southern District of New York

Milberg attorneys served as Lead Counsel for the class and the court-appointed lead plaintiff, the Trustees of the Ontario Public Service Employees' Union Pension Plan Trust Fund, in this federal securities class action. The court approved a settlement valued at more than \$1.14 billion.

#### [In re: Initial Public Offering Securities Litigation](#)

U.S. District Court for the Southern District of New York

Milberg represented investors in 310 securities class actions alleging a market manipulation scheme involving hundreds of initial public offerings and approximately 55 defendant investment banks. Plaintiffs alleged this scheme significantly contributed to the high-tech “bubble” of the late 1990s and early 2000s. In approving a \$586 million settlement, the court described the law firms on the Plaintiffs' Executive Committee as the “cream of the crop.”

#### [In re: Zynga Inc. Sec. Litigation](#)

##### **U.S. District Court for the Northern District of California**

A class action in which Zynga misled investors by portraying the online gaming company as financially strong and withholding non-public information, which in turn allowed a select few within the company to reap the benefits from the company's IPO, before the stock's value eventually collapsed.

#### [In re: Merck & Co., Inc. Sec. Litigation](#)

##### **U.S. District Court for the District of New Jersey**

Milberg served as Co-Lead Counsel in this federal securities fraud class action, and after more than 12 years of hard-fought litigation, ultimately obtained a combined settlement totaling \$1.062 billion, the largest securities class action settlement ever against a pharmaceutical company. The court described the settlement as "a settlement which is fair and just and which, in fact, is the best settlement which possibly could have been achieved in this case."

#### [In re: Deutsche Telekom AG Sec. Litigation](#)

##### **U.S. District Court for the Southern District of New York**

Milberg attorneys served as Co-Lead Counsel in this class action on behalf of purchasers of American Depositary Receipts. The plaintiffs alleged that Deutsche Telekom improperly failed to disclose plans to make a major corporate acquisition and overstated the value of real estate assets. Milberg attorneys played a pivotal role in achieving a \$120 million settlement.

#### [In re: Tyco Int'l Ltd., Sec. Litigation](#)

##### **U.S. District Court for the District of New Hampshire**

Milberg attorneys served as Co-Lead Counsel in this litigation, which involved federal securities claims against Tyco and its former CEO, CFO, general counsel, and certain former directors for insider trading and the overstatement of billions of dollars in income. Milberg attorneys played a crucial role in achieving a \$3.2 billion settlement.

#### [In re: Vivendi Universal, S.A. Securities Litigation](#)

##### **U.S. District Court for the Southern District of New York**

Milberg was one of two Lead Trial Counsel in this securities fraud case tried to a jury over four months. The jury found Vivendi liable for dozens of false or misleading statements and awarded damages valued at well over a billion dollars. Six months later, in an unrelated case, the Supreme Court ruled that purchasers on foreign securities exchanges could not recover under U.S. law. Milberg's case against Vivendi continued with post-verdict proceedings under the new standard, and damages have been distributed to U.S. class members totaling over \$100 million.

#### [In re: Washington Public Power Supply System Securities Litigation](#)

##### **U.S. District Court for the District of Arizona**

In this massive securities fraud litigation, Milberg served as Co-Lead Counsel for a class that obtained, after several months of trial, settlements totaling \$775 million, the largest securities fraud settlement at that time.

#### [In re: Lucent Technologies, Inc. Securities Litigation](#)

##### **U.S. District Court for the District of New Jersey**

Milberg served as Co-Lead Counsel in this securities action, which alleged that Lucent and its senior officers misrepresented the demand for Lucent products and improperly recognized hundreds of millions of dollars in revenues. The case settled for \$600 million.

#### **In re: Biovail Corp. Securities Litigation**

##### **U.S. District Court for the Southern District of New York**

Milberg, representing Local 282 Welfare Trust Fund and serving as Co-Lead Counsel, litigated this securities action alleging that defendants made misleading statements concerning Biovail's financial results and its drug, Cardizem LA. Following substantial discovery, including depositions across the U.S. and Canada, Milberg obtained a \$138 million settlement for the class, and Biovail agreed to institute significant corporate governance changes.

#### **In re: CVS Corp. Securities Litigation**

##### **U.S. District Court for the District of Massachusetts**

Milberg served as Co-Lead Counsel in this securities action on behalf of a class of purchasers of American Depository Receipts. The plaintiffs alleged that Deutsche Telekom improperly failed to disclose plans to make a major corporate acquisition and overstated the value of real estate assets. In 2005, following extensive discovery, including depositions in Germany, the court approved a \$120 million cash settlement.

#### **In re: CVS Corp. Securities Litigation**

##### **U.S. District Court for the District of Massachusetts**

Milberg served as Co-Lead Counsel in this securities class action alleging that defendants issued false and misleading statements, which artificially inflated the price of CVS stock. The court approved a \$110 million settlement.

#### **In re: American Express Financial Advisors Securities Litigation**

##### **U.S. District Court for the Southern District of New York**

This case involved allegations that American Express Financial Advisors violated securities laws by representing to class members that the company would provide tailored financial advice when the company actually provided "canned" financial plans and advice designed to steer clients into American Express and certain non-proprietary mutual funds. The case settled for \$100 million and required the company to adopt various remedial measures.

#### **Irvine v. ImClone Systems, Inc.**

##### **U.S. District Court for the Southern District of New York**

Milberg served as Co-Lead Counsel in this case, in which the court approved a \$75 million cash settlement. The plaintiffs alleged that ImClone misrepresented the likelihood that its drug, Erbitux, would be approved, thereby artificially inflating the price of ImClone stock.

## ANTITRUST

For over fifty years, Milberg's Antitrust Practice Group has prosecuted complex antitrust class actions against defendants in the healthcare, technology, agriculture, and manufacturing industries engaged in price-fixing, monopolization and other violations of antitrust law and trade restraints.

### EXEMPLAR CASES

#### [In re: Dealer Management Systems Antitrust Litigation](#)

U.S. District Court for the Northern District of Illinois

Milberg is appointed Lead Counsel in this nationwide class action representing car dealerships. Plaintiffs allege that leading software providers entered into an unlawful agreement, monopolizing access to auto sales and service data in dealer management software used by dealers, thereby reducing competition and increasing prices. Milberg attorneys achieved a \$29.5 million settlement against one defendant and the case is proceeding against the remaining defendant.

#### [In re: ACTOS Antitrust Litigation](#)

U.S. District Court for the Southern District of New York

Milberg attorneys played a significant role in this litigation, including appointment to the MDL Discovery Committee, which accused Takeda Pharmaceuticals of failing to warn patients of the risks of bladder cancer, heart failure and other side effects associated with the Type 2 diabetes drug. In 2015, roughly 9,000 claims were settled for \$2.4 billion and significant injunctive relief.

#### [In re: Cathode Ray Tube \(CRT\) Antitrust Litigation](#)

U.S. District Court for the Northern District of California

Milberg represented indirect purchaser plaintiffs in this class action alleging an international conspiracy among defendants to keep prices for cathode ray tube (CRT) displays artificially high. Milberg had a significant discovery role in the prosecution of this class action with settlements exceeding \$580 million.

#### [Blessing v. Sirius XM Radio Inc.](#)

U.S. District Court for the Southern District of New York

Milberg served as Co-Lead Counsel in this case alleging that the merger of two U.S. satellite radio providers led to the monopolization of the satellite radio market and the elimination of competition.

#### [In re: Disposable Contact Lens Antitrust Litigation](#)

U.S. District Court for the Middle District of Florida

Milberg represented indirect purchasers in a class action alleging that defendants conspired to maintain artificially high prices for disposable contact lenses through policies that prevented resale of the subject contact lenses below a minimum price. Settlements exceeded \$118 million.

#### [In re: Liquid Aluminum Sulfate Antitrust Litigation](#)

U.S. District Court for the District of New Jersey

Milberg was appointed to the Plaintiffs Steering Committee in this class action alleging that manufacturers of a chemical essential to municipal water treatment engaged in price-fixing, bid-rigging and market allocation in violation of federal antitrust laws. Settlements were valued at \$92.5 million.

### [Sandhaus v. Bayer AG](#)

#### **Kansas State Court**

Milberg served as Co-Lead Counsel in this case alleging that Bayer and several generic drug manufacturers entered into pay-for-delay agreements concerning an antibiotic marketed by Bayer, which caused the plaintiffs to continue paying supracompetitive prices for the drug throughout the class period. The case settled for \$9 million.

### [In re: Fresh Process Potatoes Antitrust Litigation](#)

#### **United States District Court, District of Idaho**

Milberg served as Co-Lead Counsel for indirect purchaser plaintiffs in this class action alleging that potato growers, their cooperatives, processors, and packers violated federal antitrust laws by conspiring to manipulate the price and supply of potatoes. Milberg achieved a settlement for \$5.5 million and meaningful injunctive relief.

### [In re: Google Play Consumer Antitrust Litigation](#)

#### **U.S. District Court for the Northern District of California**

Milberg is appointed part of a three-member Steering Committee in this consolidated class action alleging Google engaged in anticompetitive behavior through the Google Play Store, seeking injunctive relief and monetary damages on behalf of consumers forced to pay inflated prices for Play Store purchases.

### [Series 17-03-615, a series of MSP Recovery Claims, Series LLC. v. Express Scripts, Inc.](#)

#### **U.S. District Court for the Northern District of Illinois**

Milberg represents third-party payers in this class action alleging that defendants participated in a vertical price-fixing scheme and their monopolistic, anticompetitive behavior caused plaintiffs and the class to pay inflated prices for the drug, H.P. Acthar Gel.

### [In re: Hard Disk Drive Assemblies Antitrust Litigation](#)

#### **U.S. District Court for the Northern District of California**

Milberg represents a class of indirect purchaser end user plaintiffs in a class action alleging that the two largest manufacturers of hard disk drive (HDD) suspension assemblies illegally conspired to fix prices of these component parts, thereby raising prices of products purchased by plaintiffs and the class.

### [In re: Deere & Co. Repair Services Antitrust Litigation](#)

#### **U.S. District Court for the Northern District of Illinois**

Milberg is appointed to the Plaintiffs Steering Committee in this class action alleging that John Deere illegally monopolized the repair and diagnostic services market for Deere brand agricultural equipment with onboard central computers known as engine control units, thereby inflating the prices of these services.

### [Harley-Davidson Aftermarket Parts Marketing, Sales Practices and Antitrust Litigation](#)

#### **U.S. District Court for the Eastern District of Wisconsin**

Milberg represents a class of Harley-Davidson motorcycle owners in a case alleging that Harley-Davidson uses its monopoly power to force motorcycle owners to use its compatible branded parts for repairs or risk losing warranty coverage.

#### [In re: California Gasoline Spot Market Antitrust Litigation](#)

U.S. District Court for the Northern District of California

Milberg represents California consumers who were forced to pay supracompetitive prices for gasoline due to the manipulation of the California gasoline spot market.

## FINANCIAL LITIGATION

For over five decades, Milberg has spearheaded litigation challenging unethical practices by some of the biggest financial and insurance institutions in the world and has been at the cutting edge of cases that directly impacted large banks, lenders, and insurers.

### EXEMPLAR CASES

#### [In re: Prudential Insurance Co. Sales Practice Litigation](#)

U.S. District Court for the Northern District of California

Milberg attorneys were appointed Lead Counsel and recovered more than \$4 billion for certain policyholders in this landmark case challenging Prudential's insurance sales practices.

#### [In re: Raytheon Co. Securities Litigation](#)

U.S. District Court for the District of Massachusetts

Milberg served as Lead Counsel in this case, which alleged that a major defense contractor failed to properly write down assets on construction contracts. Raytheon and its auditor, PricewaterhouseCoopers LLP, settled for a total of \$460 million.

#### [In re: Chase Bank USA, N.A. "Check Loan" Contract Litigation](#)

U.S. District for the Northern District of California

Milberg served on the Executive Committee representing the class in this action against JP Morgan Chase & Co. The complaint alleged that Chase improperly increased the minimum monthly payment by 150% required for customers who entered into balance transfer loans with "fixed" interest rates that were guaranteed to remain so for the "life of the loan." Milberg and its Co-Counsel achieved a \$100 million settlement for the class.

#### [In re: General Electric Co. ERISA Litigation](#)

U.S. District Court for the Northern District of New York

Milberg, serving as Co-Lead Counsel, achieved a \$40 million settlement on behalf of current and former G.E. employees who claimed that G.E.'s 401(k) Plan fiduciaries imprudently invested more than two-thirds of the Plan's assets in company stock. The settlement included important structural changes to G.E.'s 401(k) plan valued at more than \$100 million.

#### [In re: Royal Dutch/Shell Transport ERISA Litigation](#)

U.S. District Court for the District of New Jersey

Milberg attorneys led this ERISA breach of fiduciary duty class action against the Royal Dutch/Shell Oil Group of Companies on behalf of certain of the companies' U.S. employee investment plan participants. The \$90 million settlement included important provisions regarding the monitoring and training of individuals appointed to be ERISA fiduciaries.

### [Mason v. Medline](#)

#### **U.S. District Court for the Northern District of Illinois**

Milberg successfully represented a healthcare worker in a False Claims Act case against his former employer, Medline Industries, Inc., one of the nation's largest suppliers of medical and surgical products, along with its charitable arm, The Medline Foundation. The suit alleged that Medline engaged in a widespread illegal kickback scheme targeting hospitals and other healthcare providers that purchase medical products paid for by federal healthcare programs. Milberg pursued the case on a non-intervened basis and recovered \$85 million on behalf of the federal government — one of the largest settlements of a False Claims Act case in which the government declined to intervene.

### [In re: Converse Technology, Inc. Derivative Litigation](#)

#### **U.S. Supreme Court for the State of New York, New York County**

As Co-Lead Counsel, Milberg negotiated a \$62 settlement which was approved by the court. The settlement also resulted in significant corporate governance reforms, including the replacement of various directors and officers; the amendment of the company's bylaws to permit certain shareholders to propose in the company's proxy materials nominees for election as directors; and the requirement that all equity grants be approved by both the compensation committee and a majority of the non-employee directors.

## **CONSUMER PROTECTION**

Milberg's Consumer Protection Practice Group focuses on improving product safety and protecting those who have fallen victim to deceptive marketing and advertising of goods and services and/or purchased defective products. Milberg attorneys have served as Lead Counsel and Co-Lead Counsel in hundreds of federal, state, and multidistrict litigation cases alleging the sale of defective products, improper marketing of products, and violations of consumer protection statutes.

### **EXEMPLAR CASES**

#### [Cleveland v. Whirlpool Corp.](#)

##### **U.S. District Court for the District of Minnesota**

Milberg attorneys led this class action involving leaking and defective washing machines. Milberg attorneys were pivotal in achieving a settlement valued at approximately \$21 million, which included meaningful service plan benefits and reimbursement for out-of-pocket repair expenses.

#### [Berman et al. v. General Motors LLC](#)

##### **U.S. District Court for the Southern District of Florida**

Milberg attorneys held leadership roles in this class action involving excessive oil consumption in Chevrolet and GMC vehicles. Milberg attorneys played a pivotal role in achieving a nationwide settlement valued at over \$40 million, securing vehicle repairs and reimbursement for out-of-pocket repair costs.

#### [Chess v. Volkswagen Group of America, Inc.](#)

##### **U.S. District Court for the Central District of California**

Milberg attorneys were named Co-Lead Counsel in this class action involving Volkswagen vehicles with defective transmissions. Milberg attorneys secured a settlement that included up to full reimbursement for out-of-pocket repair expenses and significant injunctive relief.

#### [Hamm v. Sharp Electronics Corporation](#)

##### **U.S. District Court for the Southern District of Florida**

Milberg attorneys served as Co-Class Counsel in this class action involving defectively designed microwave drawers. Milberg attorneys were instrumental in achieving a settlement valued at more than \$100 million, which included meaningful extended service plan benefits and reimbursement for out-of-pocket repair expenses.

#### [In re: Allura Fiber Cement Siding Products Liability Litigation](#)

##### **U.S. District Court for the District of South Carolina**

Milberg attorneys were appointed Co-Lead Counsel and Steering Committee members by the court in this class action alleging defective fiber cement board siding. Milberg attorneys helped to secure a nationwide settlement for repair and replacement of homeowners' siding.

#### [In re: MI Windows and Doors, Inc., Products Liability Litigation](#)

##### **U.S. District Court for the District of South Carolina**

Milberg attorneys served as Co-Lead Counsel in this multidistrict class action litigation and helped to secure a nationwide class settlement for homeowners who purchased defectively designed windows.

#### [In re: Zurn Pex Plumbing Products Liability Litigation](#)

##### **U.S. District Court for the District of Minnesota**

Milberg attorneys served on the Executive Committee in this multidistrict class action involving leaking and defective plumbing systems. Milberg attorneys secured monetary benefits valued at \$100,000 per class settlement member, and plumbing repairs in value up to \$7,000 per class settlement member.

#### [Hobbie, et al. v. RCR Holdings II, LLC, et al.](#)

##### **U.S. District Court for the District of Louisiana**

Milberg attorneys served as Co-Lead Counsel in a multidistrict class action alleging improper usage of toxic and defective Chinese drywall. Milberg attorneys played an important role in securing a \$30 million settlement for remediation of 364-unit residential high-rise buildings constructed with the toxic drywall.

#### [In re: Chinese Manufactured Drywall Products Liability Litigation](#)

##### **U.S. District Court for the Eastern District of Louisiana**

Milberg attorneys served on the Executive Committee in a multidistrict class action involving defective and toxic drywall.

#### [In re: Synthetic Stucco Litigation](#)

##### **U.S. District Court for the Eastern District of North Carolina**

Milberg attorneys were appointed to the Steering Committee and played a pivotal role in securing settlements with four exterior insulation finishing system manufacturers for homeowners valued at over \$50 million.

#### [Bridget Smith v. Floor and Decor Outlets of America, Inc.](#)

##### **U.S. District Court for the Northern District of Georgia**

Milberg attorneys were appointed Co-Lead Counsel in this class action alleging undisclosed formaldehyde exposure from wood and laminate flooring. Milberg attorneys achieved a national class action settlement for homeowners who purchased unsafe laminate wood flooring.

### [In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation](#)

**U.S. District Court for the Eastern District of Virginia**

Milberg attorneys were appointed Co-Lead Counsel in this class action alleging formaldehyde exposure and secured a \$36 million national class action settlement for members who purchased a certain type of laminate flooring.

### [In re: Windsor Wood Clad Window Products Liability Litigation](#)

**U.S. District Court for the Eastern District of Wisconsin**

Milberg attorneys were appointed Lead Counsel in this class action alleging window defects. Milberg attorneys helped to secure a nationwide settlement for customers providing repairs, replacements, and compensation for out-of-pocket expenses.

### [In re: Allura Fiber Cement Siding Products Liability Litigation](#)

**U.S. District Court for the District of South Carolina**

Milberg attorneys were appointed Co-Lead Counsel in this class action alleging defective cement board siding. Milberg attorneys helped to secure a nationwide settlement for customers providing repairs, replacements, and compensation for out-of-pocket expenses.

### [Norman et al. v. Nissan North America](#)

**U.S. District Court for the Middle District of Tennessee**

Milberg attorneys were appointed Co-Lead Counsel in this class action alleging CVT transmission defects in Nissan vehicles. Milberg attorneys played a pivotal role in securing a nationwide settlement valued at approximately \$17 million for repairs, replacements, extended warranty, and cash benefits.

### [In re: Horizon Organic Milk Plus DHA Omega-3 Marketing and Sales Practice Litigation](#)

**U.S. District Court for the Southern District of Florida**

Milberg attorneys were appointed Co-Lead Counsel in this class action alleging falsely advertised brain health benefits. Milberg attorneys were essential in securing a settlement valued at \$1.3 million for consumers.

### [In re: Deva Concepts Products Liability Litigation](#)

**U.S. District Court for the Southern District of New York**

Milberg attorneys were appointed Co-Lead Counsel in this multidistrict class action alleging hair loss and scalp irritation caused by Deva's products. Milberg attorneys secured a nationwide settlement valued at \$5.2 million, including up to \$19,000 per class member.

### [In re: All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation](#)

**U.S. District Court for the Western District of Pennsylvania**

Milberg attorneys were appointed to leadership positions in this multidistrict class action involving All-Clad's false advertising that its stainless-steel cookware was dishwasher safe. Milberg attorneys secured a nationwide settlement valued at \$4 million, including replacement products, monetary benefits, partial reimbursements for purchases of the defective products, and discounts on future product purchases.

#### [Julian, et al., v. TTE Technology, Inc.](#)

##### **U.S. District Court for the Northern District of California**

Milberg attorneys were appointed Co-Lead Counsel in this litigation involving the false advertising of TCL televisions' refresh rates. Milberg attorneys played an important role in securing a class settlement valued at \$2.5 million in cash benefits to class members.

#### [Roberts et al. v. Electrolux Home Products Inc.](#)

##### **U.S. District Court for the Central District of California**

Milberg attorneys were named Co-Lead Counsel in this class action involving defective dryers manufactured by Electrolux. Milberg attorneys helped to obtain a settlement on behalf of more than one million class members, valued at over \$35 million.

#### [Tabak v. Apple Inc.](#)

##### **U.S. District Court for the Northern District of California**

Milberg attorneys brought this class action against Apple for a defect in the iPhone 7 and iPhone 7 Plus, which negatively impacted the audio quality of the phones. Milberg attorneys played a pivotal role in bringing the case, briefing, and discovery. The parties have agreed to a class settlement in principle, valued at \$35 million.

#### [Koenig v. VIZIO, Inc.](#)

##### **Superior Court of Los Angeles County, California**

Milberg attorneys litigated this class action involving the false advertising of Vizio televisions' refresh rates. Milberg attorneys played a pivotal role, including briefing, discovery, and handling all trial responsibilities. The parties have agreed to a class settlement in principle, valued at over \$40 million.

#### [In re: Outer Banks Power Outage Litigation](#)

##### **U.S. District Court for the Eastern District of North Carolina**

Milberg attorneys served as Co-Lead Counsel and secured a \$10.35 million settlement in a class action in which residents, businesses, and vacationers on Hatteras and Ocracoke Islands in North Carolina were impacted by a 9-day power outage.

#### [Elliott et al v. KB Home North Carolina Inc.](#)

##### **North Carolina Superior Court**

In this class action involving homeowners who purchased homes that were improperly built without weather-resistant barriers, Milberg attorneys played an essential role in securing a settlement valued at approximately \$6,500 to \$17,000 for each class member.

#### [In re: Allergan Biocell Textured Breast Implant Product Liability Litigation](#)

##### **U.S. District Court for the District of New Jersey**

Milberg attorneys were appointed to the Plaintiffs Steering Committee in this multidistrict class action against Allergan for breast implants that caused cancer. Milberg attorneys continue to play a pivotal role in this ongoing case.

#### [In re: Evenflo Co., Inc. Marketing, Sales Practices and Products Liability Litigation](#)

##### **U.S. District Court for the District of Massachusetts**

Milberg attorneys were appointed Co-Lead Counsel in this multidistrict litigation against Evenflo for deceptively marketing its child booster seats.

#### [Carder v. Graco Children's Safety products, Inc.](#)

U.S. District Court for the Northern District of Georgia

Milberg attorneys were appointed to multiple leadership positions in this class action involving the deceptive marketing of child car seats.

#### [Coleman, et al, v. Britax Child Safety, Inc.](#)

U.S. District Court for the District of South Carolina

Milberg attorneys were appointed Co-Lead Counsel in this class action involving the deceptive marketing of child car seats.

#### [Yamasaki v. Zicam LLC](#)

U.S. District Court for the Northern District of California

Milberg attorneys brought claims against Zicam for false advertising of its cold medicine, which failed to warn consumers that the medicine could cause permanent loss of smell.

#### [In re: Seresto Flea and Tick Collar Marketing, Sales Practices And Products Liability Litigation](#)

U.S. District Court for the Northern District of Illinois

Milberg attorneys were appointed Co-Lead Counsel in this multidistrict class action against the manufacturers of Seresto flea and tick collars, which were linked to numerous pet deaths. The litigation is ongoing.

## DANGEROUS DRUGS & DEVICES

Milberg is a nationally renowned firm in mass torts, fighting some of the largest, wealthiest, and most influential pharmaceutical and device companies and corporate entities in the world. Our experienced team of attorneys has led or co-led numerous multidistrict litigations of defective drugs and medical devices.

### EXEMPLAR CASES

#### [In re: Avandia Marketing, Sales Practices, and Products Liability Litigation](#)

U.S. District Court for the Eastern District of Pennsylvania

Milberg attorneys were appointed to the Plaintiffs Steering Committee and served on the Discovery and Media Sub-Committees on behalf of thousands of patients who took the Type 2 diabetes drug Avandia, alleging the manufacturer failed to disclose the known and increased risk of heart attack and cardiac death. GlaxoSmithKline set aside \$3.4 billion in 2011 to settle lawsuits.

#### [In re: Benicar \(Olmesartan\) Products Liability Litigation](#)

U.S. District Court for the District of New Jersey

Milberg attorneys were appointed to the Plaintiffs Steering Committee and Common Benefit Fee Committee in this multidistrict litigation which alleged that Benicar manufacturer Daiichi Sankyo and co-promoter Forest Laboratories were responsible for serious gastrointestinal injuries. In 2017, the defendants agreed to a \$300 million settlement.

#### [In re: Chantix \(Varenicline\) Products Liability Litigation](#)

U.S. District Court for the Northern District of Alabama, Southern Division

Milberg attorneys served as Co-Lead Counsel in the Chantix Coordination in New York State Court and court-appointed member of the Plaintiffs Steering Committee in the MDL in Alabama.

#### **In re: Fluoroquinolone Products Liability Litigation**

##### **U.S. District Court for the District of Minnesota**

Milberg attorneys were appointed to the Plaintiffs Steering Committee in the MDL in Minnesota litigating the broad-spectrum antibiotic that resulted in severe tendon damage, particularly debilitating Achilles tendon ruptures.

#### **Fosamax Litigation (I & II)**

##### **U.S. District Court for the District of New Jersey**

Fosamax I: Milberg was appointed Lead Counsel in this New York MDL for ONJ cases and served on the Discovery Team in the Superior Court of New Jersey. Fosamax II: Milberg was appointed to Fosamax Femur MDL Plaintiffs Steering Committee for MDL in the District of New Jersey.

#### **In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation**

##### **U.S. District Court for the District of Massachusetts**

Milberg attorneys served on the Plaintiffs Steering Committee in the MDL. Granuflo and Naturalyte were manufactured and marketed by Fresenius Medical for use in dialysis treatment to address kidney failure both chronic and acute, but also caused increased heart complications.

#### **In re: Incretin Mimetics Products Liability Litigation**

##### **U.S. District Court for the Southern District of California (San Diego)**

Milberg attorneys were appointed to the MDL Plaintiffs Steering Committee in California. Incretins are a class of Type 2 Diabetes drugs which result in a significant increase in gastric side effects.

#### **In re: Infusion Pump Cases (JCCP 4615)**

##### **U.S. Ninth Circuit Court, Eastern District of California**

Milberg attorneys were appointed Plaintiffs Liaison Counsel. Studies showed that pain pumps were associated with high failure rates when used appropriately and often mis-used leading to increased failure rates and resultant complications.

#### **Risperdal and Invega Product Liability Litigation (JCCP 4775)**

##### **California Second District Court of Appeal, Division Three**

Milberg attorneys were appointed Co-Lead Counsel in Risperdal/Invega Product Liability Litigation against Johnson & Johnson/Janssen regarding these anti-psychotic dopamine receptor blockers that cause hormonal changes in male users that can result in breast tissue growth.

#### **In re: Mirena IUD Levonorgestrel-Related Products Liability Litigation**

##### **U.S. District Court for the Southern District of New York**

Milberg attorneys were appointed to the Plaintiffs Steering Committee. Mirena, a hormone releasing IUD for contraception was intended for longer term placement, are prone to failure and breakage and resultant injuries.

#### **Propecia Finasteride Product Liability Litigation**

##### **U.S. District Court for the Eastern District of New York**

Milberg attorneys were appointed to the Plaintiffs Steering Committee. Another Milberg attorney was appointed Lead Counsel in the New Jersey Multi County Litigation in Middlesex County, New Jersey. These litigations centered on sexual dysfunction resulting from use of Merck's male pattern hair loss product, Propecia.

#### [In re: Reglan Litigation](#)

##### **U.S. Superior Court of New Jersey, Law Division Atlantic County**

Milberg attorneys were appointed Co-Lead Counsel in the Multi County Litigation in New Jersey State Court, Atlantic County. Reglan is often used for longer terms to address symptoms of GERD resulting in neurological injuries including Tardive Dyskinesia.

#### [Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation \(MDL 2738\)](#)

##### **U.S. District Court for the District of New Jersey**

Milberg attorneys were appointed to the Plaintiffs Steering Committee in the Johnson & Johnson Talcum Powder Litigation and served on the Science Committee and Bellwether Committee in the MDL in District Court New Jersey, as well as on the Science and Experts Committee of the PSC.

#### [In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation](#)

##### **U.S. District Court for the Southern District of West Virginia**

Milberg attorneys were appointed to the Plaintiffs Steering Committee in the AMS, Bard, Boston Scientific and Ethicon MDLs.

#### [In re: Vioxx Products Liability Litigation](#)

##### **U.S. District Court for the Eastern District of Louisiana**

Milberg attorneys served as Liaison to the media for Vioxx Plaintiffs Steering Committee and Public Relations Committee in Louisiana and on the New Jersey Multi County Litigation Vioxx discovery team.

#### [In re: Zicam Cold Remedy Marketing, Sales Practices and Products Liability Litigation](#)

##### **U.S. District Court for the District of Arizona**

Milberg attorneys were appointed to the MDL Plaintiffs Steering Committee in Arizona in this case involving a homeopathic, over the counter common cold and allergy symptom product that left many with impaired ability to smell.

#### [In re: Zimmer Nexgen Knee, Implant Products Liability Litigation](#)

##### **U.S. District Court for the Northern District of Illinois, Eastern Division**

Milberg attorneys were appointed to the MDL Plaintiff's Steering Committee in Illinois as well as the Electronic Storage Information Committee. Zimmer manufactures multiple devices including knee devices which resulted in premature failure necessitating additional, painful, and costly surgeries.

#### [In re: Crestor Products Liability Cases \(JCCP 4713\)](#)

##### **California Superior Court**

Milberg attorneys served as Co-Lead Counsel in the JCCP in State Court California on this highly potent AstraZeneca "me too" cholesterol managing statin litigation where serious side effects included newly onset diabetes and liver damage as well as reactions with Coumadin.

## EMPLOYMENT & CIVIL RIGHTS

Milberg's Employment & Civil Rights attorneys focus on class actions and individual cases nationwide arising from discriminatory banking and housing practices, unpaid wages and sales commissions, improperly managed retirement benefits, workplace discrimination, and wrongful termination.

### EXEMPLAR CASES

#### [In re: Black Farmers Discrimination Litigation](#)

U.S. District Court for the District of Columbia

Milberg attorneys were appointed Lead Counsel and secured a \$1.25 billion settlement fund for black farmers who alleged the U.S. Department of Agriculture discriminated against them by denying farm loans.

#### [Kingston v. IBM](#)

U.S. District Court for the Western District of Washington

Milberg attorneys spearheaded a series of landmark cases against IBM alleging wrongful termination of software sales managers through a pattern of fraudulent conduct.

#### [Parry et al. v. Farmers Insurance Exchange, et al.](#)

Superior Court of Los Angeles County, California

Milberg attorneys were named Class Counsel and secured a \$75 million class-action settlement with Farmers Insurance on behalf of its agents alleging that Farmers Insurance misclassified its agents as independent contractors.

#### [Meek v. SkyWest, Inc.](#)

U.S. District Court for the Northern District of California

Milberg attorneys were Lead Counsel and secured a \$4.2 million class action settlement against SkyWest Airlines for allegedly failing to provide proper rest and meal breaks to its employees.

#### [Craig v. Rite Aid Corporation](#)

U.S. District Court for the Middle District of Pennsylvania

This FLSA collective action and class action settled for \$20.9 million.

#### [Stillman v. Staples, Inc.](#)

U.S. District Court for the District of New Jersey

This FLSA collective action had a Plaintiffs' trial verdict for \$2.5 million and a national settlement approved for \$42 million.

#### [Lew v. Pizza Hut of Maryland, Inc.](#)

U.S. District Court for the District of New Jersey

This FLSA collective action had a statewide settlement for managers-in-training and assistant managers, providing recompense of 100% of lost wages.

## ENVIRONMENTAL LITIGATION & TOXIC TORTS

Milberg's Environmental Litigation & Toxic Torts Practice Group focuses on representing clients in mass torts, class actions, multi-district litigation, regulatory enforcement, citizen suits, and other complex environmental and toxic tort matters. Milberg and its attorneys have held leadership roles in all facets of litigation in coordinated proceedings, with a particular focus on developing the building blocks to establish general causation, which is often the most difficult obstacle in an environmental or toxic tort case.

### EXEMPLAR CASES

#### [Nnadili, et al. v. Chevron U.S.A., Inc.](#)

##### **U.S. District Court for the District of Columbia**

Milberg attorneys were Lead Counsel in a \$6.2 million settlement for owners and residents of 200 properties located above underground plume of petroleum from former Chevron gas station.

#### [In re: Swanson Creek Oil Spill Litigation](#)

##### **U.S. District Court for the District of Maryland**

Milberg attorneys served as Lead Counsel and achieved a \$2.25 million settlement arising from the largest oil spill in history of State of Maryland.

#### [In re: Exxon Valdez](#)

##### **U.S. District Court for the District of Alaska**

Milberg was a member of the Plaintiffs' Coordinating Committee and co-chair of the Plaintiffs' Law Committee in this massive litigation resulting from the Exxon Valdez oil spill in Alaska. The plaintiffs obtained a jury verdict of \$5 billion, which, after years of appeals by Exxon, was reduced to approximately \$500 million by the United States Supreme Court. The United States Court of Appeals for the Ninth Circuit has since held that plaintiffs are entitled to post-judgment interest on the award in the amount of approximately \$470 million.

#### [Municipality of Bayamon, et al., v. Exxon Mobil Corp., et al.](#)

##### **United States District Court for the District of Puerto Rico**

More than a dozen municipalities of Puerto Rico have filed a class action lawsuit against fossil fuel companies for their alleged role in the deadly 2017 hurricane season that devastated the Commonwealth, causing billions in damages and leaving thousands of people dead. The first-of-its-kind lawsuit seeks financial compensation from oil and coal companies for marketing and selling carbon-based products that they intentionally misrepresented to the public and worked together to publicly conceal the climate risk changes of their products while internally acting on climate science to safeguard their own assets.

#### [Sharon Weatherly v. Eastman Chemical Co.](#)

##### **Circuit Court of Sullivan County, Tennessee Second Judicial District**

Milberg attorneys led the effort to bring justice for hundreds of injured workers and their families resulting from a steam explosion at the Eastman Chemical Company which released asbestos and other toxic materials. Milberg filed a class-action lawsuit, pursuing claims for public and private nuisance, trespass, negligence, and strict liability for ultra-hazardous activity.

## STATE & LOCAL GOVERNMENTS

Milberg attorneys are dedicated to defending the Constitutional and statutory rights of individuals and businesses that are subjected to unlawful government exactions and fees by state and local governments or bodies.

### EXEMPLAR CASES

#### [Daedalus, LLC, et al. v. City of Charlotte](#)

North Carolina Superior Court, Mecklenburg County

Milberg attorneys recovered a \$106 million class action settlement for property owners for unlawful water and sewer capacity fees and system development fees charged by the City of Charlotte, North Carolina as a condition of providing water and sewer service to property owners.

#### [Upright Builders, Inc., et al. v. Town of Apex](#)

North Carolina Superior Court, Wake County

Milberg attorneys recovered a \$15.3 million class action settlement for property owners for unlawful water and sewer capacity replacement fees and transportation impact fees charged by the Town of Apex, North Carolina as a condition of providing water and sewer service to property owners.

#### [Plantation Builders of Wilmington, Inc., et al. v. County of Brunswick](#)

North Carolina Superior Court, Brunswick County

Milberg attorneys recovered a \$15.25 million class action settlement for property owners for unlawful water and sewer capacity fees charged by Brunswick County, North Carolina as a condition of providing water and sewer service to property owners.

#### [Gerald Currin Builders, Inc. v. Town of Holly Springs](#)

North Carolina Superior Court, Wake County

Milberg attorneys recovered a \$7.9 million class action settlement for property owners for unlawful water and sewer capacity replacement fees charged by the Town of Holly Springs, North Carolina as a condition of providing water and sewer service to property owners.

#### [Meritage Homes of the Carolinas, Inc. v. Town of Holly Springs](#)

North Carolina Superior Court, Wake County

Milberg attorneys recovered a \$7.5 million class action settlement for property owners for unlawful parks and recreation fees in-lieu of land dedication charged by the Town of Holly Springs, North Carolina as a condition of granting development approval to residential subdivision developers.

#### [Plantation Building of Wilmington, Inc. v. Town of Leland](#)

North Carolina Superior Court, Brunswick County

Milberg attorneys recovered a \$6.2 million class action settlement for property owners for unlawful water and sewer impact fees charged by the Town of Leland, North Carolina as a condition of providing water and sewer service to property owners.

**Shenandoah Homes, LLC v. Town of Clayton**

**North Carolina Superior Court, Johnston County**

Milberg attorneys recovered a \$2.7 million class action settlement for property owners for unlawful water and sewer impact fees charged by the Town of Clayton, North Carolina as a condition of providing water and sewer service to property owners.

**Granite Land and Timber, LLC v. Town of Clayton**

**North Carolina Superior Court, Johnston County**

Milberg attorneys recovered a \$2.45 million class action settlement for property owners for unlawful parks and recreation fees in-lieu of land dedication charged by the Town of Clayton, North Carolina as a condition of granting development approval to residential subdivision developers.

**Mayfair Partners, LLC et al. v. City of Asheville**

**North Carolina Superior Court, Buncombe County**

Milberg attorneys recovered a \$1.85 million class action settlement for property owners for unlawful water and sewer impact fees charged by the City of Asheville, North Carolina as a condition of providing water and sewer service to property owners.

**Eastwood Construction, LLC, et. al v. City of Monroe**

**North Carolina Superior Court, Union County**

Milberg attorneys recovered a \$1.75 million class action settlement for property owners for unlawful water and sewer impact fees charged by the City of Monroe, North Carolina as a condition of providing water and sewer service to property owners.

**Larry Shaheen v. City of Belmont**

**North Carolina Superior Court, Gaston County**

Milberg attorneys recovered a \$1.65 million class action settlement for property owners for unlawful water and sewer impact fees charged by the City of Belmont, North Carolina as a condition of providing water and sewer service to property owners.

**Brookline Homes, LLC v. City of Mount Holly**

**North Carolina Superior Court, Gaston County**

Milberg attorneys recovered a \$483,468 class action settlement for property owners for unlawful water and sewer impact fees charged by the City of Mount Holly, North Carolina as a condition of providing water and sewer service to property owners.

Milberg is a leader in the fields of cyber security, data breach litigation, and biometric data collection, litigating on behalf of clients – both large and small – to change data security practices so that large corporations respect and safeguard consumers' personal data.

### EXEMPLAR CASES

#### [In re: Google Buzz Privacy Litigation](#)

U.S. District Court for the Northern District of California

Milberg attorneys were appointed Lead Class Counsel and secured a \$8.5 million cy pres settlement.

#### [In re: Dept. of Veterans Affairs \(VA\) Data Theft Litigation](#)

U.S. District Court for the District of Columbia

Milberg attorneys were appointed Co-Lead Counsel representing veterans whose privacy rights were compromised by the theft of an external hard drive containing personal information of approximately 26.6 million veterans and their spouses; creation of a \$20 million fund for affected veterans and a cy pres award for two non-profit organizations.

#### [In re: Target Corporation Customer Data Security Breach Litigation](#)

U.S. District Court for the District of Minnesota

Milberg represented as many as 110 million Target customers whose personal information was compromised in this landmark data breach case. Milberg, together with Co-Counsel, achieved compensation of \$10 million, entitling individual consumers to recover losses of up to \$10,000. An appeal of the settlement has been remanded to the District Court of Minnesota and remains pending.

## APPELLATE

Consisting of former appellate judges, experienced appellate advocates, and former law clerks who understand how best to present compelling arguments to judges on appeal and secure justice for our clients beyond the trial courts, Milberg's Appellate Practice Group boasts an impressive record of success on appeal in both state and federal courts.

### EXEMPLAR CASES

#### [Home Depot, U.S.A., Inc. v. Jackson](#)

##### **United States Supreme Court**

Milberg attorneys represented a consumer who was originally sued in a state court debt collection action. In response, Milberg attorneys filed third-party class action claims against Home Depot for deceptive trade practices regarding its store credit cards marketed to customers. Home Depot sought to remove the class action counterclaims, which were filed in the existing state court action, to federal court. Lengthy appeals followed, in which Milberg attorneys worked cooperatively with attorneys at Public Justice to represent the original consumer and class of consumers. Ultimately, the Supreme Court agreed with the consumers' position and held that a third-party counterclaim defendant may not remove state court claims either under the removal statute or under the Class Action Fairness Act. This decision represents a significant victory for consumer plaintiffs.

#### [Webb v. Injured Workers Pharmacy, LLC](#)

##### **First Circuit Court of Appeals**

Milberg attorneys scored a significant victory for plaintiffs in data breach and other federal tort cases. The decision animated the Supreme Court's decision in *TransUnion v. Ramirez*, by applying its standing analysis in a common sense and logically consistent manner to the real-world fact patterns posed by data breach cases. The decision demonstrates that federal court is still a viable forum for data breach cases based upon the material risk of future misuse, as well as actual misuse of data.

#### [Kingston v. Int'l Bus. Machines Corp.](#)

##### **Ninth Circuit Court of Appeals**

Milberg attorneys represented an IBM software sales manager who was fired for reporting racial discrimination and the unlawful capping of sales commissions. A jury awarded the plaintiff almost \$15 million. The Ninth Circuit affirmed the jury's finding of liability and most of the damages award, over a dissent.

#### [Fessler v. Int'l Bus. Machines Corp.](#)

##### **Fourth Circuit Court of Appeals**

Milberg attorneys represented an IBM software salesman whose sales commissions IBM had wrongly capped. The district court dismissed the salesman's claims. The Fourth Circuit reversed the dismissal, distinguishing a long line of older cases in which IBM had prevailed on the grounds that the new case was factually distinct and presented novel legal theories. The case was later resolved.

#### [Lytle v. Nutramax Labs., Inc.](#)

##### **Ninth Circuit Court of Appeals**

Milberg attorneys represented a class of consumers who purchased pet joint health supplements, which they claimed were deceptively marketed and labeled. The trial court granted class certification, and the defendant sought to appeal to the Ninth Circuit, which agreed to hear the appeal. Milberg attorneys argued that class certification was proper, and that the plaintiffs' proposed damages model—a conjoint analysis that surveyed consumers to determine the value of the product's deceptive statements—was valid for calculating classwide damages. The Ninth Circuit heard the parties' arguments in 2023, but has not yet ruled.

#### [Adkisson v. Jacobs Engineering Grp., Inc.](#)

##### **Sixth Circuit Court of Appeals**

Milberg attorneys represented a group of hundreds of workers and their families who were injured when cleaning up a large coal ash spill in Kingston, Tennessee. The workers alleged, among other things, that the defendant had denied them essential personal protection equipment. Following years of litigation and a trial on certain issues, the defendant raised a new defense based on a recent Supreme Court case, *Thacker v. Tennessee Valley Authority*. The defendant argued that it should be immune because it was acting as an agent of the federal government. The Sixth Circuit rejected this defense, finding that based upon the facts, the Tennessee Valley Authority—and, by extension, the defendant—were not immune, paving the way for future litigants to bring claims against the TVA and its agents. Following this ruling, the parties reached a settlement.

#### [Chisum v. Campagna](#)

##### **North Carolina Supreme Court**

Milberg attorneys represented a contractor who was wrongfully kicked out of several valuable real estate companies by his partners. The jury awarded the plaintiff millions of dollars, but the trial court granted judgment to the defendants on some of the claims. The North Carolina Supreme Court affirmed the jury's verdict while reversing the trial court's grant of judgment to the defendants. Following the reversal, the parties reached settlement, which was more lucrative for plaintiff than the original jury verdict.

#### [Plantation Bldg. of Wilmington, Inc. v. Town of Leland](#)

##### **North Carolina Supreme Court**

Milberg attorneys represented a class of contractors who sued a local government for charging illegal fees. The trial court certified the class, but the government appealed, raising a dangerous new legal theory that would have prevented class certification. The North Carolina Supreme Court rejected that new theory, after which the case settled for even more than the class had demanded before the appeal.

#### [Adkisson v. Jacobs Engineering Grp., Inc.](#)

##### **Tennessee Supreme Court**

Milberg attorneys represented a group of hundreds of workers and their families who were injured when cleaning up a large coal ash spill in Kingston, Tennessee. The workers alleged, among other things, that the defendant had denied them essential personal protection equipment. Following years of litigation and a trial on certain issues, the defendant argued that the plaintiffs' claims must be dismissed under the Tennessee Silica Claims Protection Act, and the trial court certified the question to the Tennessee Supreme Court. Milberg attorneys briefed the issues and argued on the workers' behalf that the TSCPA did not cover or require dismissal of their claims. Before the Tennessee Supreme Court could rule, the parties settled their claims.

# LOCATIONS

## PUERTO RICO

1311 Avenida Juan Ponce de León  
San Juan, Puerto Rico 00907

## CALIFORNIA

280 South Beverly Drive, Penthouse  
Beverly Hills, California 90212

402 West Broadway, Suite 1760  
San Diego, California 92101

## FLORIDA

2701 South Le Jeune Road  
Coral Gables, Florida 33134

## ILLINOIS

227 W. Monroe Street, Suite 2100  
Chicago, Illinois 60606

## KENTUCKY

19 North Main Street  
Madisonville, Kentucky 42431

## LOUISIANA

5301 Canal Boulevard  
New Orleans, Louisiana 70124

## MICHIGAN

6905 Telegraph Road, Suite 115  
Bloomfield Hills, Michigan 48301

## NEW JERSEY

1 Bridge Plaza North, Suite 675  
Fort Lee, New Jersey 07024

## NEW YORK

100 Garden City Plaza, Suite 500  
Garden City, New York 11530

405 E 50th Street  
New York, New York 10022

## NORTH CAROLINA

900 West Morgan Street  
Raleigh, North Carolina 27603

## SOUTH CAROLINA

825 Lowcountry Blvd, Suite 101  
Mount Pleasant, South Carolina 29464

## TENNESSEE

800 S. Gay Street, Suite 1100  
Knoxville, Tennessee 37929

518 Monroe Street  
Nashville, Tennessee 37208

## WASHINGTON

1420 Fifth Ave, Suite 2200  
Seattle, Washington 98101

17410 133rd Avenue, Suite 301  
Woodinville, Washington 98072

## WASHINGTON, D.C.

5335 Wisconsin Avenue NW, Suite 440  
Washington, D.C. 20015-2052

## NETHERLANDS

## UNITED KINGDOM



# **Exhibit F**



## FIRM RESUME

One West Las Olas Boulevard, Suite 500  
Fort Lauderdale, Florida 33301

**Telephone:** 954.525.4100

**Facsimile:** 954.525.4300

**Website:** [www.kolawyers.com](http://www.kolawyers.com)

**Miami – Fort Lauderdale – Boca Raton**

## OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 25 attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

---

## WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include Board Certified in their specialty; serving as in-house counsel for major corporations, as city and county attorneys handling government affairs, and as public defenders and prosecutors; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

# CLASS ACTION PLAINTIFF

Since its founding, KO has initiated and served as lead class counsel in dozens of high-profile class actions. Although the actions are diverse by subject area, KO has established itself as one of the leading firms that sue national and regional banks and credit unions related to the unlawful assessment of fees. Their efforts spanning a decade plus have resulted in recoveries in excess of \$500 million and monumental practices changes that have changed the industry and saving clients billions of dollars.

Additionally, other past and current cases have been prosecuted for breaches of insurance policies; data breaches; data privacy; wiretapping; biometric privacy; gambling; false advertising; defective consumer products and vehicles; antitrust violations; and suits on behalf of students against colleges and universities arising out of the COVID-19 pandemic.

The firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other insurance cases include auto insurers failing to pay benefits owed to insureds with total loss vehicle claims. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

## CLASS ACTION DEFENSE

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, advertising conglomerates, aircraft manufacturer and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

---

## MASS TORT LITIGATION

The firm also has extensive experience in mass tort litigation, including serving as Lead Counsel in the Zantac Litigation, one of the largest mass torts in history. The firm also has handled cases against 3M related to defective earplugs, several vaginal mesh manufacturers, Bayer in connection with its pesticide Roundup, Bausch & Lomb for its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained tens of millions in recoveries for its clients.

---

## OTHER AREAS OF PRACTICE

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

---

## FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit [www.kolawyers.com](http://www.kolawyers.com).

## CLASS ACTION AND MASS TORTS

*Aseltine v. Bank of America, N.A.*, 3:23-cv-00235 (W.D.N.C.) – Preliminary Approval - \$21 million

*McNeil v. Capital One, N.A.*, 1:19-cv-00473 (E.D.N.Y.) – Preliminary Approval - \$16 million

*Devore, et al. v. Dollar Bank*, GD-21-008946 (Ct. Common Pleas Allegheny 2024) - \$7 million

*Nimsey v. Tinker Federal Credit Union*, C1-2019-6084 (Dist. Ct. Oklahoma 2024) - \$5.475 million

*Precision Roofing of N. Fla. Inc., et al. v. CenterState Bank*, 3:20-cv-352 (S.D. Fla. 2023) - \$2.65 million

*Checchia v. Bank of America, N.A.*, 2:21-cv-03585 (E.D. Pa. 2023) - \$8 million

*Quirk v. Liberty Bank*, X03-HHD-CV20-6132741-S (Jud. Dist. Ct. Hartford 2023) - \$1.4 million

*Meier v. Prosperity Bank*, 109569-CV (Dist. Ct. Brazoria 2023) - \$1.6 million

*Abercrombie v. TD Bank, N.A.*, 0:21-cv-61376 (S.D. Fla. 2022) - \$4.35 million

*Perks, et al. v. TD Bank, N.A.*, 1:18-cv-11176 (E.D.N.Y. 2022) - \$41.5 million

*Fallis v. Gate City Bank*, 09-2019-CV-04007 (Dist. Ct., Cty. of Cass, N.D. 2022) - \$1.8 million

*Glass, et al. v. Delta Comm. Cred. Union*, 2019CV317322 (Sup. Ct. Fulton Ga. 2022) - \$2.8 million

*Roy v. ESL Fed. Credit Union*, 19-cv-06122 (W.D.N.Y. 2022) - \$1.9 million

*Wallace v. Wells Fargo*, 17CV317775 (Sup. Ct. Santa Clara 2021) - \$10 million

*Doxey v. Community Bank, N.A.*, 8:19-CV-919 (N.D.N.Y. 2021) - \$3 million

*Coleman v. Alaska USA Federal Credit Union*, 3:19-cv-0229-HRH (Dist. of Alaska 2021) - \$1 million

*Smith v. Fifth Third Bank*, 1:18-cv-00464-DRC-SKB (W.D. Ohio 2021) - \$5.2 million

*Lambert v. Navy Federal Credit Union*, 1:19-cv-00103-LO-MSN (S.D. Va. 2021) - \$16 million

*Roberts v. Capital One, N.A.*, 16 Civ. 4841 (LGS) (S.D.N.Y. 2021) - \$17 million

*Lloyd v. Navy Federal Credit Union*, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - \$24.5million

*Farrell v. Bank of America, N.A.*, 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - \$66.6 million

*Bodnar v. Bank of America, N.A.*, 5:14-cv-03224-EGS (E.D. Pa. 2015) - \$27.5 million

*Morton v. Green Bank*, 11-135-IV (20th Judicial District Tenn. 2018) - \$1.5 million

*Hawkins v. First Tenn. Bank*, CT-004085-11 (13th Jud. Dist. Tenn. 2017) - \$16.75 million

*Payne v. Old National Bank*, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - \$4.75 million

*Swift. v. Bancorpsouth*, 1:10-CV-00090 (N.D. Fla. 2016) - \$24.0 million

*Mello v. Susquehanna Bank*, 1:09-MD-02046 (S.D. Fla. 2014) – \$3.68 million

*Johnson v. Community Bank*, 3:11-CV-01405 (M.D. Pa. 2013) - \$1.5 million

*McKinley v. Great Western Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$2.2 million

*Blabut v. Harris Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$9.4 million

*Wolfgeher v. Commerce Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$18.3 million

*Case v. Bank of Oklahoma*, 09-MD-02036 (S.D. Fla. 2012) - \$19.0 million

*Hawthorne v. Umpqua Bank*, 3:11-CV-06700 (N.D. Cal. 2012) - \$2.9 million

*Simpson v. Citizens Bank*, 2:12-CV-10267 (E.D. Mich. 2012) - \$2.0 million

*Harris v. Associated Bank*, 1:09-MD-02036 (S.D. Fla. 2012) - \$13.0 million

*LaCour v. Whitney Bank*, 8:11-CV-1896 (M.D. Fla. 2012) - \$6.8 million

*Orallo v. Bank of the West*, 1:09-MD-202036 (S.D. Fla. 2012) - \$18.0 million

*Taulava v. Bank of Hawaii*, 11-1-0337-02 (1st Cir. Hawaii 2011) - \$9.0 million

# DATA BREACH AND PRIVACY

*In re: Fortra*, MDL No. 3090 (S.D. Fla.) – Co-Lead Counsel  
*Crowe, et al. v. Managed Care of North America, Inc.*, 0:23-cv-61065-AHS (S.D. Fla.) – Co-Lead Counsel  
*Malinowski, et al. v. IBM Corp. and Johnson & Johnson*, 7:23-cv-08421 (S.D.N.Y.) – Co-Lead Counsel  
*Gordon, et al. v. Zeroed-In Technologies, LLC, et al.*, 1:23-CV-03284 (D. Md.) – Co-Lead Counsel  
*Harrell, et al. v. Webtpa Employer Services LLC*, 3:24-CV-01158 (N.D. Tex.) - Co-Lead Counsel  
*Gambino, et al. v. Berry Dunn Mcneil & Parker LLC*, 2:24-CV-00146 (D. Me.) - Co-Lead Counsel  
*Isaac v. Greylock McKinnon Associates, Inc.*, 1:24-CV-10797 (D. Mass.) - Co-Lead Counsel  
*Rodriguez, et al. v. Caesars Entertainment, Inc.*, 2:23-CV-01447 (D. Nev.) - Steering Committee Chair  
*Owens v. MGM Resorts International*, 2:23-cv-01480-RFB-MDC (D. Nev.) - Executive Committee  
*Doyle v. Luxottica of America, Inc.*, 1:20-cv-00908-MRB (S.D. Ohio) - Executive Committee  
*Doe, et al. v. Highmark, Inc.*, 2:23-cv-00250-NR (W.D. Penn.) - Executive Committee  
*Silvers, et al. v. HCA Healthcare, Inc.*, 1:23-cv-01003-LPH (S.D. In.) - Executive Committee  
*In re: 21st Century Oncology*, MDL No. 2737 (M.D. Fla. 2021) - \$21.8 million  
*In re: CaptureRx Data Breach*, 5:21-cv-00523 (W.D. Tex. 2022) - \$4.75 million  
*Lopez, et al. v. Volusion, LLC*, 1:20-cv-00761 (W.D. Tex. 2022) - \$4.3 million  
*Mathis v. Planet Home Lending, LLC*, 3:24-CV-00127 (D. Conn.) - Preliminary Approval - \$2.425 million  
*Stadnik v. Sovos Compliance, LLC*, 1:23-CV-12100 (D. Mass.) - Preliminary Approval - \$3.5 million  
*Turner v. Johns Hopkins, et al.*, 24-C-23-002983 (Md. Cir. Ct.) - Preliminary Approval - \$2.9 million  
*Peterson v. Vivendi Ticketing US LLC*, 2:23-CV-07498 (C.D. Cal.) - Preliminary Approval - \$3.25 million  
*Katz et al. v. Einstein Healthcare Network*, No. 02045 (Phila C.P.) - \$1.6 million  
*Opris et al v. Sincera Reproductive Medicine et al*, No. 2:21-cv-03072 (E.D. PA) - \$1.2 million

---

*Ostendorf v. Grange Indemnity Ins. Co.*, 2:19-cv-01147-ALM-KAJ (E.D. Ohio 2020) - \$12.6 million  
*Paris, et al. v. Progressive Select Ins. Co., et al.*, 19-21760-CIV (S.D. Fla. 2023) - \$38 million  
*Spielman v. USAA, et al.*, 2:19-cv-01359-TJH-MAA (C.D. Ca. 2023) - \$3 million  
*Walters v. Target Corp.*, 3:16-cv-1678-L-MDD (S.D. Cal. 2020) - \$8.2 million  
*Papa v. Grieco Ford Fort Lauderdale, LLC*, 18-cv-21897-JEM (S.D. Fla. 2019) - \$4.9 million  
*In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.) - \$88 million  
*Vandiver v. MD Billing Ltd.*, 2023LA000728 (18th Jud. Dist. Ill. 2023) - \$24 million  
*Skerandel v. Costco Wholesale Corp.*, 9:21-cv-80826-BER (S.D. Fla. 2024) - \$1.3 million  
*Evans v. Church & Dwight Co., Inc.*, 1:22-CV-06301 (N.D. Ill. 2023) - \$2.5 million  
*In Re: Farm-Raised Salmon & Salmon Prod. Antitrust Litig.*, No. 1:19-cv-21551 (S.D. Fla. 2023) - \$75 million  
*Perry v. Progressive Michigan, et al.*, 22-000971-CK (Cir. Ct. Washtenaw) - Class Counsel  
*In re Apple Simulated Casino-Style Games Litig.*, MDL No. 2958 (N.D. Cal.) - Executive Committee  
*In re Google Simulated Casino-Style Games Litig.*, MDL No. 3001 (N.D. Cal.) - Executive Committee  
*In re Facebook Simulated Casino-Style Games Litig.*, No. 5:21-cv-02777 (N.D. Cal.) - Exec. Committee

---

*In re Zantac Prods. Liab. Litig.*, MDL No. 2924 (S.D. Fla.) - Co-Lead Counsel  
*In re: National Prescription Opiate Litigation*, No. MDL No. 2804 (N.D. Ohio) - \$100 million  
*In re: Juul Labs*, No. MDL No. 2913 (N.D. Cal.) - \$26 million  
*In re: Davenport Hotel Building Collapse*, LACE137119 (Dist. Ct. Scott Cty., Iowa) - Class Counsel  
*In re: 3M Combat Arms Earplug Prod. Liab. Litig.*, MDL No. 2885 (N.D. Fla.) - Numerous Plaintiffs  
*In re: Stryker Prod. Liab. Lit.*, 13-MD-2411 (Fla. Cir Ct.) - Numerous Plaintiffs

---

# CONSUMER PROTECTION

# MASS TORT



# JEFF OSTROW

## Managing Partner

ostrow@kolawyers.com

954.332.4200

### *Bar Admissions*

Florida Bar

District of Columbia Bar

### *Court Admissions*

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

U.S. District Court, Western District of Kentucky

U.S. District Court, Northern District of New York

U.S. District Court, District of Colorado

U.S. District Court, Southern District of Indiana

U.S. District Court, Eastern District of Texas

U.S. District Court, District of Nebraska

### *Education*

Nova Southeastern University, J.D. - 1997

University of Florida, B.S. - 1994

---

Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice in 1997 immediately upon graduation from law school and has since grown the firm to 30 attorneys in 3 offices throughout south Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the area of consumer class actions. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, which is the highest possible rating by the most widely recognized attorney rating organization in the world.

Mr. Ostrow is an accomplished trial attorney who has experience representing both Plaintiffs and Defendants. He has successfully tried many cases to verdict involving multi-million-dollar damage claims in state and federal courts. He is currently court-appointed lead counsel and sits on plaintiffs' executive committees in multiple high profile nationwide multi-district litigation actions involving cybersecurity breaches and related privacy issues.

Additionally, he has spent the past 15 years serving as lead counsel in dozens of nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$1 billion for tens of millions of bank and credit union customers, as well as monumental changes in the way they assess fees. Those changes have forever revolutionized an industry, resulting in billions of dollars of savings. In addition, Mr. Ostrow has served as lead class counsel in many consumer class actions against some of the world's largest airlines, pharmaceutical companies, clothing retailers, health and auto insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies. A selection of

settled class actions in which Mr. Ostrow has participated are listed herein above.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, Fox, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic swimming, professional boxing, the NFL, NBA and MLB.

Mr. Ostrow received a Bachelor of Science in Business Administration from the University of Florida in 1994 and Juris Doctorate from Nova Southeastern University in 1997. He is a licensed member of The Florida Bar and the District of Columbia Bar, is fully admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Ninth Circuit and Eleventh Circuit, the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, District of Colorado, Southern District of Indiana, Western District of Kentucky, Eastern District of Michigan, Northern District of Illinois, District of Nebraska, Northern District of New York, Western District of Tennessee, Eastern District of Texas, and Western District of Wisconsin. Mr. Ostrow is also member of several bar associations.

In addition to the law practice, he is the founder and president of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic Gold Medalist Swimmers, World Champion Boxers, and select NFL athletes, and is licensed by both the NFL Players Association as a certified Contract Advisor. At the agency, Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing and NIL engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating, and arbitrating a wide range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the World Anti-Doping Agency. He has been an invited sports law guest speaker at New York University and Nova Southeastern University and has also served as a panelist at many industry-related conferences.

He is a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have had multi-million dollar jury verdicts. Additionally, he is consistently named as one of the top lawyers in Florida by Super Lawyers®, a publication that recognizes the best lawyers in each state. Mr. Ostrow is an inaugural recipient of the University of Florida's Warrington College of Business Administration Gator 100 award for the fastest growing University of Florida alumni- owned law firm in the world.

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is the Managing Member of One West LOA LLC, a commercial real estate development company with holdings in downtown Fort Lauderdale. He has previously sat on the boards of a national banking institution and a national healthcare marketing company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. Mr. Ostrow resides in Fort Lauderdale, Florida, and has 3 sons.



# DAVID FERGUSON

Partner

***Bar Admissions***

The Florida Bar

***Court Admissions***

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

***Education***

Nova Southeastern University, J.D. - 1993

Nova Southeastern University, B.S. - 1990

***Email: [ferguson@kolawyers.com](mailto:ferguson@kolawyers.com)***

---

David L. Ferguson is an accomplished trial attorney and chairs the firm's litigation department. He routinely leads high stakes litigation across a wide array of practice areas, including, but not limited to, employment law, complex business litigation, class actions, product liability, catastrophic personal injury, civil rights, and regulatory enforcement actions.

Mr. Ferguson is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, a testament to the fact that his peers (lawyers and judges in the community) have ranked him at the highest level of professional excellence. Mr. Ferguson is well regarded as a formidable advocate in court and for providing creative and insightful strategic advice, particularly in emergency and extremely complex situations.

While in law school, Mr. Ferguson served as a Staff Member of the Nova Law Review. He was also a member of the Moot Court Society and the winner of the Moot Court Intramural Competition.

## **Representation of the Broward Sheriff's Office**

Since 2013, Mr. Ferguson has had the privilege of representing the Broward Sheriff's Office ("BSO") in over 150 matters involving many different types of disputes and issues, including: defense of civil rights lawsuits in state and federal court; negotiating collective bargaining agreements with unions; and arbitrations brought by unions or employees subjected to termination or other significant discipline. Mr. Ferguson has had many arbitration final hearings and state and federal jury trials for BSO representing the agency as well as the Sheriff and numerous Deputies individually.

## **Class/Mass Actions**

Mr. Ferguson has experience in class actions against large banks and some of the world's largest companies, including technology companies and oil conglomerates.

Additionally, during his career Mr. Ferguson has defended many large companies in MDL's, and mass and class actions, including medical equipment manufacturers, pharmaceutical companies, an aircraft parts and engine manufacturer and defense contractor, nationwide retailers, and a massive sugar manufacturer.

## **Large Fraud and Ponzi Cases**

Mr. Ferguson has a great deal of experience litigating cases involving massive fraud claims, most often for victims, but also for select defendants. Mr. Ferguson's clients have included individual victims who have lost multiple millions of dollars in fraud schemes to large businesses with tremendous damages, including one international lending institution with damages in excess of \$150 million. Additionally, Mr. Ferguson successfully represented several individuals and entities subjected to significant claims by a receiver and the United States Marshals Service in a massive billion-dollar Ponzi scheme involving a notorious Ft. Lauderdale lawyer and his law firm.

## **Regulatory Agency Enforcement Actions**

Mr. Ferguson has extensive experience defending individuals and entities in significant enforcement actions brought by regulatory agencies, including the CFTC, FTC, and SEC.

## **Employment, Human Resources, and Related Matters**

Mr. Ferguson has represented numerous business and individuals in employment and human resource related matters. Mr. Ferguson has represented several Fortune 50 companies, including Pratt & Whitney/UTC, Home Depot, and Office Depot in all phases of employment related matters. Mr. Ferguson has litigated virtually every type of discrimination and employment related claim, including claims based upon race, pregnancy, disability, national origin, religion, age, sexual preference, sexual harassment, worker's compensation, unemployment, FMLA leave, FLSA overtime, unpaid wages, whistleblower, and retaliation.

Mr. Ferguson primarily represents companies, but also represents select individuals who have claims against their present or former employers. In addition to the wide variety of employment claims discussed above, as plaintiff's counsel Mr. Ferguson has also handled federal False Claims Act (Qui Tam) and the Foreign Corrupt Practices Act claims brought by individuals.

## **Business Disputes**

Throughout his legal career, as counsel for plaintiffs and defendants, Mr. Ferguson has handled a myriad of commercial cases involving all types of business disputes, including claims for breach of partnership agreements, breach of shareholder or limited liability company operating agreements; dissolution of corporations and limited liability companies; appointment of receivers; breaches of fiduciary duty; conversion; constructive trust; theft; negligent or intentional misrepresentation or omissions; fraudulent inducement; tortious interference; professional negligence or malpractice; derivative actions, breach of contract, real estate disputes, and construction disputes.

## **Noncompetition and Trade Secret Litigation**

Mr. Ferguson routinely represents companies and individuals in commercial disputes involving unfair and deceptive trade practices, unfair competition and/or tortious interference with contracts or valuable business relationships. Often these cases involve the enforcement of noncompetition agreements and protection of valuable trade secrets. Mr. Ferguson has extensive experience representing businesses seeking to enforce their noncompetition agreements and/or protect trade secrets through suits for injunctive relief and damages and representing subsequent employers and individuals defending against such claims. He has obtained numerous injunctions for his clients and has also successfully defended against them numerous times, including getting injunctions dissolved that were entered against his clients without notice or prior to his representation. Mr. Ferguson has also obtained contempt sanctions and entitlement to punitive damages against individuals and entities who have stolen trade secrets from his clients.



# ROBERT C. GILBERT

Partner

## Bar Admissions

The Florida Bar

District of Columbia Bar

## Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the 11th Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

## Education

University of Miami School of Law, J.D. - 1985

Florida International University, B.S. - 1982

**Email:** [gilbert@kolawyers.com](mailto:gilbert@kolawyers.com)

Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Breach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



# JONATHAN M. STREISFELD

Partner

## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

Supreme Court of the United States

U.S. Court of Appeals for the First, Second, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, Western District of New York

U.S. District Court, Western District of Tennessee

## ***Education***

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

***Email: [streisfeld@kolawyers.com](mailto:streisfeld@kolawyers.com)***

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast and successful experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$500,000,000 for tens of millions of bank and credit union customers, as well as profound changes in the way banks assess fees. Additionally, he has and continues to serve as lead and class counsel for consumers in many class actions involving false advertising and pricing, defective products, data breach and privacy, automobile defects, airlines, mortgages, and payday lending. Mr. Streisfeld has also litigated class actions against some of the largest health and automobile insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships and resolving disputes. Mr. Streisfeld has also provided legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters. As a member of The Florida Bar, Mr. Streisfeld served for many years on the Executive Council of the Appellate Practice Section and is a past Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.



# KEN GRUNFELD

Partner

## ***Bar Admissions***

The Pennsylvania Bar

The New Jersey Bar

## ***Court Admissions***

U.S. Court of Appeals for the Third, Fourth, Fifth, Ninth, Tenth and Eleventh Circuits

U.S. District Ct, Eastern District of Pennsylvania

U.S. District Ct, Middle District of Pennsylvania

U.S. District Ct, Western District of Pennsylvania

U.S. District Ct, District of New Jersey

U.S. District Ct, Eastern District of Michigan

U.S. District Ct, Western District of Wisconsin

## ***Education***

Villanova University School of Law, J.D., 1999

University of Michigan, 1996

***Email: [grunfeld@kolawyers.com](mailto:grunfeld@kolawyers.com)***

---

Ken Grunfeld is one of the newest KO partners, having just started working at the firm in 2023. Having worked at one of Philadelphia's largest and most prestigious defense firms for nearly a decade defending pharmaceutical manufacturers, national railroads, asbestos companies and corporate clients in consumer protection, products liability, insurance coverage and other complex commercial disputes while working, Mr. Grunfeld "switched sides" about 15 years ago.

Since then, he has become one of the city's most prolific and well-known Philadelphia class action lawyers. His cases have resulted in the recovery of hundreds of millions of dollars for injured individuals.

Mr. Grunfeld brings with him a wealth of pre-trial, trial, and appellate work experience in both state and federal courts. He has successfully taken many cases to verdict. Currently, he serves as lead counsel in a number of nationwide class actions. Whether by settlement or judgment, Mr. Grunfeld makes sure the offending companies' wrongful practices have been addressed. He believes the most important part of bringing a wrongdoer to justice is to ensure that it never happens again; class actions can be a true instrument for change if done well.

Mr. Grunfeld has been named a Super Lawyer numerous times throughout his career. He has been a member of the Philadelphia, Pennsylvania, and American Bar Associations, as well as a member of the American Association for Justice (AAJ). He was a Finalist for AAJ's prestigious Trial Lawyer of the Year Award in 2012 and currently serves as AAJ's Vice Chair of the Class Action Law Group. To his strong view that attorneys should act ethically, he volunteers his time as a Hearing Committee Member for the Disciplinary Board of the Supreme Court of Pennsylvania.

Mr. Grunfeld received his undergraduate degree from the University of Michigan. He is an active member of the Michigan Alumni Association, Philadelphia chapter and serves as a Michigan Alumni Student recruiter for local high schools. He received his Juris Doctor from the Villanova University School of Law. He was a member of the Villanova Law Review and graduated Order of the Coif.

Ken is a life-long Philadelphian. He makes his home in Bala Cynwyd, Pennsylvania, where he resides with his wife, Jennifer, and his year-old twins.

# KRISTEN LAKE CARDOSO

Partner



## ***Bar Admissions***

The Florida Bar  
The State Bar of California

## ***Court Admissions***

U.S. District Court, Southern District of Florida  
U.S. District Court, Middle District of Florida  
U.S. District Court, Central District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Northern District of Illinois  
U.S. District Court, Eastern District of Michigan

## ***Education***

Nova Southeastern University, J.D., 2007  
University of Florida, B.A., 2004

***Email: [cardoso@kolawyers.com](mailto:cardoso@kolawyers.com)***

---

Kristen Lake Cardoso is a litigation attorney focusing on consumer class actions and complex commercial litigation. She has gained valuable experience representing individuals and businesses in state and federal courts at both the trial and appellate levels in a variety of litigation matters, including contractual claims, violations of consumer protection statutes, fraud, breach of fiduciary duty, negligence, professional liability, real estate claims, enforcement of non-compete agreements, trade secret infringement, shareholder disputes, deceptive trade practices, and other business torts.

Currently, Ms. Cardoso serves as counsel in nationwide and statewide class action lawsuits concerning violations of state consumer protection statutes, false advertising, defective products, data breaches, and breaches of contract. Ms. Cardoso is actively litigating cases against major U.S. airlines for their failure to refund fares following flight cancellations and schedule changes, as well as cases against manufacturers for their sale and misleading marketing of products, including defective cosmetics and nutritional supplements. Ms. Cardoso has also represented students seeking reimbursements of tuition, room and board, and other fees paid to their colleges and universities for in-person education, housing, meals, and other services not provided when campuses closed during the COVID-19 pandemic. Additionally, Ms. Cardoso has represented consumers seeking recovery of gambling losses from tech companies that profit from illegal gambling games offered, sold, and distributed on their platforms.

Ms. Cardoso is admitted to practice law throughout the states of Florida and California, as well as in the United States District Courts for the Southern District of Florida, Middle District of Florida, Central District of California, Eastern District of California, Northern District of Illinois, and Eastern District of Michigan.

Ms. Cardoso attended the University of Florida, where she received her Bachelor's degree in Political Science, cum laude, and was inducted as a member of Phi Beta Kappa honor society. She received her law degree from Nova Southeastern University, magna cum laude. While in law school, Ms. Cardoso served as an Articles Editor for the Nova Law Review, was on the Dean's List, and was the recipient of a scholarship granted by the Broward County Hispanic Bar Association for her academic achievements. When not practicing law, Ms. Cardoso serves as a volunteer at Saint David Catholic School, including as a member of the school Advisory Board and an executive member of the Faculty Student Association. She has also served on various committees with the Junior League of Greater Fort Lauderdale geared towards improving the local community through leadership and volunteering.



# STEVEN SUKERT

Partner

## ***Bar Admissions***

The Florida Bar

The New York Bar

## ***Court Admissions***

United States District Court, Southern District of Florida

United States District Court, Middle District of Florida

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States District Court, Northern District of Illinois

United States District Court, Central District of Illinois

## ***Education***

Georgetown University Law Center, J.D., 2018

Northwestern University, B.S., 2010

***Email: [sukert@kolawyers.com](mailto:sukert@kolawyers.com)***

---

Steven Sukert has experience in all aspects of complex litigation in federal and state court, including drafting successful dispositive motions and appeals, handling discovery, and arguing court hearings. Steven focuses his practice at KO on complex class actions and multi-district litigations in courts around the country, including in data privacy, bank overdraft fee, and other consumer protection cases.

Before joining KO, Steven gained experience at Gunster, Yoakley & Stewart, P.A. in Miami in high-stakes commercial cases often involving trade secret and intellectual property claims, consumer contract claims, and legal malpractice claims, as well as in international arbitrations. Steven co-authored an amicus brief in the Florida Supreme Court case *Airbnb, Inc. v. Doe* (Case No. SC20-1167), and helped organize the American Bar Association's inaugural International Arbitration Masterclass, in 2021.

Steven was born and raised in Miami. He returned to his home city after law school to clerk for the Honorable James Lawrence King in the U.S. District Court for the Southern District of Florida.

In 2018, Steven earned his J.D. from Georgetown University Law Center. While living in the nation's capital, he worked at the U.S. Department of Labor, Office of the Solicitor, where he won the Gary S. Tell ERISA Litigation Award; the Civil Fraud Section of the U.S. Department of Justice, where he worked on large Medicare fraud cases and pioneered the use of the False Claims Act in the context of pharmaceutical manufacturers who engaged in price fixing; and the Lawyers' Committee for Civil Rights Under Law, where his proposal for writing an amicus brief in the *Janus v. AFSCME* U.S. Supreme Court case was adopted by the organization's board of directors.

Steven has a degree in Molecular Biology from Northwestern University. Prior to his legal career, he worked as a biomedical laboratory researcher at the Diabetes Research Institute in Miami.

# CAROLINE HERTER

Associate



## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

U.S. District Court, Middle District of Florida

U.S. District Court, Southern District of Florida

U.S. Bankruptcy Court, Southern District of Florida

## ***Education***

University of Miami School of Law, J.D. - 2020

University of Miami, B.S. – 2016

***Email: [Herter@kolawyers.com](mailto:Herter@kolawyers.com)***

---

Caroline Herter is a litigation attorney at the firm's Fort Lauderdale office. Caroline focuses her practice on consumer class actions, mass torts, and white-collar commercial litigation in state and federal courts nationwide. She has gained valuable experience representing individuals and businesses to hold wrongdoers accountable through claims involving personal injury, wrongful death, consumer fraud, products liability, breach of fiduciary duty, civil theft/conversion, corporate veil-piercing, fraudulent transfer, tortious interference, False Claims Act violations, and the like.

Before joining KO, Caroline worked at a boutique law firm in Miami where she represented plaintiffs in matters involving creditor's rights, insolvency, and asset recovery. She now applies this experience throughout her practice at KO, often combining equitable remedies with legal claims to ensure the best chance of recovery for her clients.

Notable cases that Caroline has been involved in include *In Re: Champlain Towers South Collapse Litigation*, where she was a member of the team serving as lead counsel for the families of the 98 individuals who lost their lives in the tragic condominium collapse. The case resulted in over \$1 billion recovered for class members, the second-largest settlement in Florida history. She also co-authored a successful petition for certiorari to the United States Supreme Court in *Olhausen v. Arriva Medical, LLC et al.*, a False Claims Act case involving the standard for determining a defendant's scienter, which led the high Court to reverse the Eleventh Circuit Court of Appeal's earlier ruling against her client.

Caroline earned her law degree from the University of Miami School of Law, summa cum laude, where she received awards for the highest grade in multiple courses. During law school Caroline was an editor of the University of Miami Law Review and a member of the Moot Court Board.

Outside of her law practice, Caroline serves on the Board of Directors of the non-profit organization Americans for Immigrant Justice.

# **Exhibit G**



## Kevin Laukaitis, Esq.

Owner/Founder, Laukaitis Law LLC

### Practice

- Litigation, Consumer Class Action

### Education

- Temple University - Beasley School of Law, J.D.
- Drexel University, B.S. Business Administration

### Admitted to Practice

- Pennsylvania
- New Jersey
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the District of New Jersey
- United States District Court for the Northern District of Illinois
- United States District Court for the Eastern District of Michigan

Kevin Laukaitis is the Owner and Founder of Laukaitis Law LLC. He focuses most of his practice on litigation, with a particular emphasis on consumer class actions. Kevin has extensive experience handling complex litigation matters, in state and federal courts, on behalf of consumers who have been wronged by companies that have violated the law.

Kevin graduated from Drexel University with a B.S. in Business Administration with a focus in Marketing. He received his J.D from Temple University Beasley School of Law, where he was a part-time evening program student. During law school, Kevin worked full-time as a paralegal where he gained practical experience in all aspects of class action litigation. Upon graduating, Kevin worked as an attorney at two class action law firms before founding Laukaitis Law LLC.

### Legal Successes

Kevin has played a prominent role in many class action lawsuits against deregulated energy companies that have engaged in deceptive practices by overcharging consumers on their energy bills. Kevin's efforts have resulted in over \$70 million in recovery to classes of consumers who were overcharged by these energy companies. The class action settlements include:

- *Mercado, et al. v. Verde Energy USA, Inc., et al.*, No. 18-cv-2068, United States District Court for the Northern District of Illinois (appointed lead class counsel in the case and obtained \$7 million for a class of Illinois, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania customers of Verde Energy)
- *Bell v. Gateway Energy Services Corporation*, No. 031168/2018 (N.Y. Supr. County of Rockland) (appointed lead class counsel in the case and obtained \$12.833 million for a class of New York, New Jersey, Pennsylvania, Maryland, and Virginia customers of Gateway Energy)
- *Austin v. Kiwi Energy Services LLC*, No. 515350/2017 (New York State Supreme Court, Kings County) (appointed lead counsel and obtained over \$1 million for a class of customers of Kiwi Energy)

- *Hamlen v. Gateway Energy Services Corporation*, No. 7:16-cv-03526-VB-JCM, United States District Court for the Southern District of New York (appointed class counsel and worked on the team who obtained \$9.25 million for a class of New York, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, and Ohio customers of Gateway Energy)
- *Lori Sanborn, et al. v. Viridian Energy Inc., et al.*, No. 3:14-cv-01731-SRU, United States District Court for the District of Connecticut (worked on the team who obtained \$18.5 million for a class of customers of Viridian Energy)
- *Basile v. Stream Energy Pennsylvania, LLC, et al.*, Case No.1:15-cv-01518-YK, United States District Court for the Middle District of Pennsylvania (worked on lead class counsel team who obtained \$13.5 million for a class of Pennsylvania customers of Stream Energy)
- *Amy Silvis v. Ambit Northeast LLC*, No. 2:14-cv-05005, United States District Court for the Eastern District of Pennsylvania (worked on lead class counsel team who obtained \$9.3 million for a class of Pennsylvania customers of Ambit Energy)
- *Sobiech v. U.S. Gas & Electric, Inc.*, No. 14-cv-04464, United States District Court for the Eastern District of Pennsylvania (worked on lead class counsel team who obtained \$1.25 million for a class of customers of Pennsylvania Gas & Electric)

Kevin has also been appointed class counsel in *Neversink General Store, et al. v. Mowi USA, LLC, et al.*, No. 20-cv-09293 (S.D.N.Y.), which resulted in a \$1.3 million settlement for a class of purchasers of deceptively labeled salmon products and *Quezada, et al. v. Arbitersports, LLC*, No. 20-cv-05193 (E.D. Pa.), which resulted in a settlement for a class of over 500,000 sports referees who had their personal information compromised in a data breach.

Kevin is involved in many pending class action lawsuits and MDLs, including *IN RE: Seresto Flea And Tick Collar Marketing, Sales Practices And Products Liability Litigation*, No. 21-cv-04447 (N.D. Ill.), where he serves on the Executive Committee; and he serves as Interim Co-Lead in an increasing number of Data Breach lawsuits, including *Jackson, et al. v. Suffolk University*, 1:23-cv-10019-DJC (D. Mass); *Guerrero v. Merritt Healthcare Holdings, LLC*, 3:23-cv-00389-MPS (D. Conn.); *In re Whitworth University Data Breach*, 2:23-cv-00179 (E.D. Wash.); *Wang, et al. v. Corporation of Mercer University*, 5:23-cv-00193 (M.D. Ga.); *Brent, et al. v. Advanced Medical Management, LLC*, No. C-03-CV-23-002826 (Md. Cir. Ct.); *Kaefring, et al. v. University of Iowa Community Medical Services, LLC d/b/a UI Community Homecare*, CVCV084433 (Iowa Dist.); *In re Honeywell International Inc. Data Breach Litig.*, No. 3:23-cv-594 (W.D.N.C.); and *Kolkind v. DMS Health Technologies*, 3:23-cv-204 (D.N.D.). Kevin also serves on the Plaintiff's Executive Committee in *Skurauskis, et al. NationsBenefits Holdings LLC, et al.*, 0:23-cv-60830 (S.D. Fla.) and *Lipps, et al. v. LCS Financial Services Corporation*, 23-cv-2565 (D. Colo.).

Kevin was also part of the lead class counsel team who worked on *Taha v. County of Bucks*, No. 12-06867, United States District Court for the Eastern District of Pennsylvania, a seminal case that resulted in a jury verdict for a certified class of nearly 68,000 people. The jury awarded each member of the class \$1,000 in punitive

damages. The case was ultimately settled on classwide basis resulting in significant financial recovery for the class.

## **Professional Associations and Activities**

- American Bar Association
- Public Justice
- Philadelphia Trial Lawyers Association