

## **EXHIBIT B**

### **COLLECTIVE LAW FIRM DECLARATIONS IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND CLASS REPRESENTATIVE AWARDS**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In Re: Group Health Plan Litigation

Case No. 23-cv-00267 (JWB/DJF)

**COLLECTIVE LAW FIRM  
DECLARATIONS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES  
AND CLASS REPRESENTATIVE  
AWARDS**

Class Counsel submits the following attachments in support of Plaintiffs' Motion for an Award of Attorneys' Fees and Service Awards:

1. Declaration of Bryan L. Bleichner of Chestnut Cambronne PA in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 1**.
2. Declaration of Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 2**.
3. Declaration of Brian C. Gudmundson of Zimmerman Reed LLP in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 3**.
4. Declaration of David A. Goodwin of Gustafson Gluek in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 4**.
5. Declaration of Terence R. Coates of Markovits Stock & DeMarco, LLC in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 5**.
6. Declaration of Joseph M. Lyon of The Lyon Firm in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 6**.

7. Declaration of Stephen R. Basser of Barrack Rodos & Bacine in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 7**.
8. Declaration of John G. Emerson of Emerson Firm PLLC in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 8**.
9. Declaration of David S. Almeida of Almeida Law Group LLC in support of Plaintiffs' Motion for Attorneys' Fees and Class Representative Awards is attached as **Exhibit 9**.

Dated: May 27, 2025

Respectfully submitted,

s/ Bryan L. Bleichner

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***Counsel for Plaintiffs and the Class  
the Class***

**Exhibit 1:**  
Declaration of Bryan L. Bleichner,  
Chestnut Cambronne PA

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation	Case No. 23-cv-00267 (JWB/DJF)  <b>DECLARATION OF BRYAN L. BLEICHNER IN SUPPORT OF PLAINTIFFS’ MOTION FOR AN AWARD OF ATTORNEYS’ FEES AND CLASS REPRESENTATIVE AWARD</b>
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I, Bryan L. Bleichner, declare:

1. I am a partner/shareholder at the law firm of Chestnut Cambronne PA (“Chestnut Cambronne”) and one of Plaintiffs’ Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following represents the professionals from the firm of Chestnut Cambronne who have contributed billed time to Plaintiffs’ case over the course of this matter through May 21, 2025, and their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Jeffrey D. Bores	Partner	32	34.2	\$950	\$32,490.00
Bryan L. Bleichner	Partner	23	152.7	\$950	\$145,065.00
Christopher P. Renz	Partner	23	122.4	\$875	\$107,100.00
Gary K. Luloff	Partner	16	64.0	\$595	\$38,080.00

Jennifer J. Crancer	Partner	10	2.7	\$800	\$2,160.00
Philip J. Krzeski	Partner	9	190.2	\$595	\$113,169.00
Allison E. Cole	Associate	3	4.2	\$450	\$1,890.00
Charles R. Shafer	Associate	5	6.6	\$450	\$2,970.00
Annaliisa P. Gifford	Associate	3	0.6	\$450	\$270.00
Evan Robert	Law Clerk		0.6	\$200	\$120.00
Christopher Jenssen	Paralegal		5.4	\$200	\$1,080.00
Leah R. Flaherty	Paralegal		1.7	\$200	\$340.00
Heather Crawford	Paralegal		2.9	\$200	\$580.00
<b>TOTALS:</b>			<b>588.2</b>		<b>\$445,314.00</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.

4. Below are charts for each Chestnut Cambronne timekeeper identifying the amount of time and lodestar per each of the eight general time categories:

*Jeffrey D. Bores*

<u>Time Keeping Category</u>	<u>Amount of Time</u>	<u>Lodestar Amount</u>
1. Case Investigation	<b>0</b>	<b>0</b>
2. Client Communications	<b>0</b>	<b>0</b>
3. Case Strategy	<b>9.2</b>	<b>\$8,740.00</b>
4. Legal Research and Drafting	<b>21.8</b>	<b>\$20,710.00</b>



5. Mediation/Settlement Discussions	<b>1.0</b>	<b>\$950.00</b>
6. Court Hearings	<b>.5</b>	<b>\$475.00</b>
7. Communications with Defendant	<b>1.3</b>	<b>\$1,235.00</b>
8. Discovery	<b>.4</b>	<b>\$380.00</b>
<b>TOTAL</b>	<b>34.2</b>	<b>\$32,490.00</b>

*Bryan L. Bleichner*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>16.6</b>	<b>\$15,770.00</b>
3. Case Strategy	<b>13.4</b>	<b>\$12,730.00</b>
4. Legal Research and Drafting	<b>49.4</b>	<b>\$46,930.00</b>
5. Mediation/Settlement Discussions	<b>31.1</b>	<b>\$29,545.00</b>
6. Court Hearings	<b>16.5</b>	<b>\$15,675.00</b>
7. Communications with Defendant	<b>10.7</b>	<b>\$10,165.00</b>
8. Discovery	<b>15.0</b>	<b>\$14,250.00</b>
<b>TOTAL</b>	<b>152.7</b>	<b>\$145,065.00</b>

*Christopher P. Renz*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
9. Case Investigation	<b>0</b>	<b>0</b>
10. Client Communications	<b>5.5</b>	<b>\$4,812.50</b>

11. Case Strategy	<b>5.0</b>	<b>\$4,375.00</b>
12. Legal Research and Drafting	<b>64.4</b>	<b>\$56,350.00</b>
13. Mediation/Settlement Discussions	<b>15.4</b>	<b>\$13,475.00</b>
14. Court Hearings	<b>31.7</b>	<b>\$27,737.50</b>
15. Communications with Defendant	<b>.4</b>	<b>350</b>
16. Discovery	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>122.4</b>	<b>\$107,100</b>

*Gary K. Luloff*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>1</b>	<b>\$595.00</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>64.0</b>	<b>\$38,080.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>64.0</b>	<b>\$38,080.00</b>

*Jennifer J. Crancer*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>2.7</b>	<b>\$2,160.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>2.7</b>	<b>\$2,160.00</b>

*Philip J. Krzeski*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>2.3</b>	<b>\$1,368.50</b>
2. Client Communications	<b>17.4</b>	<b>\$10,353.00</b>
3. Case Strategy	<b>16.5</b>	<b>\$9,817.50</b>
4. Legal Research and Drafting	<b>90.0</b>	<b>\$53,550.00</b>
5. Mediation/Settlement Discussions	<b>24.5</b>	<b>\$14,577.50</b>
6. Court Hearings	<b>23.50</b>	<b>\$13,982.50</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>

8. Discovery	<b>16</b>	<b>\$9,520.00</b>
<b>TOTAL</b>	<b>190.2</b>	<b>\$113,169.00</b>

*Allison E. Cole*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>.2</b>	<b>\$90.00</b>
4. Legal Research and Drafting	<b>.2</b>	<b>\$90.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>3.8</b>	<b>\$1,710.00</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>4.2</b>	<b>\$1,890.00</b>

*Charles R. Shafer*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>6.6</b>	<b>\$2,970.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>

6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>6.6</b>	<b>\$2,970.00</b>

*Annaliisa P. Gifford*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>.6</b>	<b>\$270.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>.6</b>	<b>\$270.00</b>

*Evan Robert*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>

4. Legal Research and Drafting	<b>0</b>	<b>\$0</b>
5. Mediation/Settlement Discussions	<b>.6</b>	<b>120</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>.6</b>	<b>\$120.00</b>

*Christopher Jenssen*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>1.6</b>	<b>\$320.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>3.8</b>	<b>\$0</b>
<b>TOTAL</b>	<b>5.4</b>	<b>\$1,080.00</b>

*Leah R. Flaherty*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>1</b>	<b>\$200.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>
8. Discovery	<b>.7</b>	<b>\$140.00</b>
<b>TOTAL</b>	<b>1.7</b>	<b>\$340.00</b>

*Heather Crawford*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	<b>0</b>	<b>\$0</b>
2. Client Communications	<b>0</b>	<b>\$0</b>
3. Case Strategy	<b>0</b>	<b>\$0</b>
4. Legal Research and Drafting	<b>.5</b>	<b>\$100.00</b>
5. Mediation/Settlement Discussions	<b>0</b>	<b>\$0</b>
6. Court Hearings	<b>0</b>	<b>\$0</b>
7. Communications with Defendant	<b>0</b>	<b>\$0</b>

8. Discovery	<b>2.4</b>	<b>\$480.00</b>
<b>TOTAL</b>	<b>2.9</b>	<b>\$580.00</b>

5. The undersigned and the firm of Chestnut Cambronne have not received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. As detailed in the Chestnut Cambronne Firm resume attached as **Exhibit A**, I am, or have in the past, represented Plaintiffs in a variety of class action cases across the country. Most notably, I was appointed as co-lead class counsel for the patient class in *In Re: Change Healthcare, Inc. Customer Data Security Breach Litig.*, No. 24-md-03108 (D. Minn.). A pending multi-district class action against Change Healthcare and United Healthcare, Inc. in the United States District Court for the District of Minnesota on behalf of 190 million individuals.

7. Chestnut Cambronne has had marked success in the field of complex class action litigation for over half a century in Minnesota and across the country. Exemplar cases are detailed in the firm resume attached hereto as Exhibit A.

8. The fee rates of Chestnut Cambronne in complex class action cases have recently been approved in the District of Minnesota, including by this Court in *Reynolds v. Concordia Univ., St. Paul*, No. CV 21-2560 (JWB/DTS).



Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of May 2025 in Minneapolis, Minnesota.

*s/ Bryan L. Bleichner*

Bryan L. Bleichner

*Attorney for Plaintiffs*

# EXHIBIT A



## CHESTNUT CAMBRONNE FIRM RESUME

For over 50 years, Chestnut Cambronne PA has been representing clients in class action litigation both in the Twin Cities area and at a national level. Since its inception, Chestnut Cambronne has been engaged in complex litigation throughout the country and has successfully both prosecuted and defended class litigation addressing substantive legal questions in the fields of data security breaches, securities, ERISA, banking, antitrust, and consumer protection law. Representative class action cases in which the firm and its members have been involved with over the past several years include:

*In Re: Change Healthcare, Inc. Customer Data Security Breach Litig.*, No. 24-md-03108 (D. Minn.). A pending multi-district class action against Change Healthcare and United Healthcare, Inc. This is one of the biggest data breaches in United States history. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel over the patient track.

*In re: Berry, Dunn, McNeil & Parker Data Security Incident Litigation*, Case No. 2:24-cv-00146 (D. Me.). A pending class action against Berry, Dunn, McNeil & Parker, LLC, a Maine-based accounting firm, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Signature Performance*, Case No. 8:24-cv-00252-BCB-RCC (D. Neb.). A pending class action against Signature performance, a Nebraska-based health consulting firm, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Loancare Data Breach Litigation*, Case No. 3:23-cv-01508 (M.D. Fla.). A pending class action against Loancare, Inc., a Florida-based mortgage provider, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re ESO Solutions, Inc. Data Breach Litigation*, Case No. 1:23-cv-01557 (W.D. Tex.). A pending class action against ESO Solutions, Inc., a Texas-based hospital software solutions provider, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Cahill v. Memorial Heart Institute, LLC*, Case No. 1:23-cv-168 (E.D. Tenn.). A pending class action against Memorial Heart Institute, a Tennessee-based healthcare network, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Clauson v. Arrowhead Regional Computing Consortium*, Case No. 24-cv-131 (D. Minn.). A pending class action against Arrowhead Regional Computing Consortium, a Minnesota-based payroll service provider. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Peoples Bank, as a Successor to Limestone Bank, Data Breach Litig.*, No. 2023-cv-03043 (S.D. Ohio). A pending class action against Peoples Bank, an Ohio-headquartered bank, alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Interim Co-Lead Counsel.

*In re Weirton Medical Center Data Breach Litigation*, No. 5:24-cv-61 (N.D.W.Va.). A pending class action against Weirton Medical Center, a West Virginia-based hospital network, alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Interim Co-Lead Counsel.

*In re Cinfed Data Breach Litigation*, No. 23-cv-00776 (S.D. Ohio). A pending class action against Cinfed Credit Union, a Cincinnati-based credit union, alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Interim Co-Lead Counsel.

*In re R&B Corporation of Virginia d/b/a Credit Control Corporation*, Case No. 4:23-cv-00066-JKW-RJK (E.D. Va.). A pending class action against a R&B Corporation of Virginia, a Virginia-based collections company, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re: Group Health Plan Litigation*, Case No. 23-cv-00267 (D. Minn.). A pending class action against Group Health Plain, a Minnesota-based healthcare network, alleging wiretapping claims stemming from a Facebook pixel. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Hightower v. Receivables Performance Management, LLC*, No. 2:22-cv-01683 (W.D. Wash.). A pending class action on behalf of a putative class of consumers against Receivables Performance Management, LLC, a Washington-based debt collection company, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re OrthoAlaska Data Breach Litigation*, No. 3:23-cv-00242 (D. Alaska). A pending class action against OrthoAlaska, an Alaska-based orthopedic clinic, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Regents of the University of Minnesota Data Litigation*, Case No. 27-cv-23-14056 (Hennepin County, Minnesota). A pending class action against the University of Minnesota, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed to the Interim Plaintiffs' Steering Committee.

*In re DISH Network Data Breach Security Litigation*, Case No. 1:23-cv-01168 (D.Col.). A pending class action against DISH Network, a Colorado-based cable company, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Whitworth Data Breach Security Litigation*, Case No. 2:23-cv-00179-SAB (E.D. Wash.). A pending class action against Whitworth University, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Rasmussen, et al., v. Uintah Health Care Basin*, 2:23-cv-0322 (Dt. Ut.). A pending class action on behalf of patients against healthcare network Uintah Health Care Basin, a Utah-based healthcare network, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Johnson v. Yuma Regional Medical Center*, No. 2:22-cv-01061 (D. Ariz.). A pending class action on behalf of a putative class of consumers against Yuma Regional Medical Center, an Arizona healthcare network, and related entities alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Anderson v. Fortra LLC*, No. 23-cv-00533 (D. Minn.). A pending class action on behalf of a putative class of consumers against Fortra LLC, a cybersecurity vendor, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In Re: Netgain Technology, LLC, Consumer Data Breach Litigation*, No. 21-cv-1210-SRN-LIB (D. Minn.). A pending class action on behalf of a putative class of consumers against Netgain Technology alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Hale, et al., v. ARcare, Inc.*, No. 3:22-cv-00117 (E.D. Ark.). A pending class action on behalf of a putative class of consumers against ARcare, an Arkansas healthcare network, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re CCM Health Data Security Litigation*, Case No. 12-cv-24-169 (Chippewa County). A pending class action on behalf of a putative class of patients against CCM Health, a Minnesota-based healthcare network, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Tift Regional Health System, Inc. Data Breach Litig.*, No. 2023cv0313 (Tift County, Georgia). A pending class action on behalf of a putative class of patients against Tift Regional Health System, a Georgia-based healthcare network, alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Rodriguez v. Mena Regional Hospital Commission d/b/a Mena Regional Health System*, No. 2:23-cv-2002 (W.D. Ark.). A pending class action on behalf of a putative class action on behalf of medical patients against Mena Regional hospital Commission, an Arkansas Healthcare Network alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*DeSue v. 20/20 Eye Care Network, Inc.*, No. 21-cv-61275-RAR (S.D. Fla.). A settled class action on behalf of a putative class of consumers against 20/20 Eye Care Network alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Baker v. Parkmobile, LLC*, No. 21-cv-2181-SCJ (N.D. Ga.). A pending class action on behalf of a putative class of consumers against Parkmobile, LLC alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed to the Interim Plaintiffs' Steering Committee.

*Garrett v. Herff Jones, LLC*, No. 21-cv-01329-TWP-DLP (S.D. Ind.). A settled class action on behalf of a putative class of consumers against Herff Jones alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re EyeMed Vision Care, LLC Data Security Breach Litigation*, No. 21-cv-00036-DRC (S.D. Ohio). A pending class action on behalf of a putative class of consumers against EyeMed alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*In re Luxottica of America, Inc. Data Security Breach Litigation*, No. 20-cv-00908-MRB (S.D. Ohio). A pending class action on behalf of a putative class of consumers against Luxottica alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.

*Greenstate Credit Union v. Hy-Vee, Inc.*, No. 20-cv-00621-DSD-DTS (D. Minn.). A settled class action on behalf of a putative class of financial institutions against Hy-Vee alleging negligence and violations of the Minnesota Plastic Card Security Act in a data security breach. Bryan L. Bleichner served as co-counsel.

*Village Bank v. Caribou Coffee Company, Inc.*, No. 19-cv-01640-JNE-HB (D. Minn.). A settled class action on behalf of a putative class of financial institutions against Hy-Vee alleging negligence and violations of the Minnesota Plastic Card Security Act in a data security breach. Bryan L. Bleichner served as court appointed settlement class counsel.

*In re WaWa, Inc. Data Security Litig.*, No. 19-cv-6019-GEKP (E.D. Pa.). A pending class action on behalf of a putative class of financial institutions against WaWa, Inc. alleging negligence and other claims in a data security breach. Bryan L. Bleichner serves on the Financial Institution Track Defendant Discovery and ESI Committee

*In re: Equifax, Inc., Customer Data Security Breach Litigation*, No. 17-md-2800-TWT (N.D. Ga.). A settled class action on behalf of a putative class of financial institutions against Equifax alleging negligence and other claims in a data security

breach. Bryan L. Bleichner was court appointed to the Financial Institution Plaintiffs' Steering Committee.

*Midwest Am. Fed. Credit Union v. Arby's Rest. Grp. Inc.*, No. 17-cv-00514-AT (N.D. Ga.). A settled class action on behalf of a putative class of financial institutions against Arby's alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed to the Interim Plaintiffs' Executive Committee.

*Bellwether Community Credit Union v. Chipotle Mexican Grill, Inc.*, No. 17-cv-1102 (D. Colo.). A settled class action on behalf of a putative class of financial institutions against Chipotle alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed to Chair of the Executive Committee.

*First Choice Fed. Credit Union et al. v. The Wendy's Company et al.*, No. 2:16-cv-00506 (W.D. Pa.). A resolved class action on behalf of a putative class of financial institutions against Wendy's alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed to the Executive Committee.

*In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, No. 1:14-md-02583 (TWT) (N.D. Ga.). This is a resolved putative class action against The Home Depot alleging negligence and other claims in a data security breach affecting 56 million consumers and tens of thousands of financial institutions. Bryan L. Bleichner was court appointed to the Financial Institution Plaintiffs' Steering Committee.

*In re: Target Corporation Customer Data Security Breach Litigation*, No. 0:14-md-02522 (PAM/JJK) (D. Minn. December 26, 2013). This is a settled class action against Target Corporation alleging negligence and violations of the Minnesota Plastic Card Security Act in a data security breach affecting 70 million consumers and tens of thousands of financial institutions. Chestnut Cambronne served as Co-Lead Counsel for the Financial Institution Class and Coordinating Lead Counsel for Plaintiffs.

*In re Pawn America Consumer Data Breach Litigation*, No. 21-cv-2544-PJS-HB (D. Minn.). A pending class action on behalf of a putative class of consumers against Pawn America and related entities alleging negligence and other claims in a data security breach. Bryan L. Bleichner was court appointed as Interim Co-Lead Counsel.



*In re Wasserstrom Holdings, Inc., Data Breach Litigation*, Case No. 3:23-cv-2424 (S.D. Ohio). A pending class action against Wasserstrom Holdings, Inc., an Ohio-based restaurant supplier, alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Interim Co-Lead Counsel.

*Kobor v. Skidmore College*, No. 1:23-cv-01392 (N.D.N.Y.). A pending class action against Skidmore College, alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Interim Co-Lead Counsel.

*In re Precision Imagining*, No. 16-2023-CA-00931 (Duval County, Florida). A pending class action against Precision Imagining, a Florida-based imagining company, alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Interim Co-Lead Counsel.

*Phillips v. Bay Bridge Administrators, LLC*, No. 1:23-cv-022 (W.D. Tex.). A pending class action on behalf of a putative class of consumers against an insurance administrator alleging negligence and other claims in a data security breach. Philip J. Krzeski was court appointed as Executive Committee Counsel.

*Lutz v. Electromed, Inc.*, No. 21-cv-2198-SRN-DTS (D. Minn.). A settled class action on behalf of a putative class of consumers against Electromed alleging negligence and other claims in a data security breach. Chestnut Cambronne prosecuted the matter with two additional plaintiffs' law firms.

*Walker v. Nautilus, Inc.*, No. 20-cv-3414-EAS-EPD (S.D. Ohio). A settled consumer protection class action against Nautilus, Inc. alleging Defendant materially misrepresented the horsepower produced by the electric motors in its treadmills. Chestnut Cambronne served as Plaintiffs' counsel.

*In re DPP Beef Litig.*, No. 20-cv-1319-JRT/HB (D. Minn.). A pending class action on behalf of a putative class of direct purchasers against beef product producers alleging claims of price fixing. Chestnut Cambronne serves as Plaintiffs' Counsel.

*Alicia Schaeffer v. Life Time Fitness, Inc. et al.*, No. 27-cv-20-10513 (Minn. 2020). A class action on behalf of a putative class of group fitness instructors against Life Time Fitness, Inc. alleging Defendants refused to compensate Plaintiff and class members for work performed for their employer's benefit. Chestnut Cambronne served as Plaintiffs' counsel.

*Teeda Barclay v. Icon Health & Fitness, Inc., et al.*, No. 19-cv-02970-ECT-DTS (D. Minn.). A pending consumer protection class action against Icon Health & Fitness and NordicTrack alleging Defendants materially misrepresented the horsepower produced by the electric motors in its treadmills. Bryan L. Bleichner currently serves as Plaintiffs' counsel.

*In re Resideo Technologies, Inc. Securities Litig.*, No. 19-cv-02863-WMW-KMM (D. Minn.). A settled shareholder class action against Resideo and its directors and officers for failing to disclose material information about its spin-off from Honeywell. Chestnut Cambronne served as liaison counsel on this matter.

*Delamarter v. Supercuts, Inc.*, No. 19-3158-DSD-TNL (D. Minn.). A settled class action on behalf of a putative class of consumers against Supercuts alleging violations of the Fair and Accurate Credit Transactions Act. Bryan L. Bleichner served as Plaintiff's Counsel.

*Kenneth Peterson v. JBS USA Food Company Holdings, et al.*, No. 19-cv-1129-JRT-HB (D. Minn.). A pending class action on behalf of a putative class of indirect purchasers against beef product producers alleging claims of price fixing. Chestnut Cambronne served as Plaintiffs' Counsel.

*In re: FedLoan Student Loan Servicing Litigation*, No. 2:18-md-02833-CDJ (E.D. Pa.). A pending class action on behalf of a putative class of student loan borrowers against FedLoan Servicing / Pennsylvania Higher Education Assistance Agency alleging consumer fraud violations and other claims. Bryan L. Bleichner was court appointed to the Executive Committee.

*ASEA/AFSCME Local 52 Health Benefits Trust v. St. Jude Medical, LLC, et al.*, No. 18-cv-02124-DSD-HB (D. Minn.). A class action on behalf of a putative class of third party health benefits payors against St. Jude Medical and Abbott Laboratories alleging product liability and other claims. Chestnut Cambronne served as Plaintiffs' Counsel.

*In Re Pork Antitrust Litigation*, No. 18-cv-1776-JRT-HB (D. Minn.). A pending class action on behalf of a putative class of direct purchasers against pork product producers alleging claims of price fixing. Chestnut Cambronne currently serves as Plaintiffs' Counsel.

*James Bruner, et al. v. Polaris Industries Inc. et al.*, No. 18-cv-00939-WMW-DTS (D. Minn.). A class action on behalf of a putative class of consumers against Polaris

Industries alleging product liability claims. Chestnut Cambronne was court appointed as Plaintiffs' Liaison Counsel.

*Marie Travis v. Navient Corp. et al.*, No. 17-cv-04885-JFB-GRB (E.D.N.Y.). A class action on behalf of a putative class of student loan borrowers against Navient Corp. alleging consumer fraud act violations and other claims. Bryan L. Bleichner served as Plaintiffs' Counsel.

*Gordon v. Amadeus IT Group, S.A.*, No. 1:15-cv-05457 (S.D.N.Y. July 14, 2015). A resolved putative class action alleging collusion and anticompetitive behavior among the companies that provide the systems used by travel agents to link to airline flight and fare information known as global distribution systems (GDS). Chestnut Cambronne served as Plaintiffs' Counsel in this litigation.

*In re: Anthem, Inc. Data Breach Litigation*, No. 5:15-md-02617 (LHK) (N.D. Cal. March 13, 2015). A settled class action against Anthem alleging negligence and other claims in a data security breach affecting in excess of 80 million consumers. Chestnut Cambronne served as Plaintiffs' Counsel in the litigation.

*Gassoway v. Benchmark Energy Transport Services, Inc.*, (S.D. Tex. February 23, 2015). A certified and settled class action case alleging Benchmark Energy Transport Services deducted and withheld an undisclosed surcharge from trucking owner-operators in violation of Federal Regulations. Chestnut Cambronne served as co-lead counsel for the certified class.

*Christian v. National Hockey League*, No. 0:14-md-02551 (SRN/JSM) (D. Minn. April 15, 2014). Chestnut Cambronne was court appointed to the Plaintiffs' Executive Committee.

*Puerta v. Tile Shop Holdings, Inc.*, No. 0:14-cv-00786 (ADM/TNL) (D. Minn. March 21, 2014). A settled shareholder class action against Tile Shop Holdings and its directors and officers for failing to disclose material information about a supplier relationship. Chestnut Cambronne served as liaison counsel on this matter.

*In re: Domestic Drywall Antitrust Litig.*, No. 2:13-md-2437; 939 F. Supp. 2d 1371 (E.D. Pa. 2013). A settled antitrust putative class action against domestic manufacturers of drywall alleging price-fixing. Chestnut Cambronne served as Plaintiffs' Counsel in this matter.

*Lucas v. SCANA Energy Marketing, Inc.*, No. 1:12-cv-02356 (SCJ) (N.D. Ga. Feb. 8, 2013). A settled consumer protection class action in which Chestnut Cambronne served as co-lead counsel.

*In re: Imprelis Herbicide Mktg., Sales Practices and Products Liability Litig.*, No. 2:11-md-02284 (GP) (E.D. Pa. Oct. 20, 2011). This is a settled products liability class action against the manufacturer of Imprelis Herbicide, DuPont. The class recovered over \$378 million to date. Chestnut Cambronne served as Plaintiffs' Counsel.

*Minneapolis Firefighters' Relief Ass'n v. Medtronic, Inc.*, No. 08-6324 (PAM/AJB) (D. Minn. 2009); 618 F. Supp. 1016 (D. Minn. 2009); 278 F.R.D. 454 (D. Minn. 2011). This is a settled securities fraud class action in which Chestnut Cambronne was lead and liaison counsel. The class recovered \$80 million.

*In re: American Express Anti-Steering Rules Antitrust Litig. (No. II)*, MDL No. 2221, 764 F. Supp. 2d 1343 (E.D.N.Y. 2010). This is a settled class action alleging that Defendant American Express' policies prohibiting merchants from offering customers incentives to use a particular card or type of payment violated antitrust laws. The case is currently under appellate review before the United States Court of Appeals for the Second Circuit.

*Mooney v. Allianz Life Ins. Co. of North America*, No. 06-545 (ADM/FLN); 2010 WL 419962 (D. Minn. Jan. 29, 2010). This was a certified class action in which Chestnut Cambronne was co-lead counsel seeking damages of \$2 billion. After a three-week trial, the jury concluded Allianz made false and misleading statements intentionally in violation of the statute, but did not award damages.

*In re United Healthcare, Inc. Shareholder Derivative Litig.*, 631 F.3d 913 (8<sup>th</sup> Cir. 2011), *affirming* 631 F. Supp. 2d 1151 (D. Minn. 2009). This is a settled shareholder derivative case involving the backdating of stock options. Chestnut Cambronne served as lead counsel and recovered on behalf of the company a settlement valued at \$922 million. Today, it remains the largest recovery in a shareholder derivative case in United States history.

*San Francisco Health Plan v. McKesson Corp.*, No. 1:08-cv-10843 (D. Mass. May 20, 2008). A settled RICO and Clayton Act class action challenging the pricing of pharmaceutical drugs. The class recovered \$82 million. Chestnut Cambronne represented Plaintiff Anoka County.

*In re MoneyGram Int'l, Inc. Securities Litig.*, No. 08-cv-883 (DSD/JJG) (D. Minn. July 22, 2008); 626 F. Supp. 2d 947 (D. Minn. 2009). This is a settled securities fraud class action in which Chestnut Cambronne was co-lead counsel and recovered \$80 million for the class.

*Avritt v. Reliastar Life Ins. Co.*, No. 0:07-cv-01817 (JNE/JJG) (D. Minn. April 9, 2007). This is a settled class action that alleged Defendant defrauded consumers in the sale of its Fixed Annuities. Chestnut Cambronne served as local counsel and recovered \$31 million for the class.

*In re: Air Cargo Shipping Services Antitrust Litig.*, No. 1:06-md-01775 (JG/VVP) (E.D.N.Y. June 27, 2006). This is a settled class action alleging a price-fixing conspiracy by dozens of international air cargo carriers. Over \$500 million was recovered for the class.

*In re: Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL No. 1720, 398 F. Supp. 2d 1356 (E.D.N.Y. 2005). A settled class action alleging that the rules Defendants Visa and MasterCard impose upon merchants violate antitrust laws.

*In re Xcel Energy, Inc. Sec, Derivative & "ERISA" Litig.*, 364 F. Supp. 980, 995-996 (D. Minn. 2005); *In re Xcel Energy Securities, Derivative & "ERISA" Litigation*, 286 F. Supp. 2d 1047 (D. Minn. 2003). This was a securities fraud class action in which Chestnut Cambronne was co-lead counsel. The class recovered \$80 million.

*Cooper v. Miller, Johnson, Steichen & Kinnard*, No. 0:02-cv-01236 (RHK/AJB) (D. Minn. June 5, 2002) This is a settled securities fraud class action in which Chestnut Cambronne served as lead counsel. The class recovered \$5.6 million.

*In Re E.W. Blanch Holdings, Inc. Securities Litig.*, No. 0:01-cv-00258 (JNE/JGL) (D. Minn. Feb. 12, 2001) This is a settled securities fraud class action in which Chestnut Cambronne served as lead counsel. The class recovered \$20 million.

*In re Blue Cross Subscriber Litig.*, No. 19-C3-98-7780 (Minn. Dist. Ct. 1<sup>st</sup> Dist.) This was a consumer protection class action on behalf of Blue Cross subscribers. Over \$41 million was recovered for Blue Cross policy holders. Chestnut Cambronne served as lead counsel.

*Alford v. Mego Mortgage Home Loan Owner Trust 1997-1; Mazur v. Empire Funding Home Loan Owner Trust 1997-1; and Banks, et al. v. FirstPlus Home Loan Trust 1996-*

2 (Minn. Dist. Ct. 4<sup>th</sup> Dist.). These are settled consumer-lending cases in which Chestnut Cambronne acted as co-lead counsel.

Chestnut Cambronne also has experience successfully defending class litigation. *See, e.g., In re K-Tel*, 300 F.3d 881 (8th Cir. 2002); *Wylde v. Champps of New Brighton*, No. 10-cv-4953 (ADM/JJK) (D. Minn. 2011); *Johnson v. BP America, Inc.* No. 12-cv-00417 (RHK/JSM) (D. Minn. 2012). Not only do the results obtained in the above cases attest to the skill and competence of Chestnut Cambronne lawyers in shareholder litigation, various courts have publicly commended Chestnut Cambronne for its efforts:

Plaintiffs' co-lead counsel have significant experience in representing shareholders and shareholder classes in federal securities actions around the country and in this district in particular. Counsel-both the lawyers representing lead plaintiffs and defendants-conducted themselves in an exemplary manner. ... Thus, the effort of counsel in efficiently bringing this case to fair, reasonable and adequate resolution is the best indicator of the experience and ability of the attorneys involved, and this factor supports the court's award of 25%.

*In re Xcel Energy, Inc. Sec. Derivative & "ERISA" Litig*, 364 F. Supp. 980, 995 (D. Minn. 2005).

## **Exhibit 2<"**

F gemitcvkqp"qh"Gary M. Klinger."  
Milberg Coleman Bryson Phillips  
Grossman"

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation

Case No. 23-cv-00267 (JWB/DJF)

**DECLARATION OF GARY M.  
KLINGER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES  
AND CLASS REPRESENTATIVE  
AWARD**

I, Gary M. Klinger, declare:

1. I am a senior partner at the law firm of Milberg Coleman Bryson Phillips Grossman PLLC ("Milberg") and one of Plaintiffs' Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following represents the professionals from Milberg who have contributed billed time to Plaintiffs' case over the course of this matter through May 21, 2025, their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Glen Abramson	Partner	29	101.6	\$1,141.00	\$115,925.60
Gary Klinger	Partner	15	102.3	\$ 948.00	\$ 96,980.40



David Lietz	Partner	34	45.5	\$1,141.00	\$ 51,915.50
John J. Nelson	Partner	8 (first year as partner)	14.5	\$ 700.00	\$ 10,150.00
Alex Honeycutt	Sr. Associate	4	74	\$ 581.00	\$ 42,994.00
Alexander Wolf	Sr. Associate	11	13.9	\$ 650.00	\$ 9,035.00
CJ Cuneo	Associate	14	9.0	\$ 650.00	\$ 5,850.00
Ashely Tyrrell	Paralegal		13.1	\$ 258.00	\$ 3,379.80
Heather Sheflin	Paralegal		7.0	\$ 258.00	\$ 1,806.00
Jenna Santero	Paralegal		2.4	\$ 258.00	\$ 619.20
Sandra Passanisi	Paralegal		2.3	\$ 258.00	\$ 593.40
Tiffany Kuiper	Paralegal		1.	\$ 258.00	\$ 258.00
Michelle Benvenuto	Paralegal		.8	\$ 258.00	\$ 206.40
Amanda Simpson	Paralegal		.8	\$ 258.00	\$ 206.40
<b>TOTALS:</b>			<b>388.2</b>		<b>\$339,919.70</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for Plaintiffs' and the Settlement Class, and non-duplicative.

4. Below are charts for each Milberg Attorney identifying the amount of time and lodestar per each of the eight general time categories.

***Glen Abramson***

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	6.6	\$7,530.60

2. Client Communications	0	0
3. Case Strategy	28.1	\$32,062.10
4. Legal Research and Drafting	40.2	\$45,868.20
5. Mediation/Settlement Discussions	17.3	\$19,739.30
6. Court Hearings	0	0
7. Communications with Defendant	0.8	\$912.80
8. Discovery	8.6	\$9,812.60
<b>TOTAL</b>	101.6	\$115,925.60

*Gary Klinger*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	3.5	\$3,318.00
2. Client Communications	0	0
3. Case Strategy	40.8	\$38,678.40
4. Legal Research and Drafting	26	\$24,648.00
5. Mediation/Settlement Discussions	26.5	\$25,122.00
6. Court Hearings	0	0
7. Communications with Defendant	3	\$2,844.00
8. Discovery	2.5	\$2,370.00
<b>TOTAL</b>	<b><u>102.3</u></b>	\$96,980.40

*David Lietz*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time (hours)</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	0	0
2. Client Communications	0	0
3. Case Strategy	13.2	\$15,061.20
4. Legal Research and Drafting	9.7	\$11,067.70
5. Mediation/Settlement Discussions	22.2	\$25,330.2
6. Court Hearings	0	0
7. Communications with Defendant	.4	\$456.40
8. Discovery	0	0
<b>TOTAL</b>	45.5	\$51,915.50

*John Nelson*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time (hours)</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	0	
2. Client Communications	0	
3. Case Strategy	3.3	\$2,310.00
4. Legal Research and Drafting	10	\$7,000.00
5. Mediation/Settlement Discussions	0	
6. Court Hearings	0	

7. Communications with Defendant	0	
8. Discovery	1.2	\$ 840.00
<b>TOTAL</b>	14.5	\$10,150.00

*Alex Honeycutt*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time (hours)</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	7.1	\$4,125.10
2. Client Communications	0	0
3. Case Strategy	28.6	\$16,616.60
4. Legal Research and Drafting	20.3	\$11,794.30
5. Mediation/Settlement Discussions	11	\$6,391.00
6. Court Hearings	0	0
7. Communications with Defendant	0	0
8. Discovery	7	\$4,067.00
<b>TOTAL</b>	74	\$42,994.00

*Alexander Wolf*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time (hours)</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	0	0
2. Client Communications	0	0

3. Case Strategy	5.4	\$3,510.00
4. Legal Research and Drafting	8.5	\$5,525.00
5. Mediation/Settlement Discussions	0	0
6. Court Hearings	0	0
7. Communications with Defendant	0	0
8. Discovery	0	0
<b>TOTAL</b>	13.9	\$9,035.00

*C.J. Cuneo*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time (hours)</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	0	0
2. Client Communications	0	0
3. Case Strategy	0	0
4. Legal Research and Drafting	9	\$5,850.00
5. Mediation/Settlement Discussions	0	0
6. Court Hearings	0	0
7. Communications with Defendant	0	0
8. Discovery	0	0
<b>TOTAL</b>	9	\$5,850.00

5. The undersigned and the firm of Milberg have not received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. I am, or have in the past, represented plaintiffs in a variety of class action cases, a resume highlighting some of these matters is attached hereto as **Exhibit A**.

7. Milberg has had marked success in the field of complex class action litigation in Minnesota and across the country. Exemplar cases are detailed in the firm resume attached hereto as **Exhibit B**.

8. The fee rates of Milberg in complex class action cases have recently been approved by courts across the country, including in: *In re Onix Group Data Breach Litigation*, Case No. 23-2288-KSM (ED Pa. 12/13/2024, Doc. 57)(Judge Marston approving Lietz hourly rate and Milberg hourly rates); *In re: GE/CBPS Data Breach Litigation*, Case No. 1:20-cv-02903 (KPF) (S.D.N.Y. 3/28/2023, Doc. 123) (Judge Failla approving Milberg hourly rates); *Pagan v. Faneuil, Inc.*, Case No. 3:22-cv-297 (ED VA February 17, 2023, Doc. 53) (Judge Payne approving Milberg hourly rates); *Powers, Sanger et al v. Filters Fast LLC*, Case 3:20-cv-00982-jdp (WD WI, July 22, 2022), Doc. 84) (Milberg fee application approved on a lodestar basis); *James v. Cohnreznick LLP*, Case Number: 1:21-cv-06544-LJL (SD NY September 20, 2022, Doc. 56 (approving Milberg fee application submitted on both percentage of benefit and lodestar calculation); *In re Deva Concepts Product Liability Litigation*, Case 1:20-cv-01234-GHW, Order Granting Motion for Attorneys' Fees, Doc. 129 (January 3, 2022); *see also* Doc. 121-1 (filed 10/01/21); *Lamie et al. v. LendingTree, LLC*, Case No. 3:22-cv-00307 (W.D. N.C.

February 27, 2024, Doc. 60) (final approval order approving Milberg hourly rates as reasonable as part of a lodestar cross-check, and highlighting “the quality, skill, and experience of counsel” and “the excellent results”); *Baldwin et al. v. National Western life Insurance Company*, Case No. 2:21-cv-04066 (W.D. Mo. Doc. 76 (same); *Purvis, et al v. Aveanna Healthcare, LLC*, Case No. 1:20-cv-02277-LMM (N.D. Ga. October 2022, Doc. 79) (appointed class counsel; final approval granted) (same).

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 27th day of May 2025 in Chicago, Il.

s/ Gary M. Klinger  
Gary M. Klinger

Attorney for Plaintiffs



**FIRM RESUME /**  
**BIOGRAPHY OF GARY M. KLINGER**





Milberg Coleman Bryson Phillips Grossman (“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, Lawdragon, 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

### 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.

### ANTITRUST & COMPETITION LAW

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.

### FINANCIAL LITIGATION

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.

### 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.

### 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.

## 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.

## 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.

## 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.

## CYBERSECURITY & DATA PRIVACY

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.

## 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.

## LEADERSHIP ROLES

In re: Google Play Consumer Antitrust Litigation  
In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation  
In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation  
In re: Blackbaud Inc., Customer Data Breach Litigation  
In re: Paragard IUD Products Liability Litigation  
In re: Seresto Flea & Tick Collar, Marketing Sales Practices & Product Liability Litigation  
In re: All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation  
In re: Allergan Biocell Textured Breast Implant Products Liability Litigation  
In re: Zicam Cold Remedy Marketing, Sales Practices and Products Liability Litigation  
In re: Guidant Corp. Implantable Defibrillators Product Liability Litigation  
In re: Ortho Evra Products Liability Litigation  
In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation  
In re: Kugel Mesh Hernia Patch Products Liability Litigation  
In re: Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation  
In re: Stand 'N Seal Products Liability Litigation  
In re: Chantix (Varenicline) Products Liability Litigation  
In re: Fosamax (alendronate Sodium) Products Liability Litigation  
In re: Benicar (Olmesartan) Products Liability Litigation  
In re: Onglyza (Saxagliptin) & Kombiglyze Xr (Saxagliptin & Metformin) Products Liability Litigation  
In re: Risperdal and Invega Product Liability Cases  
In re: Mirena IUS Levonorgestrel-Related Products Liability Litigation  
In re: Incretin-based Therapies Product Liability Litigation  
In re: Reglan/Metoclopramide  
In re: Levaquin Products Liability Litigation  
In re: Zimmer Nexgen Knee Implant Products Liability Litigation  
In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation  
In re: Propecia (Finasteride) Products Liability Litigation  
In re: Transvaginal Mesh (In Re C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation; In Re Ethicon, Inc., Pelvic Repair System Products Liability Litigation; In Re Boston Scientific, Inc., Pelvic Repair System Products Liability; In Re American Medical Systems, Pelvic Repair System Products Liability, and others)  
In re: Fluoroquinolone Product Liability Litigation  
In re: Depuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation  
In re: Recalled Abbott Infant Formula Products Liability Litigation  
Home Depot, U.S.A., Inc. v. Jackson  
Webb v. Injured Workers Pharmacy, LLC

## NOTABLE RECOVERIES

### **\$4 Billion Settlement**

In re: Prudential Insurance Co. Sales Practice Litigation

### **\$3.2 Billion Settlement**

In re: Tyco International Ltd., Securities Litigation

### **\$1.14 Billion Settlement**

In Re: Nortel Networks Corp. Securities Litigation

### **\$1 Billion-plus Trial Verdict**

Vivendi Universal, S.A. Securities Litigation

### **\$1 Billion Settlement**

NASDAQ Market-Makers Antitrust Litigation

### **\$1 Billion Settlement**

W.R. Grace & Co.

### **\$1 Billion-plus Settlement**

Merck & Co., Inc. Securities Litigation

### **\$775 Million Settlement**

Washington Public Power Supply System Securities Litigation

### **\$586 Million Settlement**

In re: Initial Public Offering Securities Litigation

## GARY M. KLINGER

**Gary M. Klinger** is a Senior Partner at Milberg and Chair of its Cybersecurity and Data Privacy Practice Group. Mr. Klinger is recognized as one of the most respected data privacy attorneys in the United States, having been ranked by Chambers and Partners as Band 3 for Privacy & Data Security Litigation (2024)<sup>1</sup> and having been selected to Lawdragon's 500 Leading Litigators in America for his accomplishments in privacy litigation (2024).<sup>2</sup> Law360 recently highlighted Mr. Klinger's work in the privacy space.<sup>3</sup>

Mr. Klinger has extensive experience serving as leadership in numerous privacy class actions, including as lead or co-lead counsel in the largest data breaches in the country.<sup>4</sup> Mr. Klinger and his firm are largely responsible for developing the favorable case law that many plaintiffs rely on in the data breach space.<sup>5</sup> Mr. Klinger has also successfully litigated privacy class actions through class certification. *E.g.*, *Karpilovsky v. All Web Leads, Inc.*, No. 17 C 1307, 2018 WL 3108884, at \*1 (N.D. Ill. 2018).

Over the past 3 years, Mr. Klinger has settled on a classwide basis more than one hundred (100) class actions involving privacy violations, the majority of which are data breaches, in state and federal courts across the country as lead or co-lead counsel. To his knowledge, no other attorney in the country has settled and won court approval of more data breach class actions during this period. Representative cases include:

- *Parris, et al., v. Meta Platforms, Inc.*, Case No.2023LA000672 (18th Cir. DuPage Cty., Ill.) (where Mr. Klinger serves as lead counsel and obtained a settlement of \$64.5 million for 4 million consumers in a privacy class action);
- *Boone v. Snap, Inc.*, Case No. 2022LA000708 (18th Cir. DuPage Cty., Ill.) (where Mr. Klinger served as lead counsel and obtained a settlement of \$35 million for 3 million consumers in a privacy class action);
- *In re: East Palestine Train Derailment*, No. 23-cv-00242 (N.D. Ohio) (where Mr. Klinger serves on the leadership team that obtained a settlement of \$600 million in a complex class action).

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<sup>1</sup> Only three plaintiffs' lawyers in the country received the distinction of being ranked by Chambers and Partners for Privacy & Data Security Litigation.

<sup>2</sup>See <https://chambers.com/lawyer/gary-klinger-usa-5:26875006>; <https://www.lawdragon.com/guides/2023-09-08-the-2024-lawdragon-500-leading-litigators-in-america>.

<sup>3</sup> <https://www.law360.com/articles/1854005/rising-star-milberg-s-gary-klinger>.

<sup>4</sup> See, e.g., *Isiah v. LoanDepot, Inc.*, 8:24-cv-00136-DOC-JDE (C.D. Cal.) (where Mr. Klinger is co-lead counsel in a data breach involving more than 17 million consumers); *In re Movelt Customer Data Security Breach Litigation*, 1:23-md-03083 (D. Mass.) (where Mr. Klinger was appointed to the leadership committee in multi-district litigation involving a data breach that impacted more than 95 million consumers).

<sup>5</sup> See e.g., *Webb v. Injured Workers Pharmacy, LLC*, 72 F.4th 365 (1st Cir. 2023) (Milberg attorneys obtained a decision from the First Circuit reversing the dismissal with prejudice of a data breach case and finding Article III standing); *In re Arthur J. Gallagher Data Breach Litig.*, 631 F. Supp. 3d 573, 586 (N.D. Ill. 2022) (Milberg attorneys largely defeated a motion to dismiss in a data breach case involving 3 million consumers); *In re Blackbaud, Inc., Customer Data Breach Litig.*, No. 3:20-MN-02972-JMC, 2021 WL 2718439, at \*1 (D.S.C. July 1, 2021) (Milberg attorneys defeated a standing challenge in a 10 million person data breach case).

## 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

201 Sevilla Avenue, Suite 200,  
Coral Gables, Florida 33134

3833 Central Avenue  
St. Petersburg, Florida 33713

### ILLINOIS

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

### 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

5 West Hargett Street, Suite 812  
Raleigh, North Carolina 27601

### SOUTH CAROLINA

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

### TENNESSEE

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

### 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

### NETHERLANDS

### UNITED KINGDOM





**GARY M. KLINGER****2020-2025 LIST OF APPOINTMENTS ON DATA PRIVACY CASES**

1. *Kenney et al. v. Centerstone of America, Inc.*, Case No. 3:20-cv-01007 (M.D. Tenn.) (appointed co-class counsel in data breach class action settlement involving over 63,000 class members; final approval granted Aug. 2021);
2. *Baksh v. Ivy Rehab Network, Inc.*, Case No. 7:20-cv-01845-CS (S.D.N.Y.) (class counsel in a data breach class action settlement; final approval granted Feb. 2021);
3. *Mowery et al. v. Saint Francis Healthcare System*, Case No. 1:20-cv-00013-SRC (E.D. Mo.) (appointed class counsel; final approval granted Dec. 2020);
4. *Chatelain et al. v. C, L and W PLLC d/b/a Affordacare Urgent Care Clinics*, Case No. 50742-A (42nd District Ct., Taylor Cnty., Tex.) (appointed class counsel; settlement valued at over \$7 million; final approval granted Feb. 2021);
5. *Jackson-Battle v. Navicent Health, Inc.*, Case No. 2020-CV-072287 (Super. Ct. of Bibb Cnty., Ga.) (appointed class counsel in data breach case involving 360,000 patients; final approval granted Aug. 2021);
6. *Bailey v. Grays Harbor County Public Hospital District et al.*, Case No. 20-2- 00217-14 (Grays Harbor Cnty. Super. Ct., Wash.) (appointed class counsel in hospital data breach class action involving approximately 88,000 people; final approval granted Sept. 2020);
7. *Richardson v. Overlake Hospital Medical Center et al.*, Case No. 20-2-07460-8 SEA (King Cnty. Super. Ct., Wash.) (appointed class counsel in data breach case, final approval granted September 2021);
8. *Klemm et al. v. Maryland Health Enterprises Inc.*, Case No. C-03-CV-20-022899 (Cir. Crt. Baltimore Cnty., Md.) (appointed class counsel; final approval granted November 2021);
9. *In re: GE/CBPS Data Breach Litigation*, Case No. 1:2020-cv-02903 (S.D.N.Y.) (appointed co-lead counsel in nationwide class action);
10. *Nelson, et al. v. Idaho Central Credit Union*, Case No. CV03-20-00831 (Bannock Cnty., Id.) (appointed co-lead counsel in data breach class action involving 17,000 class members; granted final approval of settlement valued at \$3.3 million);
11. *In Re: Canon U.S.A. Data Breach Litigation*, Case No. 1:20-cv-06239- AMD-SJB (E.D.N.Y.) (appointed co-lead counsel, final approval granted );
12. *Redman et al v. Illinois Bone and Joint Institute, LLC d/b/a Illinois Bone and Joint*, Case No. 2024CH08333 (appointed Interim Co-Lead Class Counsel);

13. *Suren et al. v. DSV Solutions, LLC*, Case No. 2021CH000037 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed Settlement Class Counsel, final approval granted Sept. 267, 2021);
14. *Chacon v. Nebraska Medicine*, Case No. 8:21-cv-00070-RFR-CRZ (D. Neb.) (appointed class counsel in data breach settlement, final approval granted Sept. 2021);
15. *Aguallo et al v. Kemper Corporation et al.*, Case No. 1:21-cv-01883 (N.D. Ill.) (appointed Co-lead Counsel, final approval granted of \$17.1 million class settlement);
16. *In re: Herff Jones Data Breach Litigation*, Case No. 1:21-cv-1329-TWP- DLP (S.D. Ind.) (appointed co-lead counsel in data breach involving over 1 million persons; preliminary approval of \$4.35 million settlement granted Jan. 2022);
17. *In Re: CaptureRx Data Breach Litigation*, Case No. 5:21-cv-00523-OLG (W.D. Tex.) (appointed co- lead counsel in data breach case involving over 2.4 million class members; preliminary approval of \$4.75 million settlement granted Feb. 2022);
18. *In re Arthur J. Gallagher Data Breach Litigation*, Case No. 1:21-cv-04056 (N.D. Ill.) (appointed co- lead counsel in data breach case involving over 3 million class members);
19. *Heath v. Insurance Technologies Corp.*, Case No. 21-cv-01444 (N.D. Tex.) (\$11 million settlement for a major data breach involving more than 4 million consumers);
20. *Hough v. Navistar, Inc.*, Case No.: 2021L001161 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.); (appointed co-lead class counsel; final approval granted May 2022);
21. *Clark v. Mercy Hospital, et al*, Case No. CVCV082275 (Iowa Dist. Ct, Johnson Cnty.) (appointed class counsel; final approval granted July 2022);
22. *Myschka, et al v. Wolfe Clinic, P.C. d/b/a Wolfe Eye Clinic*, Case No. CVCI011151 (Iowa Dist. Ct., Marshall Cnty.) (appointed class counsel; final approval granted June 2022);
23. *Devine, et al v. Health Aid of Ohio, Inc.*, Case No. CV-21-948117 (Ct. of Common Pleas, Cuyahoga Cnty., Ohio) (appointed class counsel; final approval granted September 2022);
24. *Davidson v. Healthgrades Operating Company, Inc.*, Case No. 1:21-cv-01250- RBJ (D. Colo.), (appointed class counsel; final approval granted August 2022);
25. *Bodie v. Capitol Wholesale Meats, Inc.*, Case No. 2022CH000020 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted March 2022);
26. *Culp v. Bella Elevator LLC*, Case No. 2021-CH-00014 (Ill. 10th Jud. Cir. Ct., Peoria Cnty.)

- (appointed class counsel; final approval granted May 2022);
27. *Cain, et al. v. OSF Healthcare*, Case No. 21-L-00231 (Ill. 10th Jud. Cir. Ct., Peoria Cnty.) (appointed settlement class counsel; final approval granted January 2023);
  28. *Nelson, et al. v. Bansley & Kiener*, Case No. 2021-CH-06274 (Ill. Cir. Ct., Cook Cnty.) (appointed class counsel; final approval granted November 2022);
  29. *Steen v. The New London Hospital Association, Inc.*, Case No. 217-2021-CV-00281 (Merrimack Super. Ct., N.H.) (appointed class counsel; final approval granted January 2023);
  30. *Summers II v. Sea Mar Community Health Ctrs.*, Case No. 22-2-00773-7 SEA (King Cnty. Super. Ct., Wash.) (appointed class counsel; final approval granted December 2022);
  31. *In re Forefront Data Breach Litigation*, Master File No. 1:21-cv-00887-LA (E.D. Wis.) (appointed settlement class counsel; final approval granted March 2023);
  32. *Engle v. Talbert House*, Case No.: A2103650 (Crt. of Common Pleas, Hamilton Cnty., Ohio) (appointed class counsel; final approval granted February 2023);
  33. *Henderson et al. v. San Juan Regional Medical Center*, Case No. D-1116-CV- 2021-01043 (11<sup>th</sup> Jud. Dist. Ct., San Juan Cnty., N.M.) (appointed class counsel; final approval granted March 2023);
  34. *Cathy Shedd v. Sturdy Memorial Hospital, Inc.*, Civ. Action No: 2173 CV 00498 (Mass. Super. Ct.) (appointed class counsel; final approval granted February 2023);
  35. *Hawkins et al. v. Startek, Inc.*, Case No. 1:22-cv-00258-RMR-NRN (D. Colo.) (appointed class counsel; final approval granted April 2023);
  36. *McHenry v. Advent Health Partners, Inc.*, Case No. 3:22-cv-00287 (M.D. Tenn.) (appointed settlement class counsel; final approval granted April 2023);
  37. *Beasley et al. v. TTEC Services Corporation*, Case No. 1:22-cv-00097-PAB-STV (D. Colo.) (appointed class counsel; preliminary approval granted May 2023);
  38. *Boyd v. Public Employees Credit Union*, Case No. 1:22-cv-00825-LY (W.D. Tex.) (appointed class counsel; final approval granted June 9, 2023);
  39. *Charlie et al. v. Rehoboth McKinley Christian Healthcare Services*, Case No. 1:21-00652-SCY-KK (D.N.M.) (appointed class counsel; final approval granted July 2023);
  40. *Sharma et al. v. Accutech Systems Corporation*, Case No. 18C02-2210-CT-000135 (Del. Cir. Ct., Del. Cnty., Ind.) (appointed class counsel; final approval granted November 2023);

41. *Simmons et al. v. Assistcare Home Health Services, LLC*, Index No. 511490/2021 (N.Y. Supr. Ct., Kings Cnty.) (appointed settlement class counsel; final approval granted August 2023);
42. *Bailey et al. v. Alacrity Solutions Group, LLC*, Case No. 29D03-2204-PL-002383 (Ind. Super. Ct., Hamilton Cnty.) (appointed class counsel; final approval granted June 2023);
43. *Retsky et al. v. Super Care, Inc d/b/a/ Supercare Health*, Case No. 22STCV16267 (CA Superior Ct., Los Angeles Cnty.) (appointed class counsel; final approval granted August 2023);
44. *In re Medical Review Institute of America, LLC, Data Breach Litigation*, Case No. 2:22-cv-0082-DAK-DAO (D. Utah) (appointed co-lead class counsel; final approval granted August 2023);
45. *Colon v. Creative Ventures Inc.*, Case No. 2023LA000177 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed settlement class counsel; final approval granted September 2023);
46. *Jones v. Horizon House, Inc.*, Case No. 01767, Control No. 23030116 (Ct. of Common Pleas, Philadelphia Cnty., 1st Jud. Dist., Pa.) (appointed class counsel; final approval granted Nov. 20, 2023);
47. *Keefe, et al v. Froedtert Health, Inc.*, Case No. 2023CV001935 (Cir. Ct. of Wisc., Milwaukee Cnty.) (appointed settlement class counsel; final approval granted September 29, 2023);
48. *Reynolds, et al v. Marymount Manhattan College*, Case No. 1:22-cv-06846 (S.D.N.Y.) (appointed settlement class counsel; final approval granted October 20, 2023);
49. *Borre v. O'Hare Towing Systems, Inc.*, Case No. 2020-CH-02865 (Ill. Circ. Ct., Cook Cnty.) (appointed settlement class counsel; final approval granted 10/25/2023);
50. *In re: Novant Health, Inc.*, Case No. 1:22-cv-00697 (M.D.N.C.) (appointed class counsel; final approval granted June 6, 2024);
51. *Lukis, et al v. OnePlus USA Corp.*, Case No. 2023LA000573 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted February 21, 2024);
52. *Charitat v. Pape-Dawson Engineers, Inc.*, Case No. 2022C121570 (438<sup>th</sup> Jud. Dist. Ct. of Tex., Bexar Cnty.) (appointed class counsel; final approval granted Nov. 13, 2023);
53. *Cline, et al v. Inline Network Integration LLC*, Case No. 2023LA000402 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted Dec. 13, 2023);
54. *Czarnionka v. The Epoch Times Association, Inc.*, Case No. 1:22-cv-06348-AKH (S.D.N.Y.) (appointed class counsel; preliminary approval granted Jan. 22, 2024);

55. *Sherwood, et al v. Horizon Actuarial Services, LLC*, Case No. 1:22-cv-01495-ELR (N.D. Ga.) (appointed class counsel; final approval granted April 2, 2024);
56. *Prevost, et al v. Roper St. Francis Healthcare*, Case No. 2021-CP-10-01754 (9<sup>th</sup> Jud. Cir. Ct. of S.C., Ct. of Common Pleas) (appointed co-class counsel; final approval granted May 2, 2024);
57. *Perry v. Bay & Bay Transportation Services*, Case No. 22-973-JRT/ECW (D. Minn.) (appointed class counsel; final approval granted Jan. 23, 2024);
58. *In re C.R. England, Inc. Data Breach Litigation*, Case No. 2:22-cv-374-DAK-JCB (D. Utah) (appointed class counsel; final approval granted March 18, 2024);
59. *Hoover v. Camping World Group, LLC, et al*, Case No. 2023LA000372 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted May 23, 2024);
60. *Guy v. Convergent Outsourcing, Inc.*, Case No. C22-1558-MJP (W.D. Wash.) (appointed class counsel; preliminary approval granted Feb. 20, 2024);
61. *Farley, et al v. Eye Care Leaders Holdings, LLC*, Case No. 1:22-cv-468 (M.D.N.C.) (appointed class counsel; final approval granted June 27, 2024);
62. *Parris, et al v. Meta Platforms, Inc.*, Case No. 2023LA000672 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted March 7, 2024);
63. *Kaether, Scott v. Metropolitan Area EMS Auth. d/b/a MedStar Mobile Healthcare*, Cause No. 342-339562-23 (342<sup>nd</sup> Jud. Ct., Tarrant Cty. of Tex.) (appointed class counsel; final approval granted March 22, 2024);
64. *Medina, et al v. PracticeMax Inc.*, Case No. CV-22-01261-PHX-DLR (D. Ariz.) (appointed class counsel; final approval granted March 14, 2024);
65. *Julien, et al v. Cash Express, LLC*, Case No. 2022-CV-221 (Tenn. Cir. Ct., Putnam Cnty.) (appointed class counsel; final approval granted Nov. 9, 2023);
66. *Forslund, et al v. R. R. Donnelley & Sons Co.*, Case No. 1:22-cv-04260-JJT (N.D. Ill.) (appointed class counsel; final approval granted March 15, 2024);
67. *Stauber v. Sudler Property Management*, Case No. 2023LA000411 (Ill. 18th Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted January 22, 2024);
68. *Aragon v. Weil Foot and Ankle Institute, LLC*, Case No. 2021-CH-01437 (Ill. Circ. Ct., Cook Cnty.) (appointed class counsel; final approval granted May 13, 2024);
69. *In Re Wright & Filippis, LLC Data Security Breach Litigation*, Case No. 2:22-cv-12908-

- SFC (E.D. Mich.) (appointed class counsel; final approval granted June 20, 2024);
70. *Doe, et al v. Knox College*, Case No. 2023LA9, (Ill. 9<sup>th</sup> Jud. Ct., Knox Cnty..) (appointed class counsel; final approval granted Jan. 19, 2024);
  71. *In Re Afni, Inc. Data Breach Litigation*, Case No. 1:22-cv-01287-JES-JEH (C.D. Ill.) (appointed class counsel; final approval granted Sept. 26, 2023);
  72. *In Re Central Indiana Orthopedics Data Incident Litig.*, Cause No. 18C03-2203-PL-000026 (Ind. Cir. Ct., Delaware Cnty.) (appointed class counsel; final approval granted Aug. 18, 2023);
  73. *Viruet v. Comm. Surgical Supply, Inc.*, Case No. OCN L-001215-23 (N.J. Sup. Ct., Ocean Cnty.) (appointed co-class counsel; final approval granted Nov. 17, 2023);
  74. *K.B, et al v. East Tenn. Children's Hosp. Assoc., Inc.*, Case No. C2LA0081 (Tenn. Cir. Ct., Clinton Cnty.) (appointed co-class counsel; final approval granted December 19, 2023);
  75. *Johnson v. Filtration Group LLC*, Case No. 2020-CH-00138 (Ill. Circ. Ct., Cook Cnty.) (appointed class counsel; final approval granted Dec. 22, 2023);
  76. *Richardson, et al v. Gershman Investment Corp.*, Case No. 22SL-CC03085 (Mo. Circ. Ct., St. Louis Cnty.) (appointed class counsel; final approval granted Nov. 6, 2023);
  77. *McNicholas v. Ill. Gastroenterology Group, PLLC*, Case No. 22LA00000173 (Ill. 19<sup>th</sup> Jud. Cir. Ct., Lake Cnty.) (appointed class counsel; final approval granted June 23, 2023);
  78. *Vandermark v. Mason Tenders' Distr. Council Welfare Fund, et al*, Index No. 15336/2023 (N.Y. Supr. Ct., N.Y. Cnty.) (appointed class counsel; final approval granted Oct. 11, 2023);
  79. *Lhota, et al v. Mich. Ave. Immediate Care, S.C.*, Case No. 2022-CH-06616 (Ill. Cir. Ct., Cook Cnty.) (appointed class counsel; final approval granted Aug. 15, 2023);
  80. *Young, et al v. Military Advantage, Inc., et al*, Case No. 2023LA00535 (Ill. 18<sup>th</sup> Jud. Cir. Ct., DuPage Cnty.) (appointed class counsel; final approval granted Nov. 2023);
  81. *In re Advocate Aurora Health Pixel Litigation*, Case No. 2:22-cv-01253-JPS (ED WI) (appointed class counsel, final approval granted July 10, 2024);
  82. *Edri v. Brooklyn Premier Orthopedics and Pain Management PLLC d/b/a Brooklyn Premier Orthopedics*, Case No. 1:23-cv-07943-HG (E.D.N.Y.) (appointed class counsel);
  83. *Oche v. National Math & Science Initiative*, Index No. 510959/2023 (N.Y. Supr. Ct, Kings Cnty.) (appointed class counsel; final approval granted June 12, 2024);
  84. *Baker, et al v. SLT Lending SPV, Inc., d/b/a SUR La Table*, Case No. 2:23-cv-00190-PPS-



- JEM (N.D. Ind.) (appointed interim lead counsel);
85. *Green v. EmergeOrtho, P.A.*, Case No. 22CVS3533 (N.C. Super. Ct., Durham Cnty.) (appointed class counsel; preliminary approval granted Feb. 23, 2024);
  86. *Hamilton v. Forward Bank, et al*, Case No. 3:23-cv-00844 (W.D. Wis.) (appointed Settlement Class Counsel; final approval granted January 24, 2025);
  87. *In re Retina Group of Washington Data Security Incident Litig.*, Case No. 8:24-cv-00004-TDC (D. Md.) (appointed Interim Co-Lead Counsel);
  88. *Trottier, et al v. Sysco Corporation*, Case No. 4:23-cv-01818 (S.D. Tex.) (appointed Interim Co-Lead Counsel);
  89. *In Re: PostMeds Inc. Data Breach Litigation*, Case No. 4:23-cv-05710-HSG (N.D. Cal.) (appointed Co-Lead Class Counsel);
  90. *In Re Tenet Healthcare Corp. Data Breach Litigation*, Cause No. DC-22-07513 (193<sup>rd</sup> Jud. Ct. of Tex., Dallas Cnty.) (appointed class counsel; final approval granted June 5, 2024);
  91. *Bracy, et al v. Americold Logistics, LLC.*, Case No. 1:23-cv-05743-TWT (N.D. Ga.) (appointed Co-Lead Counsel);
  92. *Moure v. DialAmerica Marketing, Inc.*, Case No. 3:22-cv-00625-OAW (D. Conn.) (appointed class counsel; preliminary approval granted Apr. 1, 2024);
  93. *Brim v. Prestige Care, Inc.*, Case No. 3:24-cv-05133-BHS (W.D. Wash.) (appointed class counsel);
  94. *Drugich, et al v. McLaren Health Care Corporation*, Case No. 2:23-cv-12520-MFL-CI (E.D. Mich.) (appointed class counsel);
  95. *Kimber, et al v. Cook County Health and Hospitals System, et al*, Case No. 2023CH09293 (Ill. Cir. Ct, Cook Cty) (appointed co-lead counsel);
  96. *Doe v. Lima Memorial Hospital, et al.*, Case No. CV2022 0490 (Crt. of Common Pleas, Allen Cnty., Ohio) (appointed Class Counsel; preliminary approval granted Apr. 11, 2024);
  97. *Mikulecky, et al v. Lutheran Social Services of Illinois*, Case No. 2023-CH-00895 (Cir. Ct., Cook Cnty., Il.) (appointed Class Counsel; preliminary approval granted Apr. 17, 2024);
  98. *Kidd v. Lifescan Labs of Illinois, LLC*, Case No. 2023LA44 (Cir. Ct., Whiteside Cnty., Ill.) (appointed Class Counsel; preliminary approval granted Apr. 22, 2024);
  99. *Rentschler, et al v. Atlantic General Hospital Corporation*, Case No. 1:23-cv-01005-JRR (D. Md.) (appointed Class Counsel; preliminary approval granted Apr. 25, 2024);

100. *Fazenbaker, et al v. Community Health Care, Inc., d/b/a CompleteCare Health Network*, Case No. CUM-L-000036-24 (N.J. Super. Ct, Cumberland Cty) (appointed Interim co-Lead Class Counsel);
101. *Cabezas, et al v. Mr. Cooper Group, Inc.*, Case No. 3:23-cv-02453-n (N.D. Tex.) (appointed Interim Co-Lead Class Counsel);
102. *In re loanDepot Data Breach Litig.*, Case No. 8:24-cv-00136-DOC-JDEx (C.D. Cal.) (appointed Interim Co-Lead Class Counsel);
103. *In re Golden Corral Data Breach Litig.*, Case No. 5:24-cv-00123-M-BM (E.D.N.C.) (appointed Interim Lead Class Counsel);
104. *Rehmsmeyer, et al v. Premium Mortgage Corporation*, Index No. E2024001652 (N.Y. Supreme Court, Monroe Cty.) (appointed Interim Co-Lead Counsel);
105. *Stinson, et al v. YUM! Brands, Inc.*, Case No. 3:23-cv-00183-DJH-LLK (W.D.K.Y.) (Appointed Interim Class Counsel);
106. *Harrell v. WebTPA Employer Services, LLC*, Case No. 3:24-cv-01158-L (N.D. Tex.)(appointed Interim Class Counsel);
107. *In Re Onix Group, LLC Data Breach Litigation*, Case No. 2:23-cv-02288-KSM (E.D. Pa.) (appointed Class Counsel);
108. *Maroulis, et al v. Cooper Clinic, P.A., et al*, Case No. DC-24-00843 (44th Jud. Ct. of Tex., Dallas Cnty.) (Appointed Interim Co-Lead Counsel);
109. *Hulewat v. Medical Management Resource Group LLC*, Case No. CV-24-00377-PHX-DJH (D. Ariz.) (Appointed Interim Co-Lead Counsel);
110. *Spann v. Superior Air-Ground Ambulance Service, Inc.*, Case No. 1:24-cv-04704 (N.D. Ill.) (Appointed Interim Co-Lead Counsel);
111. *Garza, et al v. HealthAlliance, Inc. d/b/a HealthAlliance Hospital, et al*, Index No. 72450/2023 (N.Y. Sup. Ct., Westchester Cnty.) (appointed Class Counsel; final approval granted December 5, 2024);
112. *Wilson v. Frontier Communications Parent, Inc.*, Case No. 3:24-cv-01418-L (N.D. Tex.) (Appointed Interim Class Counsel);
113. *Glebiw, et al v. Midwest Gaming & Entertainment, LLC.*, Case No. 1:23-cv-16225 (N.D. Ill.) (Appointed Co-Lead Counsel);
114. *In Re: Advance Stores Company, Incorporated, Data Breach Litigation*, Case No. 5:24-cv-00352-M (E.D. Va.) (appointed Interim Class Counsel);



115. *In re HealthEquity, Inc. Data Security Incident Litigation*, Case No. 2:24-cv-00528 (D. Utah) (appointed interim class counsel);
116. *Brink v. Sysinformation Healthcare Services, LLC d/b/a EqualizerCM and 1<sup>st</sup> Credentialing*, Case No. 1:24-cv-00501 (W.D. Tex.) (appointed Interim Class Counsel);
117. *In re Trionfo Solutions, LLC Data Breach Litig.*, Case No. 1:24-cv-04547 (D. Ill.) (appointed interim co-lead class counsel);
118. *In Re Kootenai Health, Inc. Data Breach Litig.*, Case No. 2:24-cv-00205 (D. Idaho) (appointed interim co-lead class counsel);
119. *Cruz-Bermudez, et al. v. Henry Schein, Inc.*, Case No. 2:24-cv-00387-BMC (E.D. NY) (appointed interim co-lead class counsel) (final approval granted Feb. 20, 2025);
120. *Okonski, et al. v. Progressive Casualty Ins. Co.*, Case No. 1:23-cv-01548-PAG (N.D. OH) (appointed interim co-lead class counsel);
121. *Ocampo v. LifeBridge Health, Inc.*, Case No. C-03-CV-23-001095 (Md. Cir. Ct., Baltimore Cty.) (appointed interim co-lead class counsel) (final approval granted March 17, 2025);
122. *In Re Arthur J. Gallagher Data Breach Litigation*, Case No. 1:22-cv-00137 (N.D. IL) (appointed interim co-lead class counsel);
123. *Jeremy Hufstetler, et al. v. Upstream Rehabilitation, Inc., et al.*, Case No. 01-cv-2024-902563.00 (AL Cir. Ct., Jefferson Cty.) (appointed interim co-lead class counsel);
124. *McNally, et al v. InfoSys McCamish Systems, LLC*, Case No. 1:24-cv-00995-JPB (N.D. Ga.) (appointed Interim Co-Lead Counsel)
125. *In re Mondelez Data Breach Litigation*, Case No. 1:23-cv-03999 (N.D. Ill.) (appointed Interim Co-Lead Counsel)(final approval granted January 21, 2025);
126. *Hulse, et al v. Acadian Ambulance Service, Inc.*, Case No. 6:24-cv-01011-DCJ-CBW (W.D. La.) (appointed Interim Co-Lead Counsel);
127. *In Re Philadelphia Inquirer Data Security Litigation*, Case No. 2:24-cv-02106-KSM (E.D. Pa.) (appointed Class Counsel);
128. *Voelker, et al v. Enroll Confidently, Inc.*, Case No. 2:24-cv-01886 (D. Ariz.) (appointed Co-Lead Interim Class Counsel);
129. *In Re: Group Health Plan Litigation*, Case No. 0:23-cv-00267-JWB-DJF (D. Minn) (appointed Settlement Class Counsel; final approval granted November 5, 2024);
130. *In re: Morrison Community Hospital Data Breach Litigation*, Case No. 2023-CH-19 (14<sup>th</sup> Jud. Cir. Ct. IL, Whiteside Cnty.) (appointed Co-Lead Class Counsel);
131. *Skillings, et al v. Access Sports Medicine and Orthopaedics, PLLC*, Case No. 218-2024-

CV-01086 (appointed Interim Co-Lead Class Counsel).

132. *Fernandez v. AUS, Inc.*, Case No. BUR-L-000674-24 (NJ Superior Crt., Burlington Cnty.) (appointed interim Settlement Class Counsel);
133. *In re: Gateway Rehabilitation Center, Data Breach Litigation*, Case No. GD-22-14713 (Crt. Common Pleas, Allegheny Cnty. PA) (appointed Co-Class Counsel)(final approval granted Mar. 10, 2025);
134. *Spann, et al. v. Superior Air-Ground Ambulance Service, Inc.*, Case No. 1:24-cv-04704 (USDC Northern Dist. IL) (appointed Co-Class Counsel);
135. *Getzinger, et al. v. Kemper Sports Management LLC*, Case No. 1:24-cv-08503 (USDC Northern Dist. IL) (appointed to Plaintiffs' Executive Committee);
136. *Doe, et al. v. HSCGP, LLC*, Case No. 23C2513 (Cir. Crt. 20<sup>th</sup> Jud. Dist., Davidson County, TN) (appointed Co-Lead Class Counsel);
137. *Byers et al v. OrthoAlaska, LLC*, Case No. 3:23-cv-00242-SLG (D. Alaska) (appointed Settlement Class Counsel) (final approval granted 3/21/2025);
138. *Alexander et al v. Summit Pathology Laboratories, Inc. D/b/a Summit Pathology*, Case No. 1:24-cv-02939 (D. Co.) (appointed Interim Co-Lead Class Counsel);
139. *In re Gryphon Healthcare LLC Data Breach Litigation*, Case No. 4:24-cv-3946 (S.D. Tex.) (appointed Interim Co-Lead Class Counsel);
140. *Newhart v. General Physician, P.C.*, Index No. 815961/2024 (Supreme Court of the State of New York, County of Erie) (appointed Interim Co-lead Class Counsel);
141. *In re Rockford Gastroenterology Associates, Ltd Data Breach Litig.*, Case No. 2024LA000372 (17<sup>th</sup> Jud. Circ. Ct of Ill., Winnebago Cty.)(appointed Interim Co-lead Class Counsel);
142. *In re VPS of MI Data Breach Litig.*, Case No. 2:24-cv-13162-LVP-KGA (E.D. Mich.) (appointed Interim Co-Lead Counsel);
143. *Vivani et al v. Watson Clinic, LLC*, Case 8:24-cv-2157-SDM-LSG (M.D. Fla.) (appointed interim co-lead class counsel);
144. *In re Landmark Admin LLC Data Incident Litig.*, Case No. 6:24-cv-00082-H (N.D. Tex.)(Appointed Co-lead Class Counsel).

145. *Alexander, et al v. Summit Pathology Laboratories, Inc., d/b/a Summit Pathology*, Case No. 1:24-cv-02939 (D. Col.) (appointed Interim Co-Lead Class Counsel);
146. *In re Givaudan and D.D. Williamson & Co. Litigation*, Case No. 24-CI-008445 (Jefferson Circ. Ct., Kentucky) (appointed Interim Co-Lead Class Counsel);
147. *In re McMurry University Data Incident Litigation*, Case No. 1:25-cv-002-H (N.D. Tex.)(appointed Interim Co-Lead Counsel);
148. *Volio, et al v. Rush Street Gaming LLC et al.*, Case No. 2:25-cv-00039-JDW (E.D. Pa.)(Appointed Interim Co-Lead Counsel);
149. *Eckhart, et al v. Orsini Pharmaceutical Servies, LLC*, Case No. 2024LA00000930 (Lake County, Illinois) (appointed Settlement Class Counsel; preliminary approval entered Jan. 3, 2025);
150. *In Re Retina Group of Washington Data Security Incident Litigation*, Case No. 8:24-cv-00004-LWW (D. Md.) (appointed Settlement Class Counsel) (preliminary approval granted Feb. 18, 2025);
151. *Margul, et al v. Evolve Bank & Trust, et al*, Case No. 1:24-cv-03259-DDD-NRN (D. Co.) (appointed Interim Co-Lead Counsel);
152. *In re Continuum Health Data Security Incident Litigation*, Case No. BUR-L-903-24 (Burlington County, New Jersey) (appointed Interim Co-Lead Class Counsel);
153. *Allen, et al v. SRP Federal Credit Union*, Case No. 1:24-cv-07476-CMC (D.S.C.)(appointed Interim Co-Lead Counsel);
154. *In re Regional Care Data Security Incident Litigation*, Case No. 4:24-cv-03236 (USDC Nebraska) (appoint Interim Co-Lead Class Counsel);
155. *In re Microsoft Browser Extension Litigation*, Case No. 2:25-cv-00088-RSM (W.D. Wash)(appointed Interim Class Counsel);
156. *In re Sabre GLBL, Inc. Data Breach Litigation*, Case No. 3:24-cv-03262-O (N.D. Tex.) (appointed Interim Class Counsel);
157. *In re TalentLaunch Data Breach Litigation*, Case No. 1:24-cv-00456-PAB (N.D. Ohio) (appointed Settlement Class Counsel)(preliminary approval granted Mar. 27, 2025);
158. *In re: Allstate & Arity Consumer Privacy Litigation*, Master File No. 1:25-cv-00407 (N.D. IL) (appointed Interim Co-Lead Counsel);

159. *Roberts, et al. v. Alta Resources Corp.*, Case No. 1:25-cv-0001-BBC (E.D. Wisconsin) (appointed Interim Co-Lead Class Counsel);
160. *Murphy, et al. v. Kochava, Inc.*, Case No. 2:23-cv-00058-BLW (USDC Idaho) (appointed Co-Class Counsel for Settlement) (preliminary approval granted May 1, 2025);

**Exhibit 3<"**

F gencv kq"qh'Brian C. Gudmundson.  
Zimmerman Reed LLP"

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation	Case No. 23-cv-00267 (JWB/DJF)  <b>DECLARATION OF BRIAN C. GUDMUNDSON IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND CLASS REPRESENTATIVE AWARD</b>
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I, Brian C. Gudmundson, declare:

1. I am a partner/shareholder at the law firm of Zimmerman Reed LLP and one of Plaintiffs' Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following represents the professionals from the firm of Zimmerman Reed LLP who have contributed billed time to Plaintiffs' case over the course of this matter through May 21, 2025, and their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
J. Gordon Rudd, Jr.	Partner	34	4.70	\$1,100.00	\$5,170.00
Hart L. Robinovitch	Partner	32	0.80	\$1,100.00	\$880.00
Brian C. Gudmundson	Partner	21	15.60	\$1,050.00	\$16,380.00
Michael J. Laird	Partner	9	0.70	\$750.00	\$525.00

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Rachel K. Tack	Partner	8	26.10	\$715.00	\$18,661.50
Leslie Harms	Paralegal		10.90	\$200.00	\$2,180.00
Heidi Juelich	Paralegal		1.40	\$200.00	\$280.00
Karen Colt	Paralegal		1.00	\$200.00	\$200.00
<b>TOTALS:</b>			<b>61.20</b>		<b>\$44,276.50</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.

4. Below are charts for each Zimmerman Reed LLP timekeeper identifying the amount of time and lodestar per each of the eight general time categories:

***J. Gordon Rudd, Jr., Partner***

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	4.7	\$5,170
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>4.7</b>	<b>\$5,170.00</b>

***Hart L. Robinovitch, Partner***

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	0.80	\$880.00

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>0.80</b>	<b>\$880.00</b>

*Brian C. Gudmundson, Partner*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	3.90	\$4,095.00
4. Legal Research and Drafting	4.80	\$5,040.00
5. Mediation/Settlement Discussions	0.50	\$525.00
6. Court Hearings	6.00	\$6,300.00
7. Communications with Defendant		
8. Discovery	0.40	\$420.00
<b>TOTAL</b>	<b>15.60</b>	<b>\$16,380.00</b>

*Michael J. Laird, Partner*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	0.70	\$525.00
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>0.70</b>	<b>\$525.00</b>

*Rachel K. Tack, Partner*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	0.90	\$643.50
4. Legal Research and Drafting	16.70	\$11,940.50
5. Mediation/Settlement Discussions	1.10	786.50



<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
6. Court Hearings	0.30	\$214.50
7. Communications with Defendant		
8. Discovery	7.10	\$5,076.50
<b>TOTAL</b>	<b>26.10</b>	<b>\$18,661.50</b>

*Leslie Harms, Paralegal*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications	0.70	\$140.00
3. Case Strategy	7.00	\$1,400.00
4. Legal Research and Drafting	1.50	\$300.00
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery	1.70	\$340.00
<b>TOTAL</b>	<b>10.90</b>	<b>\$2,180.00</b>

*Heidi S. Juelich, Paralegal*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	0.40	\$80.00
4. Legal Research and Drafting	1.00	\$200.00
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>1.40</b>	<b>\$280.00</b>

*Karen M. Colt, Paralegal*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting	1.00	\$200.00
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		

8. Discovery		
<b>TOTAL</b>	<b>1.00</b>	<b>\$200.00</b>

5. The undersigned and the firm of Zimmerman Reed LLP have not received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. I am, or have in the past, represented Plaintiffs in a variety of class action cases, including having served as lead counsel in the Change Healthcare Data Breach MDL, Fortra Data Breach MDL, the Sonic, Arby's, and Netgain data breach actions, and Essentia, North Memorial, and Rayus pixel actions, and numerous other data privacy matters. I have also served in leadership in actions arising from the Equifax Data Breach, Home Depot Data Breach, Wendy's Data Breach, among many others.

7. The Zimmerman Reed LLP firm has had marked success in the field of complex class action litigation for over half a century in Minnesota and across the country. Exemplar cases, including recoveries and leadership positions are detailed in the firm resume attached hereto as Exhibit A.

8. The fee rates of Zimmerman Reed LLP in complex class action cases have recently been approved in the District of Minnesota, including by: *In Re: Pork Antitrust Litigation*, Case No. 18-cv-01776 (D. Minn.). Additionally, Zimmerman Reed has had similar rates approved outside of the District of Minnesota, *see Baker, et al. v. ParkMobile, LLC*, Case No. 21-cv-02182 (N.D. Ga.); *Ida Patterson v. DPP II, LLC and Home Care Providers of Texas*, Case No. DC-23-01733, District Court, Dallas County Texas, 14th

Judicial District; and *Owens, et al. v. US Radiology Specialists, Inc., et al.*, Case No. 22 CVS 17797, County of Mecklenburg, North Carolina.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 23rd day of May 2025 in Minneapolis, Minnesota.

*s/ Brian C. Gudmundson*

Brian C. Gudmundson

Attorney for Plaintiffs

# **EXHIBIT A**

# ZIMMERMAN | REED

Minneapolis  
1100 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402

Los Angeles  
6420 Wilshire Blvd.  
Suite 1080  
Los Angeles, CA 90048

Phoenix  
14648 N. Scottsdale Rd.  
Suite 130  
Scottsdale, AZ 85254

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# Firm Practice And Achievements

Zimmerman Reed is a nationally recognized leader in complex litigation and has been appointed as lead counsel in some of the largest and most complex cases in federal and state courts across the country. The firm was founded in 1983 and has successfully represented hundreds of thousands of consumers and injured individuals nationwide in significant and demanding cases. The firm's practice includes a wide range of legal issues and complex cases involving consumer fraud, ERISA, shareholder actions, environmental torts, pharmaceutical drugs, dangerous or defective products, human rights violations, and privacy litigation. Since 2010, Zimmerman Reed has earned a "Best Law Firm" ranking released by U.S. News & World Report.

## The following are just a few of the firm's notable achievements:

- Co-Lead Counsel in the *Baycol Products Liability Litig.* (D. Minn.), seeking recovery for serious injuries from the use of Bayer's statin, Baycol. Achieved \$1.15 billion settlement.
- Lead Counsel Committee member in the *Stryker Rejuvenate & ABG II Hip Implant Products Liability Litig.* (D. Minn.), seeking compensation for recalled Stryker hip replacements. Achieved in excess of \$1.4 billion settlement.
- Represented the State of Minnesota in a three-week jury trial against tobacco companies, Juul and Altria, for their role in contributing to the youth vaping epidemic. Achieved a \$60.5 million settlement the day before closing arguments.
- Co-Lead Counsel in the *Guidant Corp. Implantable Defibrillators Products Liability Litig.* (D. Minn.), arising out of malfunctions in cardiac defibrillators implanted in patients. Achieved \$230 million settlement.
- Class and Derivative Counsel in the *Regions Morgan Keegan Securities, Derivative and ERISA Litig., Landers v. Morgan Asset Mgmt.* (W.D. Tenn.), alleging violations of federal securities laws and breach of fiduciary duty due to the collapse of Regions Morgan Keegan open-end funds. Achieved \$125 million settlement.
- Class Counsel in *Soo Line R.R. Co. Derailment of Jan. 18, 2002 in Minot, N.D.* (Hennepin Cty. Dist. Ct.), representing hundreds of individuals injured by the release of anhydrous ammonia. Obtained a \$1.2 million jury verdict. Achieved a \$7 million class settlement and assisted congressional leaders in drafting and passing amendments to the Federal Railroad Safety Act, clarifying the scope of railroad preemption law.
- Lead Counsel for the State of Mississippi in *Mississippi ex rel. Hood v. AU Optronics*, 571 U.S. 161 (2014), resulting in a unanimous U.S. Supreme Court decision reversing a Fifth Circuit decision, resolving a circuit split, and establishing binding law across the country that a State's enforcement action is not removable to federal court as a mass action.
- Co-Lead Counsel in *Medtronic Implantable Defibrillators Products Liability Litig.* (D. Minn.), seeking recovery for more than 2,682 patients with recalled Medtronic heart defibrillators. Achieved a \$95.6 million settlement.

## ZIMMERMAN | REED

- Class Counsel in *City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A.* (D. Minn.), to recover losses caused by the bank's mismanagement of its securities lending program. Achieved a \$62.5 million settlement, two days before trial.
- Lead Counsel in *Dryer v. National Football League* (D. Minn.), arising out of the unauthorized use of retired NFL players' identities to generate revenue. Achieved a \$50 million settlement and created a ground-breaking program which allowed retired players the opportunity to benefit from the League's use of their images and allowed the League an opportunity to build its marketing using film clips of these former players.
- Lead Counsel in *Target Corporation Customer Data Security Breach Litig.* (D. Minn.), to recover financial institutions' losses from the company's massive 2013 data breach. Achieved a \$39 million settlement.
- Class Counsel in *The Shane Group Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.), against insurance carrier for violations of antitrust laws from contractually requiring hospitals to charge higher prices to competitors. Achieved a \$30 million settlement (pending final approval).
- Lead Counsel in *Zicam Remedy Marketing, Sales Practices & Products Liability Litig.* (D. Ariz.), seeking to recover for customers' loss of the sense of smell from using Zicam Cold Remedy Nasal Gel. Achieved \$27 million settlement.
- Counsel for third-party payor in *In re Metoprolol Succinate End-Payor Antitrust Litig.* (D. Del.), alleging that the manufacturing and marketing of the heart drug, Toprol-XL, violated antitrust and deceptive trade practices laws. Achieved \$20 million settlement.
- Class Counsel in *Weincke v. Metropolitan Airports Commission* (Hennepin Cty. Dist. Ct.), regarding excessive noise levels from the Minneapolis-St. Paul International Airport. Achieved settlement to provide noise mitigation to more than 9,500 homeowners.
- Class Counsel in *Ross et al v. Hewlett Packard Enterprise Company* (California State Court, Santa Clara), in which more than \$8 million was recovered on behalf of women claiming pay discrimination by a major technology company.





# Acknowledgment Of The Firm's Work

Federal and state judges as well as legal scholars have consistently recognized the quality and impact of the firm's work on numerous occasions. Below are just a few examples.

“

To summarize: class counsel recovered over ten times what is recovered in the typical case of this kind despite risks and complexities much more formidable than the typical case.”

Brian Fitzpatrick, Law Professor at Vanderbilt University and former clerk to Justice Scalia, expert in *In re Region Morgan Keegan Securities, Derivative and ERISA Litig.*, *Landers v. Morgan Asset Mgmt.* (W.D. Tenn.)

“

[S]uperior work the court observed from the firm throughout this litigation.”

Judge Donovan Frank, *In re Guidant Corp. Implantable Defibrillators Products Liability Litig.* (D. Minn.)

“

I think no one can question your leadership in this matter. Again, thank you, and I say again it was the best decision I have ever made.”

Judge Michael Davis (former Chief Judge), *In re Baycol Products Liability Litig.* (D. Minn.)

“

The parties were represented by highly skilled and experienced counsel, who were extremely knowledgeable and clearly had spent a considerable amount of time developing the law and facts in this complex litigation.”

Judge Layn Phillips (ret.), mediator in *In re Region Morgan Keegan Securities, Derivative and ERISA Litig.*, *Landers v. Morgan Asset Mgmt.* (W.D. Tenn.)

“

Fortunately for the absent class members, experienced counsel ... negotiated a settlement that is truly one-of-a-kind, and a remarkable victory for the class as a whole.”

Judge Paul Magnuson, *Dryer v. National Football League* (D. Minn.)

“

It is “clear of the dedication, devotion, professionalism, and in the court's view efficiency of these firms, so there is no question in the court's mind of the quality of the representation.”

Judge Deborah Batts, *In Re American Express Financial Advisors Securities Litig.* (S.D.N.Y.)

# Representative Leadership Positions

**39** Executive Committee, Steering Committee, or Sub-Committees

**18** Lead or Liaison Counsel

**46** Class or Lead Counsel

## Appointed Lead or Liaison Counsel in the following MDLs:

CenturyLink Residential Customer Billing Disputes Litig., MDL 2795

National Hockey League Players' Concussion Injury Litig., MDL 2551

Target Corporation Customer Data Security Breach Litig., MDL No. 2522

Stryker Rejuvenate and ABG II Hip Implant Products Liability Litig., MDL 2441

National Arbitration Forum Trade Practices Litig., MDL 2122

Zicam Cold Remedy Marketing, Sales Practices, and Products Liability Litig., MDL 2096

Northstar Education Finance, Inc. Contract Litig., MDL 1990

Zurn Pex Plumbing Products Liability Litig., MDL 1958

Levaquin Products Liability Litig., MDL 1943

Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig., MDL 1905

Medtronic Implantable Defibrillators Products Liability Litig., MDL 1726

Viagra Products Liability Litig., MDL 1724

Guidant Corp. Implantable Defibrillators Products Liability Litig., MDL 1708

Pacquiao-Mayweather Boxing Match Pay-Per-View Litig., MDL 2639

Medco Health Solutions, Inc., Pharmacy Benefits Management Litig., MDL 1508

Baycol Products Liability Litig., MDL 1431

St. Jude Medical, Inc. Silzone Heart Valves Products Liability Litig., MDL 1396

Mortgage Escrow Deposit Litig., MDL 899

## Appointed to the Executive Committee, Steering Committee, or Sub-Committees in the following MDLs:

Apple Inc. Device Performance Litig., MDL 2827

Dicamba Herbicides Litig., MDL 2820

Equifax, Inc. Customer Data Security Breach Litig., MDL 2800

Fieldturf Artificial Turf Marketing Practices Litig., MDL 2779

Stryker Orthopaedics LFIT V40 Femoral Head Products Liability Litig., MDL 2768

Abilify Products Liability Litig., MDL 2734

Vizio, Inc. Consumer Privacy Litig., MDL 2693

Viagra and Cialis Products Liability Litig., MDL 2691

The Home Depot, Inc., Customer Data Security Breach Litig., MDL 2583

LifeTime Fitness, Inc., Telephone Consumer Protection Act (TCPA) Litig., MDL 2564

National Collegiate Athletic Association Student-Athlete Concussion Litig., MDL 2492

H&R Block IRS Form 8863 Litig., MDL 2474

Biomet M2A Magnum Hip Implant Products Liability Litig., MDL 2391

National Football League Players' Concussion Injury Litig., MDL 2323

Building Materials Corp. of America Asphalt Roofing Shingle Products Litig., MDL 2283

Zimmer NexGen Knee Implant Products Liability Litig., MDL 2272

Uponor, Inc., F1807 Plumbing Fittings Products Liability Litig., MDL 2247

DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litig., MDL 2197

Apple iPhone "MMS" Sales Practices Litig., MDL 2116

Digitek Products Liability Litig., MDL 1968

Fedex Ground Package System, Inc., Employment Practices Litig., MDL 1700

Bextra and Celebrex Marketing Sales Practices and Product Liability Litig., MDL 1699

Celebrex and Bextra Products Liability Litig., MDL 1694

Vioxx Products Liability Litig., MDL 1657

Neurontin "Off-Label" Marketing Litig., MDL 1629

Zyprexa Products Liability Litig., MDL 1596

Welding Rods Products Liability Litig., MDL 1535

Meridia Products Liability Litig., MDL 1481

Serzone Products Liability Litig., MDL 1477

Sulzer Inter-Op Orthopedic Hip Implant Litig., MDL 1401

Propulsid Products Liability Litig., MDL 1355

Rezulin Products Liability Litig., MDL 1348

Diet Drugs Products Liability Litig., MDL 1203

Telectronics Pacing Systems, Inc. Accufix Atrial "J" Lead Products Liability Litig., MDL 1057

Orthopedic Bone Screw Products Liability Litig., MDL 1014

Silicone Gel Breast Implant Products Liability Litig., MDL 926

T-Mobile Customer Data Sec. Breach Litig., MDL 3019

Fortra File Transfer Software Data Security Breach Litig., MDL 3090

MOVEit Customer Data Security Breach Litig., MDL 3083

## Served as Class or Lead Counsel in the following cases:

Adams v. DPC Enterprises, LP (Jefferson Cty. Cir. Ct., Mo.)

Adedipe v. U.S. Bank, N.A. (D. Minn.)

AI Plus, Inc. and IOC Distrib., Inc. v. Petters Group Worldwide (D. Minn.)

Arby's Restaurant Group, Inc., Data Security Litig. (N.D. Ga.)

Castano Tobacco Litig. (E.D. La.)

City of Farmington Hills Emps. Ret. Sys. v. Wells Fargo Bank, N.A. (D. Minn.)

City of Tallahassee Pension Plan v. Insight Enterprises, Inc. (Maricopa Cty. Super. Ct., Ariz.)

Cooksey v. Hawkins Chemical Co. (Henn. Cty. Dist. Ct., Minn.)

Coyle v. Flowers Food and Holsum Bakery (D. Ariz.)

Cuff v. Brenntag North America, Inc. (N.D. Ga.)

Daud v. Gold'n Plump Poultry, Inc. (D. Minn.)

DeKeyser v. ThyssenKrupp Waupaca, Inc. (E.D. Wis.)

Dockers Roundtrip Airfare Promotion Sales Practices Litig. (C.D. Cal.)

Doe v. Cin-Lan, Inc. (E.D. Mich.)

DeGrise v. Ensign Group, Inc. (Sonoma Cty. Super. Ct., Cal.)

Dryer v. National Football League (D. Minn.)

Ebert v. General Mills, Inc. (D. Minn.)

First Choice Fed. Credit Union v. The Wendy's Co. (W.D. Pa.)

Frank v. Gold'n Plump Poultry, Inc. (D. Minn.)

Garner v. Butterball, LLC (E.D. Ark.)

GLS Companies v. Minnesota Timberwolves

Basketball LP (Henn. Cty. Dist. Ct., Minn.)

Haritos v. American Express Financial Advisors (D. Ariz.)

Helmert v. Butterball, LLC (E.D. Ark.)

Kurvers v. National Computer Systems, Inc. (Henn. Cty. Dist. Ct., Minn.)

Martin v. BioLab, Inc. (N.D. Ga.)

McGruder v. DPC Enterprises, LP (Maricopa Cty. Super. Ct., Ariz.)

Mehl v. Canadian Pacific Railway (D.N.D.)

Milner v. Farmers Insurance Exchange (D. Minn.)

Nuff v. Alvaria, Inc. (D. Mass.)

Oakbend Medical Center Data Breach Litig. (S.D. Tex.)

Patlan, et al. v. BMW of North America, LLC (D.N.J.)

Ponce v. Pima County (Maricopa Cty. Super. Ct., Ariz.)

Price, et al. v. Carnival Corporation, (S.D. Cal.)

Regions Morgan Keegan [Landers v. Morgan Asset Mgmt.] (W.D. Tenn.)

Russo v. NCS Pearson, Inc. (D. Minn.)

Sanders v. Norfolk Southern Corporation (D.S.C.)

Scott v. American Tobacco Co. (Civ. Dist. Ct. Parish of New Orleans, La.)

Soo Line R.R. Co. Derailment of Jan. 18, 2002 in Minot, N.D. (Henn. Cty. Dist. Ct., Minn.)

Soular v. Northern Tier Energy, LP (D. Minn.)

State of Minnesota v. JUUL Labs, Inc. (Henn. Cty. Dist. Ct., Minn.)

State of Mississippi v. AU Optronics Corp. (Rankin Cty. Ch. Ct., Miss.)

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State of New Mexico v. Visa, Inc. (Santa Fe Cty., N.M.)

Trauth v. Spearmint Rhino Companies Worldwide, Inc. (C.D. Cal.)

Weincke v. Metropolitan Airports Commission (Henn. Cty. Dist. Ct., Minn.)

Whelan, et al. v. Webster Financial Corporation (D. Conn.)

Zicam Product Liability Cases (Maricopa Cty. Super. Ct., Ariz.)

**Exhibit 4<"**  
F gencvkcqp"qh'David Goodwin,  
Gustafson Gluek, PLLC

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation	Case No. 23-cv-00267 (JWB/DJF)  <b>DECLARATION OF DAVID A. GOODWIN IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND CLASS REPRESENTATIVE AWARD</b>
-------------------------------------	--

I, David A. Goodwin, declare:

1. I am a partner/shareholder at the law firm of Gustafson Gluek PLLC and one of Plaintiffs' Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following represents the professionals from the firm of Gustafson Gluek PLLC who have contributed billed time to Plaintiffs' case over the course of this matter through May 21, 2025, and their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Jason S. Kilene	Partner	31	4.90	\$1050	\$5,145.00
David A. Goodwin	Partner	19	23.70	\$950	\$22,515.00
Joe Nelson	Associate	6	.50	\$600	\$300.00
Melanie Castro (f/k/a Melanie Morgan)	Paralegal	20	2.50	\$200	\$500.00

Danette Mundahl	Paralegal	17	1.00	\$200	\$200.00
Jamie Holzer	Paralegal	12	.20	\$200	\$40.00
<b>TOTALS:</b>			<b>34.20</b>		<b>\$28,700.00</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.

4. Below are charts for each Gustafson Gluek PLLC timekeeper identifying the amount of time and lodestar per each of the eight general time categories:

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation a. David A. Goodwin	<b>5.60</b> 5.60	<b>\$5,320.00</b> \$5,320.00
2. Client Communications a. Jason S. Kilene b. David A. Goodwin	<b>5.40</b> 4.90 .50	<b>\$5,620.00</b> \$5,145.00 \$475.00
3. Case Strategy a. David A. Goodwin	<b>9.50</b> 9.50	<b>\$9,025.00</b> \$9,025.00
4. Legal Research and Drafting a. David a. Goodwin b. Joe E. Nelson	<b>3.40</b> 2.90 .50	<b>\$3,055.00</b> \$2,755.00 \$300.00
5. Mediation/Settlement Discussions a. David A. Goodwin	<b>1.20</b> 1.20	<b>\$1,140.00</b> \$1,140.00
6. Court Hearings a. David A. Goodwin	<b>3.20</b> 3.20	<b>\$3,040.00</b> \$3,040.00
7. Communications with Defendant		
8. Discovery a. David A. Goodwin	<b>.80</b> .80	<b>\$760.00</b> \$760.00



<b>TOTAL</b>	<b>29.10</b>	<b>\$27,960.00</b>
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5. The undersigned and the firm of Gustafson Gluek PLLC have not received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. I am, or have in the past, represented Plaintiffs in a variety of class action cases, including *Crowell v. FCA U.S. LLC* (D. De.) (Co-Lead Counsel), *Okash v. Essentia Health* (D. Minn.), *In re Brady Martz Data Security Litigation* (D. N.D.) (Interim Co-Lead Counsel), *Kevin Brnich Electric LLC et al. v. Siemens Industry Inc.* (N.D. Ga.) (Executive Committee), *Gisairo v. Lenovo (United States) Inc.* (D. Minn.), *B.H., a minor by and through his legal guardian, Angela Hogan v. Amazon.com, Inc.* (ND Il.), among many other cases.

7. The Gustafson Gluek PLLC has had marked success in the field of complex class action litigation for over half a century in Minnesota and across the country. Exemplar cases, including recoveries and leadership positions are detailed in the firm resume attached hereto as Exhibit A.

8. The fee rates of Gustafson Gluek PLLC in complex class action cases have recently been approved in the District of Minnesota, including by: *Walsh, et al., v. Buchholz, et al.*, 19-cv-1856-JWB-DTS and *Gisairo v. Lenovo (United States) Inc.*, 19-cv-2727-PJS-LIB.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 27 day of May 2025 in Minneapolis, Minnesota.

*s/ David A. Goodwin*  
David A. Goodwin

Attorney for Plaintiffs

# **Exhibit 1**



Firm Resume

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## Firm Overview

Gustafson Gluek PLLC is a 22-attorney law firm with a national practice specializing in complex litigation. The firm has offices in Minneapolis, Minnesota and San Diego, California. Gustafson Gluek attorneys seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices, such as illegal price fixing, deceptive trade practices, and the distribution of unsafe medical devices, as well as enjoin companies from engaging in these types of practices in the future.

Founded in 2003, Gustafson Gluek's attorneys have consistently been recognized by their clients, peers, and courts across the country as leaders in their fields. They have been chosen to lead some of the largest and most complex multi-district litigations. Attorneys at Gustafson Gluek have received national and statewide awards and honors and are routinely called upon by other leading firms to assist in taking on some of the largest companies and defense firms in the world. Gustafson Gluek was named number six in the Top 25 Lead Counsel in antitrust complaints filed from 2009 – 2022 in the 2022 Antitrust Annual Report produced by the University of San Francisco Law School and The Huntington National Bank. Gustafson Gluek was also listed as sixteenth among firms with the highest number of antitrust settlements and in the top 25 Lead Counsel in Class Recoveries. Finally, our firm had four antitrust class cases to obtain final approval of settlements in 2022.

Core values of Gustafson Gluek include supporting the community and promoting diversity in the legal profession. Its attorneys have held leadership positions and actively participate in numerous national, statewide and affinity-based legal organizations, including the Federal Bar Association, the Fund for Legal Aid Board, Minnesota State Bar Association, the Infinity Project, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, the Lavender Bar Association and American Antitrust Institute. Gustafson Gluek was instrumental in founding the Pro Se Project, a collaboration with the Minnesota District Court pairing indigent federal litigants with attorneys. Gustafson Gluek devotes hundreds of hours each year to pro bono service through the Pro Se Project and other organizations.

## Leadership Positions

Gustafson Gluek's attorneys are frequently recognized by their peers and the courts as experienced and capable leaders and, as such, have been appointed to lead numerous complex litigations, including the following:

***Crowell v. FCA USA LLC (D. Del.)***

*Interim Co-Lead Counsel*

***In re 3M Combat Arms Earplug Litig. (Minn.)***

*Co-Lead Counsel*

***In re Bank of America Unauthorized Account Opening Litig. (W.D.N.C.)***

*Co-Lead Class Counsel*

***In re Broiler Chicken Antitrust Litig. (N.D. Ill.)***

*Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs*

***In re Change Healthcare, Inc. Customer Data Security Breach Litig. (D. Minn.)***

*Overall Lead Counsel*

***In re CenturyLink Residential Customer Billing Disputes Litig. (D. Minn.)***

*Executive Committee Chair*

***In re Crop Inputs Antitrust Litig. (E.D. Mo.)***

*Co-Lead Counsel*

***In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)***

*Plaintiffs' Steering Committee*

***In re Deere & Company Repair Services Antitrust Litig. (N.D. Ill.)***

*Co-Lead Counsel*

***In re DPP Beef Litig. (D. Minn.)***

*Co-Lead Counsel*

***In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)***

*Co-Lead Counsel for Indirect Purchasers*

***In re Eyewear Antitrust Litig. (S.D.N.Y.)***

*Co-Lead Counsel for the Putative Direct Purchaser Class*

***In re Flash Memory Antitrust Litig. (N.D. Cal.)***

*Plaintiffs' Steering Committee*

***In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)***

*Plaintiffs' Leadership Committee*

***In re Granulated Sugar Antitrust Litig. (D. Minn.)***

*Plaintiffs' Steering Committee for the Direct Purchaser Plaintiffs*

***In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)***

*Co-Lead Counsel*

***In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)***

*Co-Lead Counsel*

***In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig. (D. Minn.)***

*Lead Counsel*

***In re Net Gain Data Breach Litig. (D. Minn.)***

*Executive Committee*

***In re Pacific Market International, LLC Stanley Tumbler Litig. (W.D. Wash.)***

*Interim Executive Committee*

***In re Pork Antitrust Litig. (D. Minn.)***

*Co-Lead Counsel for Consumer Indirect Purchaser Plaintiffs*

***In re Regents of the University of Minnesota Data Litig. (Minn.)***

*Lead Counsel*

***In re Syngenta Litig. (Minn.)***

*Co-Lead Class Counsel, Settlement Counsel*

***In re Vitamin C Antitrust Litig. (E.D.N.Y.)***

*Co-Lead Counsel for Indirect Purchasers*



***Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd. (E.D.N.Y.)***

*Co-Lead Counsel*

***Powell Prescription Center v. Surescripts, LLC (N.D. Ill.)***

*Lead Counsel Committee*

***Quaife, et al. v. Brady Martz Data Securities Litig. (D.N.D.)***

*Interim Co-Lead Counsel*

***St. Barnabas Hospital, Inc. et al. v. Lundbeck, Inc. et al. (D. Minn.)***

*Interim Class Counsel*

***Vikram Bhatia, D.D.S., et al., v. 3M Company (D. Minn.)***

*Co-Lead Counsel*

## Case Outcomes

Gustafson Gluek has recovered billions of dollars on behalf of its clients since its founding in 2003. Gustafson Gluek has helped vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price-fixing, deceptive trade practices, and the distribution of unsafe or defective devices, as well as enjoin companies from engaging in these types of practices in the future. A list of representative cases previously litigated by the firm and their outcomes are set forth below.

### Antitrust

#### ***In re Automotive Parts Antitrust Litig. (E.D. Mich.)***

Gustafson Gluek was an integral part of the team representing a class of indirect purchases of various automotive components. Plaintiffs alleged that defendants engaged in a sprawling price-fixing conspiracy to artificially increase the price of several different automobile components. Gustafson Gluek helped recover over \$1.2 billion for the class.

#### ***In re Blue Cross Blue Shield Antitrust Litig. (N.D. Ala.)***

Gustafson Gluek was appointed as a member of the Damages and Litigation Committees representing a class of subscribers of Blue Cross Blue Shield insurance in multiple states. Plaintiffs alleged the defendants entered into a de facto price allocation agreement via the “licensing” agreements for use of the Blue Cross Blue Shield name and trademarks. The parties reached a settlement totaling \$2.67 billion for the class. Settling Defendants also agreed to make changes in the way they do business that Plaintiffs believe will increase the opportunities for competition in the market for health insurance.

#### ***In re Capacitors Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek represented a class of indirect purchasers of electrolytic or film capacitors. Plaintiffs alleged that at least fifteen multinational corporations

conspired to fix the prices of capacitors that they manufactured and sold worldwide and into the United States. Gustafson Gluek attorneys worked closely with Lead Counsel throughout the litigation, which eventually recovered \$84.49 million for the class.

### ***In re Containerboard Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek represented a class of direct purchasers of containerboard products and was a defendant team leader. Plaintiffs alleged that defendant containerboard manufacturers conspired to fix the price of containerboard. As a team leader, Gustafson Gluek handled all aspects of discovery, including the depositions of several senior executives. Gustafson Gluek helped to secure over \$376 million for the class.

### ***In re Cathode Ray Tube (CRT) Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek represented a class of direct purchasers of CRT screens used for computer monitors and televisions. Plaintiffs alleged that defendants conspired to fix the price of these products in violation of the antitrust laws. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class action, which resulted in settlements totaling \$225 million for the class.

### ***In re DRAM Antitrust Litig. (N.D. Cal. and multiple state courts)***

Gustafson Gluek was appointed Co-Lead Counsel for the indirect purchasers in this nationwide class action against both national and international memory-chip manufacturers. This case dealt with the conspiracy surrounding the pricing of the memory chips commonly known as Dynamic Random Access Memory (or DRAM). DRAM is used in thousands of devices on a daily basis, and Gustafson Gluek was integral in achieving a settlement of \$310 million for the class.

### ***In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek has been appointed as a member of the Steering Committee representing a class of car dealerships. Plaintiffs allege that defendants

unlawfully entered into an agreement that reduced competition and increased prices in the market for Dealer Management Systems ("DMS") and data integration services related to DMS. Plaintiffs have reached a settlement with one defendant but continue to litigate against the remaining defendants.

***In re Domestic Drywall Antitrust Litig. (E.D. Pa.)***

Gustafson Gluek represented a class of direct purchasers of drywall in this antitrust case. Plaintiffs alleged the defendant manufacturers conspired to artificially increase the price of drywall. Gustafson Gluek played an active role in the litigation. A class was certified, and Gustafson Gluek helped recover over \$190 million for the class.

***In re Lithium Ion Batteries Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek represented a class of direct purchasers of lithium ion batteries in a multidistrict class action. Plaintiffs alleged collusive activity by the world's largest manufacturers of lithium ion batteries, which are used in devices such as cellular phones, cameras, laptops and tablets. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class and helped recover over \$139 million for the class.

***In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)***

Gustafson Gluek served as Co-Lead Counsel with two other firms representing a class of indirect purchasers of interior molded doors. Plaintiffs alleged that two of the country's largest interior molded door manufacturers conspired to inflate prices in the market. Defendants settled with the class for \$19.5 million.

***Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al. (E.D.N.Y.)***

Gustafson Gluek was Co-Lead Counsel representing a class of direct purchasers of freight forwarding services in this international case against 68 defendants. Plaintiffs alleged that defendants engaged in an international conspiracy to fix,

inflate, and maintain various charges and surcharges for freight forwarding services in violation of U.S. antitrust laws. Gustafson Gluek worked to secure over \$450 million for the class.

***In re Resistors Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek worked closely with Lead Counsel representing indirect purchasers of linear resistors. Plaintiffs alleged that the defendant manufacturers conspired to increase the price of linear resistors, thereby causing indirect purchasers to pay more. After engaging in extensive discovery, Plaintiffs recovered a total of \$33.4 million in settlements for the indirect purchaser class.

***In re TFT-LCD (Flat Panel) Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek served an integral role handling complex discovery issues in this antitrust action representing individuals and entities that purchased LCD panels at supracompetitive prices. Gustafson Gluek attorneys worked on a range of domestic and foreign discovery matters in prosecuting this case. The total settlement amount with all of the defendants was over \$1.1 billion.

***The Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan (E.D. Mich.)***

Gustafson Gluek was appointed interim Co-Lead Counsel representing a class of purchasers of hospital healthcare services. Plaintiffs alleged that Blue Cross Blue Shield of Michigan used its market position to negotiate contracts with hospitals that impeded competition and increased prices for patients. Gustafson Gluek worked to secure \$29.9 million on behalf of the class.

## Consumer Protection

### ***Baldwin et al. v. Miracle Ear et al. (D. Minn.)***

Gustafson Gluek represented consumers who received unwanted telemarketing calls from HearingPro for the sale of Miracle Ear brand hearing aid products in violation of the Telephone Consumer Protection Act. Gustafson Gluek played an important role in recovering an \$8 million settlement for the class.

### ***Syngenta Corn Seed Litig. (Minn. & D. Kan.)***

Gustafson Gluek was appointed Co-Lead Counsel for a class of Minnesota corn farmers suing Syngenta for negligently marketing its Agrisure/Viptera corn seed before it had been approved in all the major corn markets. Gustafson Gluek was an integral part of the litigation team in Minnesota, participating in all facets of discovery, motion practice and expert work. Dan Gustafson, one of the lead trial counsel was also appointed as part of the settlement team. Ultimately, these cases settled for \$1.51 billion on behalf of all corn farmers in America.

### ***In re Centurylink Sales Practices and Securities Litig. (D. Minn.)***

Gustafson Gluek was Chair of the Executive Committee and represented a class of current and former CenturyLink customers who were overcharged for their phone, internet or television services due to CenturyLink's unlawful conduct. Plaintiffs alleged that CenturyLink engaged in deceptive marketing, sales, and billing practices across dozens of states. Ultimately, Plaintiffs recovered \$18.5 million in settlements for the class.

### ***Yarrington, et al. v. Solvay Pharmaceuticals, Inc. (D. Minn.)***

Gustafson Gluek represented a class of individuals alleging unfair competition and false and deceptive advertising claims against Solvay Pharmaceuticals in the marketing of Estratest and Estratest HS, prescription hormone therapy drugs. Gustafson Gluek helped recover \$16.5 million for the class.

## Data Breach

***In re Equifax Inc. Customer Data Security Breach Litig. (N.D. Ga.)***

Gustafson Gluek represented a class of individuals whose personal information was compromised as the result of Equifax's deficient data security practices. Plaintiffs reached a settlement where Equifax agreed to pay \$380 million towards the fund for class benefits, \$125 million for out-of-pocket losses, and credit monitoring and identity restoration services.

***Landwehr v. AOL Inc. (E.D. Va.)***

Gustafson Gluek served as class counsel in this lawsuit, alleging that AOL made available for download to its members' search history data, which violated these AOL members' right to privacy under the Federal Electronic Communications Privacy Act. Plaintiffs reached a settlement with AOL that made \$5 million available to pay the claims of class members whose search data was made available for download by AOL.

***The Home Depot, Inc., Customer Data Security Breach Litig. (N.D. Ga.)***

Gustafson Gluek represented credit unions and a class of financial institutions whose members, using payment cards, had their data compromised as the result of Home Depot's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a settlement agreement with Home Depot for \$27.25 million for the class members.

***Greater Chautauqua Federal Credit Union v. Kmart Corporation (N.D. Ill.)***

Gustafson Gluek served on the court-appointed Plaintiffs' Steering Committee representing a class of financial institutions whose card members' payment data was compromised as a result of Kmart's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a \$5.2 million settlement with K-Mart for the class.

***Experian Data Breach Litig. (C.D. Cal.)***

Gustafson Gluek represented a class of consumers whose personally identifiable information, including Social Security numbers and other highly sensitive personal data, was compromised as the result of Experian's deficient data security practices. Many of these consumers lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm. Plaintiffs reached a \$22 million settlement and as a part of the settlement, defendants also agreed and have begun undertaking certain remedial measures and enhanced security measures, which they will continue to implement, valued at over \$11.7 million.

## **Product Liability**

### ***In re 3M Combat Arms Earplugs (Minn.)***

Gustafson Gluek served as co-lead counsel for veterans and service members seeking damages for hearing loss and related injuries due to the use of defective earplugs manufactured by 3M. Ultimately, Gustafson Gluek helped recover over \$6 billion for over 250,000 individuals who had been injured by this product.

### ***Bhatia v. 3M Co. (D. Minn.)***

Gustafson Gluek represented a class of dentists who bought 3M Lava Ultimate Restorative material for use in dental crowns. Gustafson Gluek was appointed as Co-Lead Counsel for Plaintiffs, who alleged that the 3M Lava material failed at an unprecedented rate, leading to substantial loss of time and money for the dentists and injury to the patients. Gustafson Gluek helped secure a settlement of approximately \$32.5 million for all of the dentists who had suffered damages from the failure of this product.

### ***Medtronic, Inc., Sprint Fidelis Leads Products Liability Litig. (D. Minn.)***

Gustafson Gluek was Lead Counsel representing Plaintiffs, who had Medtronic's Sprint Fidelis Leads implanted in them. Plaintiffs alleged that Medtronic's Sprint Fidelis Leads contained serious defects that caused the leads to fracture,



resulting in unnecessary shocks. Ultimately, these cases settled for over \$200 million on behalf of thousands of injured claimants who participated in the settlement. The settlement included a seven-year claim period in which individuals who were registered to participate in the settlement could make a claim if their device failed or was removed within that period for reasons related to the alleged defect.

***Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)***

Gustafson Gluek was appointed Co-Lead Counsel in this MDL representing individuals, who were implanted with certain implantable defibrillators manufactured by Medtronic, Inc. Plaintiffs alleged that these certain Medtronic's implantable cardioverter defibrillators (ICDs), and cardiac resynchronization therapy defibrillators (CRT-Ds) contained serious battery defects, which resulted in a recall of the products at issue. Plaintiffs alleged that Medtronic, Inc. knew about this defect, intentionally withheld important information from the FDA and the public and continued to sell the devices for implantation into patients facing life-threatening heart conditions. Gustafson Gluek, in its role as Co-Lead Counsel, helped secure a settlement of approximately \$100 million for claimants who participated in the settlement.

**Intellectual Property & Patent Misuse**

***Augmentin Litig. (E.D. Va.)***

Gustafson Gluek represented a class of direct purchasers of the pharmaceutical drug, Augmentin. Plaintiffs alleged that defendant GlaxoSmithKline violated the antitrust laws by unlawfully maintaining its monopoly over Augmentin and preventing the entry of generic equivalents. Gustafson Gluek helped recover \$62.5 million for the class.

***Dryer, et al., v. National Football League (D. Minn.)***

The U.S. District Court for the District of Minnesota appointed Gustafson Gluek Lead Settlement Counsel in *Dryer v. NFL*. In that capacity, Gustafson Gluek represented a class of retired NFL players in protecting their rights to the use of

their likenesses in marketing and advertising. Gustafson Gluek helped secure a settlement with the NFL that created unprecedented avenues of revenue generation for the class.

***In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig. (E.D.N.Y.)***

Gustafson Gluek represented a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs alleged that defendant Allergan engaged in a multifaceted conspiracy to delay generic competition for its brand-name drug Restasis. Gustafson Gluek helped recover \$30 million for the class.

***Spine Solutions, Inc., et al. v. Medtronic Sofamore Danek, Inc., et al. (W.D. Tenn.)***

Gustafson Gluek was one of the counsel representing the plaintiff, Spine Solutions, Inc. and Synthes Spine So., L.P.P., in a patent litigation against Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Donek, USA. The patent at issue in that case involved technology relating to spinal disc implants. This case went to trial in November 2008 and a jury verdict was returned in favor of our clients. The jury found willful infringements and awarded both lost profits and reasonable royalty damages to our clients.

***In re Wellbutrin SR Antitrust Litig. (E.D. Pa.)***

Gustafson Gluek played an integral role in this pharmaceutical class action. The firm represented direct purchasers of Wellbutrin SR, who alleged that defendant GlaxoSmithKline defrauded the U.S. Patent and Trademark Office and filed sham lawsuits against its competitors, which delayed the availability of the generic version of Wellbutrin SR to consumers. As a result of this delay, Plaintiffs alleged that they paid more for Wellbutrin SR than they would have if the generic version had been available to them. Gustafson Gluek was actively involved in the investigation, discovery, motion practice, and trial preparation for this case and served an essential role in the mediation that resulted in a \$49 million settlement to the direct purchasers.

## **APPELLATE ADVOCACY**

Gustafson Gluek has experienced, seasoned appellate advocates who can assist in getting the right result. Because Gustafson Gluek attorneys have tried complex cases to jury and bench verdicts, they understand how important the trial court is to a successful appeal.

Gustafson Gluek's appellate attorneys draw from many years of experience practicing before courts at every level of the state and federal system. They have successfully briefed and argued a variety of complex class and non-class cases and been called upon by peers to assist in the appellate process for their clients as well. In addition, they have frequently written briefs and appeared as amicus curiae (friend of the court) on behalf of several professional organizations.

Gustafson Gluek appellate attorneys are admitted to practice in the following appellate courts:

- First Circuit Court of Appeals
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- Minnesota State Court of Appeals
- Minnesota Supreme Court
- United States Supreme Court

The following is a representative list of cases in which Gustafson Gluek attorneys argued before the Eighth Circuit include:

- *Graves, et al v. 3M Company*
- *Bryant, et al. v. Medtronic, Inc., et al.*
- *Dryer, et al. v. National Football League*
- *Graves v. 3M Company*
- *Haddock v. LG Electronics USA, Inc.*
- *Rick, et al. v. Wyeth, Inc., et al.*
- *Karsjens, et al. v. Piper, et al.*
- *LaBrier v. State Farm Fire and Casualty Co.*
- *MN Senior Foundation, et al. v. United States, et al.*
- *Larson v. Ferrellgas Partners*
- *Smith v. Fairview Ridges Hospital*
- *Song v. Champion Pet Foods USA, Inc.*
- *Beaulieu v. State of Minnesota*

## Practice Areas and Current Cases

### Antitrust

Gustafson Gluek PLLC is devoted to the prosecution of antitrust violations. Gustafson Gluek attorneys have litigated antitrust cases in federal and state courts across the United States.

Federal and state antitrust laws are designed to protect and promote competition among businesses by prohibiting price fixing and other forms of anticompetitive conduct. Violations can range from straight forward agreements among competitors to raise prices above competitive prices to complicated schemes that affect relationships between different levels of a market.

Ongoing prosecution of these illegal schemes helps protect the average consumer from being forced to pay more than they should for everyday goods. Below are some representative antitrust cases that Gustafson Gluek is currently involved in:

#### ***Colon v. NCAA (E.D. CA)***

Gustafson Gluek represents a potential class of Division I College Coaches who had been designated by the NCAA as "Volunteer Coaches" and not allowed to receive any wages or benefits for their service. Plaintiffs allege that the NCAA actively suppressed wages of these Division I Collegiate coaches in violation of the federal antitrust laws.

#### ***In re Broiler Chicken Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek is part of the Co-Lead counsel team for class of commercial indirect purchasers such as restaurants. The case alleges chicken suppliers colluded to artificially restrict the supply and raise the price of chicken in the United States. As part of the Co-Lead counsel team, Gustafson Gluek helped defeat several of the defendants' motions for summary judgment, succeeded in

getting the class certified and prepared the case for trial. To date we have helped recover over \$100 million in settlements from seven defendants.

***In re Crop Inputs Antitrust Litig. (E.D. Mo.)***

Gustafson Gluek is Co-Lead counsel representing a class of farmers alleging that manufacturers, wholesalers and retailers conspired to artificially increase and fix the price of crop inputs (e.g., seeds, fertilizers, pesticides) used by farmers.

***In re Deere & Company Repair Services Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek has been appointed as Co-Lead counsel on behalf of a proposed class of farmers who purchased repair services from John Deere. Plaintiff alleges Deere monopolized the market for repair and diagnostic services for its agricultural equipment in order to inflate the price of these services.

***In re Disposable Contact Lens Antitrust Litig. (M.D. Fla.)***

Gustafson Gluek represents a class of individuals who purchased contact lenses made by Alcon, CooperVision, Bausch + Lomb, and Johnson & Johnson. Plaintiffs allege that these manufacturers unlawfully conspired to impose minimum resale price agreements on retailers, which restricts retailers' ability to lower prices to consumers. The class was certified, and Gustafson Gluek attorneys were members of the trial team. Ultimately the case settled with all the defendants and that settlement received final approval from the Court.

***In re Domestic Airline Travel Antitrust Litig. (D.D.C.)***

Gustafson Gluek is part of a team representing passengers of the airlines alleging antitrust violation against various airlines. The court denied defendants' motion to dismiss. Discovery has concluded and summary judgement motions have been submitted. There have been settlements with two of the defendants in this litigation to date.

***In re DPP Beef Litig. (D. Minn.)***

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of direct purchasers of beef. Plaintiffs allege that Cargill JBS, Tyson and National Beef Packing Company conspired to fix and maintain the price of beef in violation of the federal antitrust laws resulting in supracompetitive prices for beef. This litigation is ongoing, but plaintiffs have reached a \$52.5 million settlement with one defendant.

***In re Fragrance Indirect Purchaser Antitrust Litig. (D.N.J.)***

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of indirect purchasers of fragrances and fragrance ingredients. Plaintiffs allege that the world's largest fragrance manufacturers conspired to fix and maintain the price of fragrances and fragrance ingredients in violation of federal and state antitrust laws resulting in supracompetitive prices for plaintiffs and proposed class they seek to represent.

***In re Generic Pharmaceuticals Pricing Antitrust Litig. (E.D. Pa.)***

Gustafson Gluek represents a class of Direct Purchaser Plaintiffs and is part of a team of law firms alleging anti-competitive conduct by more than twenty generic drug manufacturers with respect to more than 100 generic drugs, including drugs used to treat common and serious health conditions such as diabetes and high blood pressure. Cases have been brought on behalf of several distinct groups of plaintiffs, including Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, multiple individual plaintiffs, and the State AGs. There are currently more than a dozen separate cases related to various drugs, which have been organized into three groups for the purposes of case management. The court has denied the motion to dismiss, and discovery is ongoing.

***In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek has been appointed to the Leadership Committee representing a class of publishers who sold digital advertising space via Google. Plaintiffs allege that Google's anticompetitive monopolistic practices led to

digital publishers being paid less for their advertising space than they otherwise would have been paid in a competitive market.

***In re Hard Disk Drive Suspension Assemblies Antitrust Litigation (ND Cal.)***

Gustafson Gluek is representing the End User Purchaser plaintiffs who purchased products containing Hard Disk Drive (“HDD”) Suspension Assemblies. Plaintiffs allege that manufacturers TDK, NHK, and their respective subsidiaries entered into a cartel agreement to fix prices of HDD suspension assemblies. Defendants’ summary judge was denied and motion for class certification is pending. This litigation is ongoing.

***In re Packaged Seafood Products Antitrust Litig. (S.D. Cal.)***

Plaintiffs alleged that a cartel of the largest producers of tuna products in the United States conspired to fix and maintain prices of shelf-stable packaged tuna in violation of federal and state antitrust laws resulting in supracompetitive prices for plaintiffs and the proposed class. Gustafson Gluek represented plaintiffs and a class of end-payer plaintiffs who purchased packaged tuna products.

***In re Pork Antitrust Litig. (D. Minn.)***

Gustafson Gluek has been appointed Co-Lead counsel for a class of indirect purchasers of pork products. Plaintiffs allege that the Defendants violated the federal antitrust laws resulting in supracompetitive prices for pork. The Class was certified and there have been settlements reached with certain defendants for over \$90 million dollars. The litigation continues against the remaining defendants.

***Powell Prescription Center, et al. v. Surescripts, LLC, et al. (N.D. Ill.)***

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of pharmacies alleging that defendants Surescripts, RelayHealth, and Allscripts Healthcare Solutions conspired to monopolize and restrain trade in the e-prescription services market in violation of the antitrust laws. This litigation is



ongoing, but plaintiffs have reached a \$10 million settlement with defendant RelayHealth.

## **Consumer Protection**

Gustafson Gluek PLLC has led class action lawsuits on behalf of consumers alleging consumer protection violations or deceptive trade practices. These cases involve claims related to the false marketing of life insurance, defective hardware in consumer computers, misleading air compressor labeling, and rental car overcharges. Below are some representative cases involving consumer protection claims that Gustafson Gluek is currently litigating:

### ***Broadway v. Kia America, Inc. (D. Minn.)***

Gustafson Gluek represents proposed nationwide classes of people who purchased certain models of Kia and Hyundai automobiles that lack an engine immobilizer which makes those vehicles unsafe and prone to theft.

### ***Crowell, et al., v. FCA USA LLC (D. Del.)***

Gustafson Gluek serves as interim co-lead counsel in case representing individuals who purchased Jeep 4XE vehicles at a substantial premium only to find that the electric battery does not operate as advertised and does not allow the vehicle to drive in electric only mode. The vehicles will get locked out of the battery operation and require a trip to the dealership to repair them.

### ***Gisairo, et al. v. Lenovo (United States) Inc. (D. Minn.)***

Gustafson Gluek represents proposed classes of consumers who purchased various Lenovo laptop computers. These computers suffer from a common hinge failure that renders the products partially or completely useless.

***In re: Nurture Baby Food Litig. (S.D.N.Y.)***

Gustafson Gluek represents proposed nationwide classes of consumers that purchased HappyBaby or HappyTots baby food products. Plaintiffs allege that these baby foods were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

***In re: Pacific Market International, LLC, Stanley Tumbler Litig. (W.D. Wa.)***

Gustafson Gluek serves on the interim executive committee representing a proposed class of individuals who purchased the popular Stanley line of mugs. Unbeknownst to those consumers, Stanley mugs are manufactured using toxic lead.

***In re Plum Baby Food Litig. (N.D. Cal.)***

Gustafson Gluek represents proposed nationwide classes of consumers who purchased Plum Organics baby food products. Plaintiffs allege that these baby foods were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

***In re Recalled Abbott Infant Formula Products Liability Litig. (N.D. Ill.)***

Gustafson Gluek represents proposed nationwide classes of consumers that purchased infant formula products manufactured, marketed, and sold by Abbott. Plaintiffs allege that these baby formula products were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

***In re Theo's Dark Chocolate Litig. (N.D. Cal.)***

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Trader Joe's dark chocolate products. Plaintiffs allege that these dark chocolate products were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

***In re Trader Joe's Co. Dark Chocolate Litig. (S.D. Cal.)***

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Trader Joe's dark chocolate products. Plaintiffs allege that these dark chocolate products were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

***Kevin Brnich Electric LLC, et al. v. Siemens Industry, Inc. (N.D. Ga.)***

Gustafson Gluek represents a proposed class of electricians and consumers who purchased Siemens Ground Fault Circuit Interrupter products. These products are prone to premature nuisance faulting.

***Krohn v. Pacific Market International, LLC (W.D. Wa.)***

Gustafson Gluek represents a proposed class of individuals who purchased the popular Stanley line of mugs. Unbeknownst to those consumers, Stanley mugs are manufactured using toxic lead.

***Thelen, et al, v HP Inc. (D. Del.)***

Gustafson Gluek represents proposed classes of consumer who purchased various HP laptop computers. These computers suffer from a common hinge defect that renders the products partially or completely useless.

## **CONSTITUTIONAL LITIGATION**

Gustafson Gluek is devoted to the protection of the constitutional liberties of all individuals. The Firm has litigated several cases at the federal court level on matters involving civil commitment, police brutality, prisoner mistreatment and government misuse of private property. Below are some representative cases involving constitutional claims that Gustafson Gluek is currently litigating or has recently litigated:

***Doe v. Hanson et al. (Minn.)***

Gustafson Gluek represents a former juvenile resident of Minnesota Correctional Facility – Red Wing who alleges he was sexually assaulted by a staff member over the course of several years. Despite alleged knowledge of the risk of the abuse to the juvenile, the Correctional Facility did nothing to protect the juvenile. A settlement was reached in 2021, which included significant financial compensation for the victim, required additional training for the MCF-Red Wing staff, and 3 policy changes at MCF-Red Wing.

***Carr v. City of Robbinsdale (Minn.)***

Gustafson Gluek represented an individual whose car was seized by the Robbinsdale police. The client was a passenger in her car, when the driver was pulled over and arrested for driving under the influence. The officer seized the car pursuant to Minnesota's civil forfeiture statute. Gustafson Gluek filed a complaint challenging the constitutionality of the Minnesota civil forfeiture laws. However, prior to any meaningful litigation, the parties were able to settle the case.

***Khottavongsa v. City of Brooklyn Center (D. Minn.)***

Gustafson Gluek represented the family of a man killed by Brooklyn Center police in 2015. Gustafson Gluek brought section 1983 claims, alleging the officers used excessive force and ignored his medical needs, and that the City of Brooklyn Center failed to train and supervise the officers. Defendant's motion for summary judgment was largely defeated. The case settled prior to trial.

***Hall v. State of Minnesota (Minn.)***

Gustafson Gluek successfully litigated a case against the State of Minnesota regarding the State's Unclaimed Property Act. On behalf of plaintiffs, the Firm achieved a ruling that a portion of the State's Unclaimed Property Act was unconstitutional and, as a result, the statute was changed, and property returned to individuals.

***Karsjens, et al. v. Jesson, et al. (D. Minn.)***

Gustafson Gluek represents a class of Minnesota's civilly committed sex offenders on a pro bono basis through the Federal Bar Association's Pro Se Project. Gustafson Gluek has been litigating this case since 2012, alleging that Minnesota's civil commitment of sex offenders is unconstitutional and denies the due process rights of the class. After a six-week trial in February and March of 2015, Minnesota District Court Judge Donovan Frank found in favor of the class, ruling that the Minnesota Sex Offender Program (MSOP) is unconstitutional, and ordering that extensive changes be made to the program. That order was reversed on appeal. Gustafson Gluek continues to vigorously advocate for the class on the remaining claims and pursue a resolution that will provide constitutional protections to those civilly committed to the MSOP.

***Jihad v. Fabian (D. Minn.)***

Gustafson Gluek represented an individual bringing suit against the State of Minnesota, the Department of Corrections and others alleging violations of his religious rights relating to his incarcerations in the Minnesota Corrections Facility in Stillwater. Gustafson Gluek was able to secure a settlement for the plaintiff which involved a change in the Department of Corrections policy to provide plaintiff with halal-certified meals at the correction facilities.

***Samaha, et al. v. City of Minneapolis, et al. (D. Minn.)***

Gustafson Gluek is representing several peaceful protestors who were subject to excessive force at the George Floyd protests in May 2020. While peacefully protesting, the plaintiffs were subjected to tear gas, pepper spray and other violence. The case sought declaratory and injunctive relief, including a judgment that the City of Minneapolis has a custom, policy and practice of encouraging and allowing excessive force.

***Wolk v. City of Brooklyn Center, et al. (D. Minn.)***

Gustafson Gluek is representing a peaceful protestor who was subject to excessive force at the Daunte Wright protests in April 2021. While peacefully

protesting, the plaintiff was subjected to tear gas, pepper spray, and was shot by a less lethal munition. The case is on-going and seeks both damages and injunctive relief to change the policies of the law enforcement agencies that were involved.

## **DATA BREACH**

Gustafson Gluek PLLC is actively involved in several major data breach cases across the country. Our attorneys work to protect and defend individuals' sensitive personally identifiable information and hold companies accountable when their online security measures fail to protect that valuable information. Our team works on all aspects of these fast-paced cases from investigating breaches, to litigating cases, to reaching favorable resolutions for our clients. As set forth below, attorneys at Gustafson Gluek serve in key leadership roles representing consumers in regional and national data breach cases.

### ***In re 23AndMe, Inc., Customer Data Security Breach Litigation (N.D. Cal.)***

Gustafson Gluek represents a proposed class of individuals whose sensitive personally identifiable genetic and health information was accessed by unauthorized persons. This case is in its early stages and has recently been consolidated in the Northern District of California.

### ***In re AT&T, Inc. Customer Data Security Breach Litigation (ND. Tex.)***

Gustafson Gluek represents a proposed class of 73 million current and former AT&T customers whose sensitive personally identifiable information was accessed by unauthorized third parties.

### ***Mackey v. UnitedHealth Group Inc. et al. (D. Minn.)***

Gustafson Gluek represents a proposed class of millions of individuals who had their Personally Identifiable Information ("PII") accessed by unauthorized parties. That information was stored and controlled by Change Healthcare, Inc., a

subsidiary of UnitedHealth Group that specializes in payment management services in the healthcare industry. This case is in the early stages of litigation.

***Mekhail v. North Memorial Health Care (D. Minn.)***

Gustafson Gluek serves as counsel representing a proposed class of individuals who had their personally identifiable information (“PII”) tracked on North Memorial’s website and shared with Meta/Facebook for impermissible marketing purposes in contravention to US Department of Health and Human Services guidelines.

***In re Netgain Technology, LLC Consumer Data Breach Litigation (D. Minn.)***

Gustafson Gluek serves on the Interim Executive Committee in this matter, where over 800,000 individuals had their sensitive personal information such as billing information, Social Security numbers, patient identifiers, and more were stolen by cyber criminals.

***Okash v. Essentia Health (D. Minn.)***

Gustafson Gluek serves as counsel representing a proposed class of individuals who had their personally identifiable information (“PII”) tracked on North Memorial’s website and shared with Meta/Facebook for impermissible marketing purposes in contravention to US Department of Health and Human Services guidelines.

***Quaife v. Brady Martz & Associates PC (D. ND)***

Gustafson Gluek has been appointed interim co-lead counsel in a case alleging that individuals had their personally identifiable information (“PII”) accessed by unauthorized third parties. That information was controlled by Defendant Brady Martz & Associates, PC, which is a firm offering accounting, tax, and audit services. The information in question includes financial account numbers, debit/credit card numbers, security codes, passwords, and PINs.

***Salinas, et al. v. Block, Inc. et al. (N.D. Cal.)***

Gustafson Gluek represents a proposed class of millions of consumers whose financial records and information were accessed by unauthorized third parties. This case has reached a proposed settlement valued at \$15 million plus injunctive relief.

**PRODUCT LIABILITY**

Sometimes, consumers are injured by the products they purchase. Products liability is an area of law that seeks to hold manufacturers of products that have injured individuals responsible for the injuries their defective products caused.

These defective products range from medical devices to vehicles to diapers and many others. Gustafson Gluek PLLC represents consumers against the manufacturers of these defective products and has been able to achieve sizable recoveries on behalf of injured individuals. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

***In re FCA US LLC Monostable Electronic Gearshift Litig. (E.D. Mich.)***

Gustafson Gluek serves on the Plaintiffs' Steering Committee and represents individuals who owned or leased 2012-2014 Dodge Chargers, 2014-2015 Chrysler 300s, and 2014-2015 Jeep Grand Cherokees. Plaintiffs allege that these vehicles contain defective gearshifts, which allow vehicles to roll away out of the park position. Issue classes have been conditionally certified.

***Krautkramer et al., v. Yamaha Motor Corporation, U.S.A. (D. Minn.)***

Gustafson Gluek represents a proposed class of individuals who own or lease a range of Yamaha off-road vehicles. Plaintiffs allege that these vehicles are subject to overheating and engine failure due to a defect in the vehicle engines.



***Mackie et al v. American Honda Motor Co., Inc. et al. (D. Minn.)***

Gustafson Gluek represents a proposed class of consumers who purchased or leased 2019-2021 Honda CR-V and Civic vehicles, and 2018-2021 Accord vehicles equipped with “Earth Dreams” 1.5L direct injection engines. Plaintiffs allege that these vehicles contain an engine defect which causes fuel contamination of the engine oil resulting in oil dilution, decreased oil viscosity, premature wear and ultimate failure of the engines, engine bearings, and other internal engine components, and an increased cost of maintenance.

***Reynolds, et al., v. FCA US, LLC (E.D. Mich.)***

Gustafson Gluek represents a proposed class of individuals who owned or leased 2018-2020 Jeep Wrangler and 2020 Jeep Gladiator vehicles. Plaintiffs allege that these vehicles contain a defective front axle suspension system that causes the steering wheel to shake violently while operating at highway speeds.

***Rice v. Electrolux Home Prod., Inc. (M.D. Pa.); Gorczynski v. Electrolux Home Products, Inc. (D.N.J.)***

Gustafson Gluek represents classes of individuals who own an Electrolux microwave with stainless-steel handles. Plaintiffs in these cases allege that these certain microwaves, which were sold to be placed over a cooktop surface, have stainless steel handles that can heat to unsafe temperatures when the cooktop below is in use.

***Woronko v. General Motors, LLC (E.D. Mich.)***

Gustafson Gluek represents a proposed class of individuals who owned or leased 2015-2016 Chevrolet Colorado and GMC Canyon vehicles. Plaintiffs allege that these vehicles are equipped with a defective electrical connection that causes the vehicles to lose power steering while driving under a variety of conditions. This case is in the initial pleading stage.

## Pro Bono & Community

Gustafson Gluek recognizes that those who provide legal services are in a unique position to assist others. The Firm and its members strongly believe in giving back to the community by providing legal services to those in need. The law can make an immense difference in an individual's life; however, effectively navigating the legal system is not an easy task. Providing pro bono legal services promotes access to justice, by giving counsel to those who otherwise would not have it.

In keeping with this commitment to providing representation to those who otherwise do not have access to representation, Dan Gustafson was one of four lawyers who helped develop and implement the Minnesota *Pro Se* Project for the Minnesota Chapter of the Federal Bar Association. Because the Federal Bar Association did not have funding for the project, Gustafson Gluek volunteered to administer the Project during its inaugural year, starting in May 2009, devoting extensive resources to matching pro se litigants with volunteer counsel. In 2010, Chief Judge Michael Davis of the District of Minnesota awarded Dan Gustafson a Distinguished Pro Bono Service Award for "rising to the Court's challenge of bringing the idea of the *Pro Se* Project to fruition and nurturing the Project into its current form." Gustafson Gluek has continued representing clients through the *Pro Se* Project since that time.

## **Gustafson Gluek Supports the Following Volunteer Organizations**

- American Antitrust Institute
- The American Constitutional Society
- Association of Legal Administrators – MN Chapter
- Children's Law Center
- Cookie Cart
- COSAL
- Division of Indian Work
- Domestic Abuse Project
- Federal Bar Association
- Federal *Pro Se* Project
- Great North Innocence Project
- Hennepin County Bar Association
- Innocence Project of MN
- Infinity Project
- Lawyers Concerned for Lawyers
- Minnesota Hispanic Bar Association
- Minnesota Paralegal Association
- Minnesota State Bar Association
- Minnesota Women Lawyers
- MN Chapter of the Federal Bar Association
- Page Education Foundation
- Southern MN Regional Legal Services
- The Fund For Mid-Minnesota Legal Aid
- Volunteer Lawyers Network
- Twin Cities Diversity In Practice

## **OUR PROFESSIONALS**

## DANIEL E. GUSTAFSON

Daniel E. Gustafson is a founding member of Gustafson Gluek PLLC. Mr. Gustafson has dedicated his career to helping individuals and small businesses litigate against large corporations for various antitrust, product defect or consumer fraud violations. He has also strived to use his legal skills to represent those who cannot otherwise afford a lawyer. Mr. Gustafson served as an appointed public defender in federal court, he was involved in helping develop the Federal Bar Association's *Pro Se* Project, which coordinates volunteer representation for *pro se* litigants, and he has spent thousands of hours representing individuals on a *pro bono* basis.



In 2019, he was given a lifetime achievement award by the United States District Court for the District of Minnesota, Minnesota Chapter of the Federal Bar Association and the *Pro Se* Project for his exemplary *pro bono* work and extraordinary support of the *Pro Se* Project.

Mr. Gustafson is admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Michigan, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Eighth and Eleventh Circuits, the Minnesota Supreme Court and in the United States Supreme Court.

Mr. Gustafson was an adjunct professor at the University of Minnesota Law School for many years, teaching a seminar long course on the “Fundamentals of Pretrial Litigation.”

Mr. Gustafson is a past president of the Federal Bar Association, Minnesota Chapter (2002-2003) and served in various capacities in the Federal Bar Association over the last several years. He was the Vice-Chair of the 2003 Eighth Circuit Judicial Conference held during July 2003 in Minneapolis (Judge Diana E. Murphy was the Chair of the Conference). He is a member of the Hennepin County, Minnesota, Federal, and American Bar Associations.

In September 2011, Mr. Gustafson testified before the House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet regarding the proposed merger between Express Scripts and Medco. Mr. Gustafson also testified before the United States Congressional Commission on Antitrust Modernization in June 2005. In addition to congressional testimonies, Mr. Gustafson has authored or presented numerous seminars and continuing legal education pieces on various topics related to class action litigation, antitrust, consumer protection or legal advocacy.

Mr. Gustafson served as a law clerk to the Honorable Diana E. Murphy, United States District Judge for the District of Minnesota (1989-91). Following his judicial clerkship, Mr. Gustafson worked in the fields of antitrust and consumer protection class action litigation. In May 2003, Mr. Gustafson formed Gustafson Gluek PLLC where he continues to practice antitrust and consumer protection class action law.

Mr. Gustafson has been actively involved in many cases, in which he, or the Firm, has been named Lead Counsel, Co-Lead Counsel, Co-Lead Trial Counsel, or Settlement Counsel, including:

- *In re Granulated Sugar Antitrust Litig.* (D. Minn)
- *In re Change Healthcare Customer Data Security Breach Litig.* (D. Minn.)
- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *3M Earplugs Litig.* (Minn.)
- *In re Syngenta Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill.)

- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *Precision Assocs. Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re DRAM Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *Rydman v. Champion Petfoods* (W.D. Wash.)

### **Additional Background Information**

#### **Education:**

- Juris Doctorate (1989)
  - University of Minnesota Law School
- Bachelor of Arts (1986)
  - University of North Dakota

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the First, Second, Third, Fifth, Sixth, Eighth, Tenth and Eleventh Circuits
- U.S. Supreme Court

#### **Recognition:**

- Selected by *Minnesota Lawyer* as Minnesota Icon Honoree (2023)
- Richard S. Arnold Award for Distinguished Service (2021)
- Pro Se Project Lifetime Achievement Award (2019)
- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2001 - 2023)
- Selected by *Minnesota Lawyer* as Attorney of the Year (2010, 2013, 2017)

- Ranked in the “Top 100 Minnesota Lawyers” by *Super Lawyer* (2012-2024)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020, 2024)
- American Antitrust Institute Meritorious Service Award (2014)
- Director of The Fund for Legal Aid Board (2014-2018)
- Infinity Project Board Member (2015)
- MWL President's Leadership Circle (2013-2014)
- UST School of Law Mentor (2014-2015)
- AAI Annual Private Enforcement Award and Conference Committee Member (2014-2016)



## KARLA M. GLUEK

Karla M. Gluek is a founding member of Gustafson Gluek PLLC. Ms. Gluek has been practicing in the areas of antitrust and consumer protection class action litigation since 1995, following her clerkship to the Honorable Gary Larson, District Judge, Fourth Judicial District of Minnesota. Ms. Gluek has spent her career representing individuals and small businesses against large corporations for various antitrust, constitutional, product defect or consumer fraud violations.



In May 2003, Ms. Gluek joined Mr. Gustafson in forming Gustafson Gluek PLLC. In 2020, Ms. Gluek was elected as the Firm Manager for Gustafson Gluek, becoming the first woman to serve in that position at the Firm.

Throughout her law career, Ms. Gluek has also spent thousands of hours representing individuals on a pro bono basis as part of her commitment to justice for all. She has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project.

Ms. Gluek is admitted to practice in the United States District Court for the District of Minnesota and the Eighth Circuit Court of Appeals. She is a member of the Hennepin County, Minnesota, and Federal Bar Associations. Ms. Gluek is also an active member of the Minnesota Women's Lawyers. Ms. Gluek is a Board Member for the Fund for Mid-Minnesota Legal Aid.

She has been recognized several times as a North Star Lawyer for providing at least 50 hours of pro bono legal services in a calendar year to individuals with need. She has assisted in the representation of *pro se* litigants through the Federal Bar Association's *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources. She was part of the team at Gustafson Gluek that represented a class of civilly committed sex offenders challenging the

constitutionality of Minnesota's commitment statutes in *Karsjens et al v. Jesson* (D. Minn.).

Ms. Gluek has been designated as a Minnesota "Super Lawyer" from 2011-2023 and has twice been selected as one of *Minnesota Lawyer's* Attorneys of the Year. Ms. Gluek was also named in the inaugural class of Top Women in Law by *Minnesota Lawyer* in 2023.

Ms. Gluek has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *3M Company Earplugs Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill) *In re Regents of the University of Minnesota Data Litig.* (Minn.)
- *In re Syngenta Litig.* (Minn.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *Rydman v. Champion Petfoods* (W.D. Wash.)

### Additional Background Information

#### Education:

- Juris Doctor (JD)
  - William Mitchell College of Law
    - *cum laude*, J.D. (1993)
- Bachelor of Arts (BA)

- o University of St. Thomas (1990)

**Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

**Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2011 – 2023)
- Selected by *Minnesota Lawyer* as an Attorney of the Year (2014, 2017)
- Selected by *Minnesota Lawyer* as a Top Women in Law (2023)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020, 2021, 2023)

## DAVID A. GOODWIN

David A. Goodwin is a member of Gustafson Gluek PLLC. When Mr. Goodwin joined the Firm in 2008, he began practicing in the areas of antitrust, securities and consumer protection. Since then, he has represented many small businesses and individuals in litigating their claims against some of the largest companies in the world.



In addition, Mr. Goodwin has served as counsel to many individuals on a pro bono basis through his work with the Minnesota Federal Court's *Pro Se* Project, which matches pro se litigants with pro bono attorneys. Through the *Pro Se* Project, Mr. Goodwin has represented individuals in bringing employment claims, constitutional claims and other civil claims that might otherwise not have been heard.

Mr. Goodwin is admitted to practice in the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Mr. Goodwin is active in the Federal Bar Association on the national level as well as with the Minnesota Chapter. He has served as a National Director of the FBA. He is also a past Chair of the Younger Lawyers Division. Currently, he is an Eighth Circuit Vice President. David is also a Director of the Minnesota Chapter of the FBA, where he serves as the FBA Liaison for the *Pro Se* Project. Mr. Goodwin is also active with the Minnesota State Bar Association, where he has served as a Co-Chair of the Consumer Litigation Section.

Mr. Goodwin is currently or has recently worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *Kevin Brnich Electric LLC et al. v. Siemens Industry Inc.* (N.D. Ga.)
- *In Re: Group Health Plan Litig.* (D. Minn.)
- *Crowell, et al. v. FCA US, LLC* (D. De.)
- *In Re: Kia Hyundai Vehicle Theft Marketing, Sales Practices, and Products Liability Litigation* (C.D. Cal.)
- *Thelen, et al., v. HP, Inc.* (D. De.)
- *Salinas, et al., v. Block, Inc., et al.,* (N.D. Cal.)
- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Krautkramer v. Yamaha Motor Corporation, USA* (D. Minn.)
- *Reynolds, et al., v. FCA US, LLC* (E.D. Mi.)
- *Gisairo v. Lenovo (United States) Inc.* (D. Minn.)
- *Kottemann Orthodontics, P.L.L.C. v. Delta Dental Plans Association, et al.* (D. Minn.)
- *In re: Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Karsjens et al. v. Harpstead, et al.* (D. Minn.)
- *Phillips v. Caliber Home Loans* (D. Minn.)
- *Woronko v. General Motors, LLC* (E.D. Mich.)
- *Dryer et al. v. National Football League* (D. Minn.)
- *National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.)
- *In re: National Prescription Opioids Litig.* (N.D. Oh.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2006)
  - DePaul University College of Law
- Bachelor of Arts (2001)
  - University of Wisconsin

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

**Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2022-2024)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2013 – 2018)
- MSBA North Star Lawyer (2012-2016, 2018, 2020, 2021, 2023)

## JASON S. KILENE

Jason Kilene is a member of Gustafson Gluek PLLC. He is a graduate of the University of North Dakota (B.A. 1991) and a graduate of the University of North Dakota School of Law (J.D., *with distinction*, 1994).

Mr. Kilene joined Gustafson Gluek in 2003 and became a member shortly thereafter. Prior to joining Gustafson Gluek, Mr. Kilene served as a law clerk to the Honorable Bruce M. Van Sickle, United States District Judge for the District of North Dakota.

Following his clerkship, Mr. Kilene represented numerous clients in the areas of commercial and complex litigation. Since then, Mr. Kilene has continued his practice in the areas of antitrust, consumer protection and other complex litigation.

Mr. Kilene is admitted to the Minnesota Bar, North Dakota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the District of North Dakota. He is also a member of the Hennepin County, Minnesota, North Dakota, and Federal Bar Associations.

Mr. Kilene currently represents individuals and businesses harmed by anticompetitive business practices. He was part of the trial team that successfully recovered damages suffered by his clients due to alleged defective software in *In re J.D. Edwards World Solutions Company, (AAA)* (trial counsel for plaintiffs Quantegy and Amherst). Mr. Kilene also plays a significant role in identification, investigation, initiation and development of complex class action matters, along with his significant involvement with client relations.

Mr. Kilene has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:



- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Transpacific Passenger Air Transportation Antitrust Litig.* (N.D. Cal.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Pa.)
- *In re Payment Card Interchange Fee and Merchant Discount Litig.* (E.D.N.Y.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Penn.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drive Antitrust Litig.* (N.D. Cal.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (1994)
  - University of North Dakota School of Law
    - with distinction
- Bachelor of Arts (2016)
  - University of North Dakota

#### **Court Admissions:**

- Minnesota Supreme Court
- United States District Court for the District of MN
- North Dakota Supreme Court
- United States District Court for the District of ND



## JOE NELSON

Joe Nelson joined Gustafson Gluek PLLC as an associate in November 2022 after clerking for the Honorable Kate Menendez at the United States District Court for the District of Minnesota and the Honorable James B. Florey at the Minnesota Court of Appeals.

Since joining the Firm, Mr. Nelson has been practicing in the areas of antitrust, product defect, consumer protection and civil rights. He has delved into constitutional issue for pro bono cases at Gustafson Gluek and has been investigating potential product defect cases.



Mr. Nelson graduated *cum laude* from Mitchell-Hamline School of Law in 2019. While in law school, he served as an editor on the Mitchell-Hamline Law Review and volunteered with the Self-Help Clinic, which helps individuals represent themselves in court. He also clerked for a Twin Cities plaintiff's employment law firm.

Mr. Nelson is committed to the protection of civil rights, consumer safety, and fair competition.

### Additional Background Information

#### Education:

- Juris Doctor (2019)
  - Mitchell-Hamline School of Law
    - Editor: Minnesota Mitchell-Hamline Law Review
- Bachelor of Arts (2014)
  - Saint John's University

**Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

**Exhibit 5<"**

F gencvkkp"qh'Terence R. Coates."  
Markovits Stock & DeMarco, LLC"

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation

Case No. 23-cv-00267 (JWB/DJF)

**DECLARATION OF TERENCE R.  
COATES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES  
AND CLASS REPRESENTATIVE  
AWARDS**

I, Terence R. Coates, declare:

1. I am the managing partner of the law firm Markovits, Stock & DeMarco, LLC ("MSD") and one of Plaintiffs' Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. I have been practicing law since 2009 and have 16 years of experience handling complex class action cases. I am currently the President-Elect of the Cincinnati Bar Association's Board of Trustees and the Executive Director of the Potter Stewart Inn of Court. I am a frequent speaker for the plaintiffs' perspective on recent trends in data privacy class action cases having participated as a panel speaker The Sedona Conference Working Group 11 Midyear Meeting 2022 "Emerging issues in privacy and cybersecurity class action litigation" in Cleveland, Ohio on November 3, 2022; Trial Lawyers of Mass Tort's conference in Big Sky, Montana in March 2023; the NetDiligence cybersecurity summit in Ft. Lauderdale, Florida in February 2023; the Beazley Insurance national conference in Ft. Lauderdale, Florida in March 2023; the JAMS roundtable for selecting mediators in September 2023; Trial Lawyers of Mass Tort's conference in Cabo, Mexico

in December 2023; Class Action Money & Ethics Conference in New York, New York in May 2024; HarrisMartin Conference in Nashville, Tennessee in September 2024 (Data Privacy Cases are Much More Than Data Breach); The Geneva Association 2024 Cyber Conference in New York, New York panel on “Evolving Third-Party Liabilities in Cyber” on November 12, 2024; the Trial Lawyers of Mass Tort’s conference in Cabo, Mexico on November 21, 2024 panel moderator on “Recent Issue in Data Breach Litigation,” and Class Action Money & Ethics Conference in New York, New York in May 2025. Furthermore, I am participating as a member of Plaintiffs’ Counsel/Class Counsel in over 70 data breach and data privacy cases pending around the country, including, but not limited to, having served as Class Counsel/ plaintiffs’ counsel in *In re Advocate Aurora Health Pixel Litigation*, No. 22-CV-1253-JPS (E.D. Wis.) (class counsel for a \$12.225 million data pixel privacy class action settlement); *Tracy v. Elekta, Inc.*, No. 1:21-cv-2851 (N.D. Ga.) (class counsel in \$8,900,000 data privacy class action settlement); *Sherwood v. Horizon Actuarial Services, LLC*, No. 1:22-cv-1495 (N.D. Ga) (class counsel for an \$8,733,446.36 data breach class action settlement); *In re Novant Health, Inc.*, No. 1:22-CV-00697 (M.D.N.C.) (member of plaintiffs’ counsel conducting the oral argument in support of final approval of a \$6,660,000 million data pixel privacy class action settlement); *Durgan v. U-Haul Int’l Inc.*, No. 2:22-cv-01565 (D. Ariz.) (class counsel for \$5,085,000 data breach class action settlement); *Owens v. U.S. Radiology Specialist, Inc.*, No. 22 CVS 17797 (Mecklenburg County Superior Court, North Carolina) (class counsel for \$5,050,000 data breach class action settlement); *In re U.S. Vision Data Breach Litig.*, No. 1:22-cv-6558 (D.N.J) (class counsel for Nationwide Sightcare class members for a

\$3.45 million data breach class action settlement); *Phillips v. Bay Bridge Administrators, LLC*, No. 23-cv-00022 (W.D. Tex.) (sole class counsel for a \$2,516,890 data breach class action settlement).

3. As a member of Plaintiffs' Counsel, my firm has been involved in many aspects of this litigation from the initial investigation to the present. MSD has completed the following tasks in prosecuting this matter on behalf of Plaintiffs and the preliminarily-approved Class:

- a. Researching causes of action for the complaint;
- b. Drafting and editing the detailed complaint;
- c. Legal research and writing relating to the motion to dismiss;
- d. Responding to discovery requests;
- e. Communicating with Class Counsel regarding case strategy;
- f. Reviewing the class member information received from Defendant for settlement purposes;
- g. Drafting the settlement documents including the settlement agreement, notices, and motion for preliminary approval; and,
- h. Communicating with Plaintiffs.

4. The following represents the professionals from MSD who have expended time and efforts in pursuit of Plaintiffs' case over the course of this matter through May 23, 2025, position at MSD, years of experience, hours of work on behalf of Plaintiffs in this matter, current hourly rate, and resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Terence R. Coates	Managing Partner	16	100.9	\$795-\$895	\$86,912.00
Dylan J. Gould	Attorney	7	28.3	\$530-\$590	\$15,517.00
Jonathan T. Deters	Attorney	10	7.5	\$530-\$590	\$4,324.00
Spencer D. Campbell	Attorney	2	20.9	\$375-450	\$9,147.00
Isabel DeMarco	Attorney	2	4.8	\$430	\$2,064.00
Ashley S. Paver	Paralegal	n/a	5.3	\$200	\$1,060.00
Brandy Mathews	Paralegal	n/a	1.5	\$185-\$190	\$284.00
<b>TOTALS:</b>			<b>169.2</b>		<b>\$119,308.00</b>

5. I reviewed MSD's detailed time entries and can confirm that the hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' Class, and non-duplicative.

6. MSD generally spent time working on this matter under the following six general categories: (1) case investigation; (2) client communications; (3) case strategy; (4) legal research and drafting; (5) mediation/settlement discussions; and (6) discovery. Below are charts for each MSD timekeeper identifying the amount of time and lodestar per each of the six general time categories:

***Terence R. Coates***

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	.2	\$159.00

2. Client Communications	1.3	\$1,033.50
3. Case Strategy	25.4	\$20,668.50
4. Legal Research and Drafting	34.7	\$29,999.00
5. Mediation/Settlement Discussions	34.1	\$30,357.00
6. Discovery	5.2	\$5,695.00
<b>TOTAL</b>	<b>100.9</b>	<b>\$87,912.00</b>

*Dylan J. Gould*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	0.1	\$59.00
4. Legal Research and Drafting	14.1	\$8,319.00
5. Mediation/Settlement Discussions		
6. Discovery	14.1	\$7,139.00
<b>TOTAL</b>	<b>28.3</b>	<b>\$15,517.00</b>

*Jonathan T. Deters*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	6.6	\$3,793.00



4. Legal Research and Drafting	.9	\$531.00
5. Mediation/Settlement Discussions		
6. Discovery		
<b>TOTAL</b>	<b>7.5</b>	<b>\$4,324.00</b>

*Spencer D. Campbell*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation		
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting	20.9	\$9,147.00
5. Mediation/Settlement Discussions		
6. Discovery		
<b>TOTAL</b>	<b>20.9</b>	<b>\$9,147.00</b>

*Isabel DeMarco*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation		
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting	3.7	\$1,591.00
5. Mediation/Settlement Discussions		

6. Discovery	1.1	\$473.00
<b>TOTAL</b>	<b>4.8</b>	<b>\$2,064.00</b>

*Ashley S. Paver*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation		
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting	5.3	\$1,060.00
5. Mediation/Settlement Discussions		
6. Discovery		
<b>TOTAL</b>	<b>5.3</b>	<b>\$1,060.00</b>

*Brandy Mathews*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation		
2. Client Communications	1.5	\$284.00
3. Case Strategy		
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Discovery		
<b>TOTAL</b>	<b>1.5</b>	<b>\$284.00</b>

7. MSD has not received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case. MSD has \$200 in expenses for two pro hac applications in this matter.

8. The hourly hours reflected above are MSD's customary rates and similar to those utilized for lodestar cross-check purposes recently when courts have approved my firm's attorneys' fees request in data privacy class action cases. *See In re Novant Health, Inc.*, Declaration of Terence R. Coates in Support of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards to the Class Representatives (ECF 61-2; Mar. 20, 2024) (including a lodestar chart reflecting the customary hourly rates generally utilized in this case) and *In re Novant Health, Inc.*, No. , 2024 WL 3028443, at \*12 (M.D.N.C. June 17, 2024) (approving billing rates ranging "from approximately \$200 to \$1,000 an hour" during a lodestar crosscheck while noting that "[c]ourts often recognize national market rates when deciding reasonable billing rates for complex class action litigation.") (Internal citation omitted); *Durgan v. U-Haul Int'l Inc.*, No. CV-22-01565-PHX-MTL, Doc. 60, Final Order and Judgment (D. Ariz. Oct. 25, 2024) and Declaration of Terence R. Coates in Support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Class Representative Service Awards (Doc. 56-1, ¶¶ 21-32); *Phelps v. Bay Bridge Administrators, LLC*, No. 1:23-cv-022, Doc. 53 (W.D. Tex. July 30, 2024) (awarding attorneys' fees of 1/3 of the \$2,516,890 settlement fund in a data breach class action settlement); *Bae v. Pacific City Bank*, No. 21STCCV45922 (Los Angeles County Superior Court, CA; June 20, 2024) (same); *Owens v. U.S. Radiology Specialists, Inc.*, No.

22 CVS 17797 (Mecklenburg County Superior Court, NC; May 15, 22014); *Pederson v. AAA Collections, Inc.*, No. 4:22-cv-4166, Doc. 54 (D.S.D. Mar. 26, 2024); *Vansickle v. C.R. England, Inc.*, No. 2:22-cv-0374, Doc. 58 (D. Utah Mar. 21, 2024).

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 26st day of May 2025 in Cincinnati, Ohio.

*s/ Terence R. Coates*  
Terence R. Coates

Attorney for Plaintiffs

**Exhibit 6<"**

F gencvkkp"qh"Joseph M. Lyon.  
The Lyon Firm'"

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation	Case No. 23-cv-00267 (JWB/DJF)  <b>DECLARATION OF JOSEPH M. LYON IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND CLASS REPRESENTATIVE AWARD</b>
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I, Joseph M. Lyon, declare:

1. I am a founder and principal attorney at The Lyon Firm, ALC and one of Plaintiffs' Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following chart represents the professionals from The Lyon Firm who have contributed billed time to Plaintiffs' case over the course of this matter through May 21, 2025, and their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Joseph Lyon	Partner	21 years	23.60	\$725.00	\$17,110.00
Clint Watson	Associate	21 years	20.30	\$695.00	\$14,108.50
Kevin Cox	Associate	5 years	21.50	\$425.00	\$9,137.50
Alex Reid	Associate	1 year	2.60	\$425.00	\$1,105.00
Keianna Coulter	Paralegal		0.9	\$175.00	157.50

John Williamson	Paralegal		0.1	\$175.00	\$17.50
Diana Soto	Paralegal		0.1	\$175.00	\$17.50
<b>TOTALS:</b>			<b>69.10</b>		<b>\$41,653.50</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.

4. Below are charts for each of The Lyon Firm's timekeepers identifying the amount of time and lodestar per each of the eight general time categories:

***Joseph M. Lyon - Partner***

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	2.5	\$1,812.50
2. Client Communications		
3. Case Strategy	3.0	\$2,175.00
4. Legal Research and Drafting	6.4	\$4,640.00
5. Mediation/Settlement Discussions	4.4	\$3,190.00
6. Court Hearings		
7. Communications with Defendant		
8. Discovery	7.3	\$5,292.50
<b>TOTAL</b>	<b>23.60</b>	<b>\$17,110.00</b>

***Clint Watson – Senior Associate Attorney***

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications		
3. Case Strategy	0.5	\$347.50
4. Legal Research and Drafting	19.8	\$13761.00
5. Mediation/Settlement Discussions		

6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>20.30</b>	<b>\$14,108.50</b>

*Kevin M. Cox – Associate Attorney*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	10.7	\$4,547.50
2. Client Communications		
3. Case Strategy	.9	\$382.50
4. Legal Research and Drafting	4.9	\$2,082.50
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery	5.0	\$2,125.00
<b>TOTAL</b>	<b>21.50</b>	<b>\$9,137.50</b>

*Alex Reid – Associate Attorney*

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	2.6	\$1,105.00
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>2.60</b>	<b>\$1,105.00</b>



*Keianna Coulter - Paralegal*

<u>Time Keeping Category</u>	<u>Amount of Time</u>	<u>Lodestar Amount</u>
1. Case Investigation	0.4	\$70.00
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting	0.5	\$87.50
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>0.9</b>	<b>\$157.50</b>

*John Williamson – Paralegal*

<u>Time Keeping Category</u>	<u>Amount of Time</u>	<u>Lodestar Amount</u>
1. Case Investigation	0.1	\$17.50
2. Client Communications		
3. Case Strategy		
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>0.1</b>	<b>\$17.50</b>

*Diana Soto - Paralegal*

<u>Time Keeping Category</u>	<u>Amount of Time</u>	<u>Lodestar Amount</u>
1. Case Investigation		
2. Client Communications		
3. Case Strategy		

4. Legal Research and Drafting	0.1	\$17.50
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	<b>0.1</b>	<b>\$17.50</b>

5. Neither the undersigned nor The Lyon Firm have not received any compensation since the inception of this action and have borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. I have represented Plaintiffs in over a hundred class action cases as Lead Counsel, on Executive and Steering Committees, and as a member of Class Counsel, including serving as Co-Lead Counsel in *In Re Southern Ohio Health System Data Breach*, Case No:A210886 (Hamilton County, OH) (co-lead counsel; Final Approval granted for nationwide non-reversionary common fund settlement of \$1.95 million); *Devine v. Health Aid of Ohio*, Case No: CV-21-948117(Cuyahoga County, OH) (co-lead counsel; Final Approval granted in data breach class action for claims made settlement valued at \$12.5 million); *Engle v. Talbert House*, No. A 2103650 (Hamilton County, OH) (co-lead counsel; Final approval granted for nationwide claims made settlement providing monetary benefits and additional identity theft protection valued at \$11,440,000.00); *Migliaccio v. Parker Hannifin Corp.*, Case No. 1:22-cv-00835 (N.D. Ohio) (co-Lead Class Counsel in data breach class action impacting over 100,00 current and former employees; Final approval granted for \$1.75 million non-reversionary fund); *Tucker v. Marietta Area Health Care, Inc.*, No. 2:22-cv-00184 (S.D. Ohio) (co-lead class counsel in data breach class action

impacting over 200,000 patients; Final approval granted for \$1.75 million non-reversionary common fund); *Rodriquez v. Professional Finance Co., Inc.*, Case No: 1:22-cv-01679 (Dist. Co.) (co-lead class counsel in data breach action impacting over a million customers; Final approval granted for \$2.5 million non-reversionary fund); *Forslund v. R.R. Donnelley & Sons Co.*, Case No: 1:22-cv-04260 (N.D. IL) (interim co-lead Class Counsel in data breach impacting over 100,000 customers; Final approval granted for \$970,000 non-reversionary common fund).

7. The Lyon Firm has had marked success in the field of complex class action litigation across the country.

8. The fee rates of The Lyon Firm in complex class action cases have recently been approved by this Court in *Reynolds v. Concordia Univ., St. Paul*, 0:21-cv-02560-JWB-DTS (filed Nov. 24, 2021).

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 2nd day of May 2025 in Minneapolis, Minnesota.

/s/ Joseph M. Lyon

Joseph M. Lyon

**THE LYON FIRM**

2754 Erie Avenue

Cincinnati, OH 45208

Tel: (513) 381-2333

jlyon@thelyonfirm.com

Attorney for Plaintiffs

**Exhibit 7<"**

F gencv kq p"qh"Stephen R. Bassar."  
Barrack Rodos & Bacine'"

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation	Case No. 23-cv-00267 (JWB/DJF)  <b>DECLARATION OF STEPHEN R. BASSER IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND CLASS REPRESENTATIVE AWARD</b>
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I, Stephen R. Bassar, declare:

1. I am a partner at the law firm of Barrack, Rodos & Bacine and one of Plaintiffs' Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following represents the professionals from the firm of Barrack, Rodos & Bacine who have contributed billed time to Plaintiffs' case over the course of this matter through May 21, 2025, and their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Stephen R. Bassar	Partner	49	40.40	\$995	\$40,198.00
Samuel M. Ward	Partner	24	12.80	\$775	\$9,920.00
Andrew J. Heo	Associate	7	1.40	\$650	\$1,050.00
Gavin R. O'Hara	Paralegal	n/a	6.30	\$200	\$1,417.50
<b>TOTALS:</b>			<b>60.90</b>		<b>\$52,585.50</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.

4. Below are charts for each Barrack, Rodos & Bacine timekeeper identifying the amount of time and lodestar per each of the eight general time categories:

**Stephen R. Basser - Partner**

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
1. Case Investigation	10.5	\$10,447.50
2. Client Communications	.10	\$99.50
3. Case Strategy	2.50	\$2,487.50
4. Legal Research and Drafting	23.20	\$23,084.00
5. Mediation/Settlement Discussions	1.30	\$1,293.50
6. Court Hearings		
7. Communications with Defendant	.20	\$199.00
8. Discovery	2.60	\$2,587.00
<u><b>TOTAL</b></u>	<u><b>40.40</b></u>	<u><b>\$40,198.00</b></u>

**Samuel M. Ward - Partner**

<u><b>Time Keeping Category</b></u>	<u><b>Amount of Time</b></u>	<u><b>Lodestar Amount</b></u>
9. Case Investigation		
10. Client Communications	3.9	\$3,022.50
11. Case Strategy		
12. Legal Research and Drafting	1.5	\$1,162.50
13. Mediation/Settlement Discussions	1.4	\$1,085.00

14. Court Hearings		
15. Communications with Defendant		
16. Discovery	6.0	\$4,650.00
<b><u>TOTAL</u></b>	<b><u>12.80</u></b>	<b><u>\$9,920.00</u></b>

**Andrew J. Heo – Associate**

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation		
2. Client Communications	1.40	\$910.00
3. Case Strategy		
4. Legal Research and Drafting		
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b><u>TOTAL</u></b>	<b><u>\$1.40</u></b>	<b><u>\$1,050.00</u></b>

**Gavin O'Hara – Paralegal**

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	.50	\$100.00
2. Client Communications	.20	\$40.00
3. Case Strategy		
4. Legal Research and Drafting	4.60	\$920.00

5. Mediation/Settlement Discussions	.50	\$100.00
6. Court Hearings		
7. Communications with Defendant		
8. Discovery	.50	\$100.00
<b><u>TOTAL</u></b>	<b><u>6.30</u></b>	<b><u>\$1,417.50</u></b>

5. The undersigned and the firm of Barrack, Rodos & Bacine have not received any compensation since the inception of this action and have borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. I am, or have in the past, represented Plaintiffs in a variety of pixel privacy and data breach class action cases, including *John Doe, et al. v. Cedars-Sinai Health System, et al.*, privacy/pixel related lawsuit, Los Angeles Superior Court, Case No. 22STCV41085; *In re Forefront Data Breach Litigation*, Master File No. 1:21-cv-00887-LA, (E.D. Wis.); *Lincare Holdings Data Breach Litig.*, Case No. 8:22-cv-01472 (M.D. Fla.); *In re Shields Health Group Data Breach Litig.*, Case No. 1:22-cv-10901 (D. Mass.); *In re Apria Healthcare Data Breach Litig.*, Master File No. 1:22-cv-01003-JPH-KMN (S.D. Ind.); *In re Mr. Cooper Data Breach Litig.*, Case No. 3:23-cv-02453 (N.D. Tex.); *In re Anthem, Inc. Data Breach and Securities Litig.*, Case No. 5:15-MD-02617-LHK, (N.D. Cal.); *In re Premiera Blue Cross Customer Data Breach and Privacy Litig.*, Case No. 3:15-md-2633-SI, (D. Or.); *In re Advocate Aurora Health Pixel Privacy Litig.*, Civil Action No. 2:22-cv-1253-JPS, (E.D. Wis.); and *In re Costco Pixel Privacy Litig.*, Case No. 2:23-cv-01548-JHC, (W.D. Wa.).

7. The Barrack, Rodos & Bacine has had marked success in the field of complex class action litigation for over half a century, including those in Minnesota and many other courts across



the country. Exemplar cases, including recoveries and leadership positions are detailed in the firm resume attached hereto as Exhibit A.

8. The fee rates of Barrack, Rodos & Bacine as noted above in this complex class action were recently approved on April 11, 2025 in a consumer class action titled *Wilson, et al. v. FCA US LLC*, Civil Action No. 4:22-cv-00447 (E.D. Tex.).

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct. Executed this 23rd day of May 2025 in San Diego, California.

s/ Stephen R. Bassar  
Stephen R. Bassar

Attorney for Plaintiffs

## **EXHIBIT A**

# FIRM BIOGRAPHY

**Barrack, Rodos & Bacine** (“BR&B”) has been extensively involved for more than forty years in complex class action and derivative litigation, participating in hundreds of such cases and recovering over **\$15 billion** dollars for class members, including several such actions that alone have secured recoveries in excess of **\$1 billion**. The Firm has concentrated this complex practice in securities, shareholder rights, antitrust, and consumer class actions. The Firm has had significant leadership positions in these litigations, having been appointed by courts as lead counsel in numerous class actions throughout the United States.

## SIGNIFICANT CONSUMER CASES

The Firm has achieved significant recoveries on behalf of class members in consumer cases, including the following:

➤ “Senior Annuity” cases in which BR&B served as a co-lead counsel or participated in the prosecution group, which achieved settlements valued in the aggregate **between \$552 million and \$1.273 billion**, after asserting claims against insurance companies under consumer protection and elder abuse statutes arising from sales and marketing practices and the Racketeer Influenced and Corrupt Organizations Act, including the following:

- *Negrete. et al. v. Allianz Life Insurance Company of North America*, Case No. 05-cv-06838-CAS-MAN (C.D. Cal.), resulted in a claims-made settlement valued between \$251 million and **\$971 million**;

- *In re American Equity Annuity Practices and Sales Litigation*, Case No. 2:05-cv-06735-CAS-MAN (C.D. Cal.), resulted in a settlement valued at approximately **\$129 million**;

- *Rand v. American National Insurance Co.*, Case No. 3:09-cv-0639-WDB (N.D. Cal.), resulted in a settlement valued at more than **\$9 million**;

- *Negrete, et al. v. Fidelity and Guaranty Life Insurance Company*, Case No. 2:05-cv-06837-CAS-MAN (C.D. Cal.), resulted in a settlement valued at approximately **\$52.7 million**;

- *Meadows v. Jackson National Life Insurance Co.*, Case No. 4:12-cv-1380-CW (N.D. Cal.), resulted in a settlement valued at more than **\$11.2 million**;

- *Midland National Life Insurance Co Annuity Sales Practices Litigation*, Case No. 2:07-ml-01825-CAS-MAN (C.D. Cal.), resulted in a settlement valued at **\$79.5 million**; and

- *In re National Western Life Insurance Deferred Annuities Litigation*, Case No. 05-cv-1018-AJB (WVG), resulted in a settlement valued at more than **\$21 million**.

➤ *Rieff v. Evans* (Allied Mutual Insurance Company Demutualization Litigation), Civil Action No. CE 35780 (Polk Cty., Iowa, District Ct.). BR&B, as co-lead counsel for a class of individual mutual insurance company policyholders (as owners of the mutual, similar to

shareholder-owners of a stock company), brought an action against management for, inter alia, conversion of the value of their ownership interests in the mutual under a theory of de facto demutualization. The Iowa Supreme Court upheld the plaintiffs' theory in *Rieff v. Evans*, 630 N.W.2d 278 (Iowa 2001), and the case was subsequently resolved for **approximately \$130 million**.

➤ *Gutierrez v. Charles J. Givens Organization, et al.*, Case No. 667169 (San Diego Cty., California, Superior Court). BR&B, on behalf of the plaintiff and similarly situated class members, achieved a jury verdict in **excess of \$14 million** for the benefit of the plaintiff consumer class.

➤ In *Feller, et al. v. Transamerica Life Insurance Company*, Case No. 16-cv-01378 CAS (AJWx), in the Central District of California, which was ultimately **settled for \$200 million**, BR&B served as interim executive committee counsel.

➤ BR&B is currently serving in a leadership position in consumer class actions, including *In re: Lincoln National COI Litigation*, Case No. 16-cv-06605-GJP (E.D. Pa.) (Chair of Plaintiffs' Steering Committee), and *In re: Lincoln National 2017 COI Rate Litigation*, Case No. 2:17-cv-04150-GJP (E.D. Pa.) (Co-Chair of Plaintiffs' Steering Committee).

➤ In 2017, the Attorney General of the State of New Mexico appointed Stephen R. Bassar, Jeffrey A. Barrack, and Samuel M. Ward of Barrack, Rodos & Bacine as Special Assistant Attorneys General for the purpose of prosecuting an action on behalf of New Mexico consumers against Vivint Solar, Inc., and other defendants for violations of New Mexico Consumer law. The action, *State of New Mexico, ex. Rel., Hector H. Balderas, Attorney General of New Mexico v. Vivint Solar Developer, LLC*, Case No. D-202-CV-2018-01936, was settled in 2020 in exchange for a substantial cash payment and changes to Vivint's marketing and training policies.

➤ Serving as Interim Co-Lead Counsel in *John Doe, et al. v. Cedars-Sinai Health System, et al.*, privacy/pixel related lawsuit, Los Angeles Superior Court, Case No. 22STCV41085.

➤ Served as interim Executive Committee chair in *In re Forefront Data Breach Litigation*, Master File No. 1:21-cv-00887-LA, in the Eastern District of Wisconsin.

➤ Serving as interim Executive Committee member in *In re Lincare Holdings Data Breach Litig.*, Case No. 8:22-cv-01472 (M.D. Fla.).

➤ Serving as interim Executive Committee member in *In re Shields Health Group Data Breach Litig.*, Case No. 1:22-cv-10901 (D. Mass.).

➤ Serving as Interim Executive Committee Counsel in *In re Apria Healthcare Data Breach Litig.*, Master File No. 1:22-cv-01003-JPH-KMN (Southern District of Indiana).

➤ Serving as Interim Executive Committee Counsel in *In re Mr. Cooper Data Breach Litig.*, Case No. 3:23-cv-02453 (Northern District of Texas).

- Served as a member of Plaintiffs' Steering Committee in *In re East Palestine Derailment Litig.*, Case No. 4:23-cv-00242 (N.D. Ohio), which recently settled for **\$600 million**.
- Served as Interim Executive Committee Counsel in *In re Toyota Hybrid Brake Litigation*, Case No. 4:20-CV-00127-ALM, in the Eastern District of Texas.
- Served as Interim Executive Committee Counsel in *Lane, et al. v. Nissan of North America, Inc.*, (*In re Nissan CVT Litigation*) CV-00150, in the Middle District of Tennessee, which settled in 2020 for a valuation of benefits conferred on class members exceeding **\$300 million**.
- Currently serving as Interim Executive Committee Counsel in *In re Evenflo Co., Inc. Marketing, Sales Practices and Products Liability Litigation*, Civil Action No. 1:20md-02938-DJC in the District of Massachusetts.
- Currently serving as Interim Executive Committee Counsel in *In re Chrysler Pacifica Fire Recall Products Liability Litigation*, MDL 3040, Case No. 22-cv-03040, in the Eastern District of Michigan.
- Served as a member of Plaintiffs Science and Expert Subcommittee in *In re Philips Recalled CPAP, Bi-Level PAP and Mechanical Ventilator Products Liability Litig.*, Case No. 2:21-MC-01230-JPC (Western District of Pennsylvania), which recently settled for **\$479 million**.
- *Hernandez, et al. v. Google, Inc., et al.*, Case No. 1-15-CV-280601 (Santa Clara Cty., California, Superior Ct.), before the Honorable Brian C. Walsh. BR&B, on behalf of the plaintiffs and similarly situated purchasers of gift cards issued by Google, Inc. for use in its Google Play Store, prosecuted this action to require defendants to abide by California law with regard to gift cards with less than a \$10.00 balance on them. Pursuant to the settlement reached in the case, which is pending final approval, Google agreed to comply with California law, which requires sellers to refund gift card balances of less than \$10.00 upon request. In addition, Google agreed to (1) provide refunds to all Google Play users who had previously requested, but were denied, such refunds; (2) provide additional training regarding the refund requirements to its customer service representatives; and (3) provide notice of the availability of refunds on its website. Notably, after the filing of the lawsuit, Google revised its payment system, allowing gift card users to combine their gift cards with other forms of payment. The changes adopted by Google pursuant to the settlement are ongoing, providing benefit to millions of Google Play gift card users.

## **SIGNIFICANT ANTITRUST CASES**

The firm has been appointed lead counsel or to the leadership group in many antitrust class action cases, including:

*In re Lithium Ion Batteries Antitrust Litigation*, MDL Docket No. 2420, the Honorable Yvonne Gonzalez Rogers in the Northern District of California;

*In re Fasteners Antitrust Litigation*, MDL Docket No. 1912, the Honorable R. Barclay Surrick in the Eastern District of Pennsylvania;

*In re Publication Paper Antitrust Litigation*, Docket No. 3:04 MDL 1631 (SRU), the Honorable Stefan R. Underhill in the District of Connecticut;

*In re Automotive Paint Refinishing Antitrust Litigation*, MDL No. 1426, the Honorable R. Barclay Surrick in the Eastern District of Pennsylvania;

*Brookshire Brothers, Ltd., et al. v. Chiquita Brands International, Inc., et al.*, Lead Case No. 05-21962-Cooke/Brown, the Honorable Marcia G. Cooke in the Southern District of Florida, Miami Division;

*Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives and Composites, Inc., et al.* (Carbon Fiber Antitrust Litigation), No. CV-99-07796-GHK(Ctx), the Honorable Florence Marie Cooper in the Central District of California, Western Division;

*In re Graphite Electrodes Antitrust Litigation*, Master File No. 97-CV-4182(CRW), the Honorable Charles R. Weiner in the Eastern District of Pennsylvania;

*In re Flat Glass Antitrust Litigation*, Master Docket Misc. No. 970550, MDL No. 1200, the Honorable Donald E. Ziegler in the Western District of Pennsylvania;

*In re New Jersey Title Insurance Litigation*, No. 2:08-cv-01425-GEB, the Honorable Garrett E. Brown in the District of New Jersey;

*In re Bath and Kitchen Fixtures Antitrust Litigation*, Docket No. 05-cv-00510-MAM, the Honorable Mary A. McLaughlin in the Eastern District of Pennsylvania;

*In re Sorbates Antitrust Litigation*, Master File No. C 98-4886 MCC, the Honorable William H. Orrick, Jr. in the Northern District of California;

*In re Sodium Gluconate Antitrust Litigation*, No. C-97-4142CW, the Honorable Claudia Wilken in the Northern District of California;

*In re Vitamins Antitrust Litigation*, MDL No. 1285, the Honorable Thomas F. Hogan in the District of Columbia;

*In re: Metal Building Insulation Antitrust Litigation*, Master File No. H-96-3490, the Honorable Nancy F. Atlas in the Southern District of Texas;

*In re Carpet Antitrust Litigation*, MDL No. 1075, the Honorable Harold L. Murphy in the Northern District of Georgia, Rome Division;

*In re Citric Acid Antitrust Litigation*, Master File No. 95-2963, the Honorable Charles A. Legge in the Northern District of California; and

*Capital Sign Company, Inc. v. Alliance Metals, Inc.*, et al., Civil Action No. 95-CV-6557 (LHP), the Honorable Louis H. Pollak in the Eastern District of Pennsylvania;

*Plastic Cutlery Antitrust Litigation*, Master File No. 96-728, the Honorable Joseph L. McGlynn in the Eastern District of Pennsylvania.

## RECOVERIES ACHIEVED IN ANTITRUST CASES

The Firm has achieved significant recoveries on behalf of class members in antitrust cases, including the following:

- *In re Urethane Antitrust Litigation*, 2:04-md-01616-JWL (D. Kan.). After nearly nine years of litigation and four weeks of trial, the Jury reached a verdict for plaintiffs in excess of **\$400 million** (before trebling) against defendant Dow Chemical Company, and the District Court entered a Judgment of **\$1.06 billion**, which was upheld on appeal by the Tenth Circuit Court of Appeals. While on appeal to the U.S. Supreme Court, the case against Dow settled for **\$835 million**, which was in addition to earlier settlements reached with other defendants. BR&B served as a member of the trial team for the case.
- *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.). In this highly complex litigation, plaintiffs achieved settlements **in excess of \$1 billion**. BR&B served as a member of the executive committee.
- *In re Citric Acid Antitrust Litigation*, Master File No. 95-2963 (N.D. Cal.). After five years of litigation, plaintiffs achieved settlements totaling **over \$80 million**. BR&B served as co-lead counsel.
- *In re Graphite Electrodes Antitrust Litigation*, Master File No. 97-CV-4182 (CRW) (E.D. Pa.). After six years of litigation, plaintiffs achieved settlements totaling **over \$133 million**. BR&B served as co-lead counsel.
- *In re Automotive Refinishing Paint Antitrust Litigation*, MDL No. 1426 (E.D. Pa.). After five years of litigation, plaintiffs achieved settlements totaling **over \$105 million**. See 617 F. Supp.2d 336 (E.D. Pa. 2007). BR&B served as co-lead counsel.
- *In re Sorbates Antitrust Litigation*, No. C 98-4886 (N.D. Cal.). After four years of litigation, plaintiffs achieved settlements in the total amount of **\$96.5 million**. BR&B served as co-lead counsel.
- *Thomas & Thomas Rodmakers, Inc., et al. v. Newport Adhesives and Composites, et al.*, No. CV-99-07796 FMC (RNBx) (C.D. Cal.) (Carbon Fiber Antitrust Litigation). Plaintiffs achieved settlements totaling **\$67.5 million**. BR&B served as co-lead counsel.



- *In re Polypropylene Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.). After five years of litigation, plaintiffs achieved a recovery of **nearly \$50 million**. See 93 F. Supp. 2d 1348 (N.D. Ga. 2000). BR&B served as co-lead counsel.
- *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (E.D. Pa.). After more than seven years of litigation, plaintiffs were successful in maintaining the case on appeal, see 385 F.3d 350 (3d Cir. 2004), and achieved total recoveries of **more than \$120 million**. BR&B served as co-lead counsel.

## SIGNIFICANT SECURITIES AND SHAREHOLDER CASES

Among the many securities law, derivative and fiduciary duty cases where the Firm has been appointed lead counsel in recent years are the following:

*In re Grand Canyon Education, Inc. Securities Litigation*, No. 20-639-MN-CJB, before the Honorable Maryellen Noreika in the District of Delaware;

*Allegheny County Employees' Retirement System v. Energy Transfer LP, et al.*, Case No. 2:20-cv-00200-GAM, before the Honorable Gerald A. McHugh in the Eastern District of Pennsylvania;

*In re Dentsply Sirona, Inc. Securities Litigation*, No. 18-cv-7253 (NG) (PK), before the Honorable Nina Gershon in the Southern District of New York;

*In re WageWorks, Inc. Securities Litigation*, Case No. 4:18-cv-01523-JSW, before the Honorable Jeffrey S. White in the Northern District of California;

*Shenk v. Mallinckrodt PLC, et al.*, No. 1:17-00145-DLF, before the Honorable Dabney L. Friedrich in the District of Columbia;

*In re Roadrunner Transportation Systems, Inc. Securities Litigation*, Case No. 17-cv-144-PP, before the Honorable Pamela Pepper in the Eastern District of Wisconsin;

*In re DFC Global Corp. Securities Litigation*, Civil Action No. 2:13-cv-06731-BMS, before the Honorable Berle M. Schiller in the Eastern District of Pennsylvania;

*Pennsylvania Public School Employees' Retirement System v. Bank of America Corp., et al.*, Civil Action No. 1:11-cv-733-WHP, before the Honorable William H. Pauley, III, in the Southern District of New York;

*In re Omnivision Technologies, Inc. Securities Litigation*, Case No. 5:11-cv-05235, before the Honorable Ronald M. Whyte in the Northern District of California;

*Louisiana Municipal Police Employees Retirement System v. Green Mountain Coffee Roasters et al.*, Case No. 11-cv-00289, before the Honorable William K. Sessions, III, in the District of Vermont;

*In re American International Group Inc. 2008 Securities Litigation*, Master File No. 08-CV-4772-LTS, before the Honorable Laura Taylor Swain in the Southern District of New York;

*In re McKesson HBOC, Inc. Securities Litigation*, No. C-99-20743-RMW, before the Honorable Ronald M. Whyte in the Northern District of California;

*In re WorldCom, Inc. Securities Litigation*, Master File No. 02-Civ-3288 (DLC), before the Honorable Denise L. Cote in the Southern District of New York;

*In re Cendant Corporation Litigation*, Master File No. 98-1664 (WHW), before the Honorable William H. Walls in the District of New Jersey;

*In re Apollo Group, Inc. Securities Litigation*, Master File No. CV 04-2147-PHX-JAT, before the Honorable James A. Teilborg in the District of Arizona;

*In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, Master File No. 07-cv-9633 (LBS)(AJP)(DFE), before the Honorable Jed S. Rakoff in the Southern District of New York;

*In re The Mills Corporation Securities Litigation*, Civil Action No. 1:06-77 (GBL), before the Honorable Liam O'Grady in the Eastern District of Virginia;

*In re R & G Financial Corp. Securities Litigation*, No. 05 cv 4186, before the Honorable John E. Sprizzo in the Southern District of New York;

*In re Bridgestone Securities Litigation*, Master File No. 3:01-0017, before the Honorable Robert L. Echols in the Middle District of Tennessee;

*In re DaimlerChrysler Securities Litigation*, No. 00-0993, before the Honorable Joseph J. Farnan, Jr. in the District of Delaware;

*In re Schering-Plough Securities Litigation*, Master File No. 01-CV-0829 (KSH/RJH), before the Honorable Katherine Hayden in the District of New Jersey;

*In re Pepsi Bottling Group Shareholder Litigation*, C.A. No. 4526-VCS, before the Honorable Leo E. Strine, Jr. in the Delaware Court of Chancery;

*In re Nationwide Financial Services Litigation*, Case No. 2:08-CV-00249, before the Honorable H. Michael Watson, in the Southern District of Ohio;

*In re Chiron Shareholder Deal Litigation*, Case No. RG 05-230567, before the Honorable Robert B. Freedman in the California Superior Court for Alameda County; and

*Dennis Rice v. Lafarge North America, Inc., et al.*, Civil No. 268974-V, before the Honorable Michael D. Mason in the Circuit Court for Montgomery County, Maryland.

## RECOVERIES ACHIEVED IN SECURITIES AND SHAREHOLDER CASES

The Firm has achieved significant recoveries on behalf of class members, including institutional clients, in more than 50 cases since passage of the PSLRA, including the following:

### Securities Class Actions

➤ *In re WorldCom, Inc. Securities Litigation*, Master File No. 02 Civ. 3288 (DLC) (S.D.N.Y.). BR&B, as co-lead counsel for lead plaintiff the Comptroller of the State of New York, the sole Trustee for the New York State Common Retirement Fund (“NYSCRF”), negotiated **\$6.19 billion** in settlements with defendants, including a settlement with the company’s outside auditor, Arthur Andersen LLP, after nearly five weeks of trial. The recovery is the largest ever achieved in the Southern District of New York and in the Second Circuit.

➤ *In re Cendant Corporation Litigation*, Civil Action No. 98-1664 (WHW) (D.N.J.). BR&B, as co-lead counsel, represented co-lead plaintiffs NYSCRF and the California Public Employees’ Retirement System. This litigation was settled for \$3.18 billion – which, at the time, was by far the largest recovery ever achieved in a class action under the securities laws – plus a contingency that brought the total recovery to **\$3.32 billion**. The \$335 million settlement with Ernst & Young, the outside auditor for one of the Cendant predecessor companies, continues to stand as the largest recovery from an accounting firm in a securities class action. The recovery is the largest ever achieved in the District of New Jersey and in the Third Circuit.

➤ *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. CV-99-20743 RMW (N.D. Cal.). BR&B, as co-lead counsel, represented the NYSCRF as sole lead plaintiff. BR&B vigorously prosecuted the case against the company, its management, HBOC, Inc.’s former auditor, Arthur Andersen LLP, and Bear Stearns & Co., Inc., which had issued a fairness opinion in connection with the merger between McKesson and HBOC. After contentious motion practice and during discovery, BR&B participated with the NYSCRF in negotiating settlements totaling **\$1.052 billion**. The recovery is the largest ever achieved in the Northern District of California and in the Ninth Circuit.

➤ *In re American International Group, Inc. 2008 Securities Litigation*, Case No. 08-cv-4772-LTS-DCF (S.D.N.Y.). BR&B served as a co-lead counsel representing the State of Michigan Retirement Systems. After more than six years of intensive litigation, including the completion of all fact discovery and full briefing, an evidentiary hearing, and oral argument on lead plaintiff’s motion for class certification, the parties reached settlements totaling **\$970.5 million**, which the court approved on March 20, 2015, finding that it was an “outstanding result obtained on behalf of the settlement class.” The recovery is among the largest achieved in a securities fraud class action stemming from the 2008 financial crisis, and appears to be the largest securities class action settlement in the absence of a criminal indictment, an SEC enforcement action or a restatement of a company’s financial statements.

➤ *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, Master File No. 07-cv-9633 (LBS)(AJP)(DFE), pending before the Honorable Jed S. Rakoff in the Southern

District of New York. BR&B, as co-lead counsel for sole lead plaintiff the State Teachers Retirement System of Ohio, negotiated a **\$475 million** settlement with defendants in January 2009.

➤ *Pennsylvania Public School Employees' Retirement System v. Bank of America Corp., et al.*, Civil Action No. 1:11-cv-733-WHP, pending before the Honorable William H. Pauley, III, in the Southern District of New York. After nearly six years of litigation, BR&B, as the sole lead counsel for sole lead plaintiff the Pennsylvania Public School Employees' Retirement System, negotiated a **\$335 million** settlement with defendants that the court approved in December 2016.

➤ *In re DaimlerChrysler AG Securities Litigation*, Master File No. 00-993 (JJF) (D. Del.). BR&B, as co-lead counsel for institutional investors the Denver Employees Retirement Plan, the Policemen's Annuity and Benefit Fund of Chicago, and the Municipal Employees Annuity and Benefit Fund of Chicago, negotiated in October 2003, a **\$300 million** settlement of this case involving the purported "merger of equals" between Daimler Benz and Chrysler Corporation. Notably, in a related opt out case, the court granted summary judgment in defendants' favor, leaving the opt out plaintiff with no recovery.

➤ *In re The Mills Corporation Securities Litigation*, Civil Action No. 1:06-cv-00077 (LO/TRJ) (E.D. Va.). BR&B, as co-lead counsel and counsel for co-lead plaintiff the Iowa Public Employees Retirement System ("IPERS"), negotiated settlements totaling **\$202.75 million** with the defendant real estate investment trust corporation, with Mills' former auditor, Ernst & Young, and with a foreign real estate development company. When it was approved in December 2009, the global settlement of the case was the largest securities fraud class action recovery in the Eastern District of Virginia.

➤ *In re Schering-Plough Securities Litigation*, Master File No. 01-CV-0829 (KSH/RJH), before the Honorable Katherine Hayden in the District of New Jersey. BR&B, as lead counsel for sole lead plaintiff the Florida State Board of Administration, negotiated a **\$165 million** settlement after 8 years of hard-fought litigation. The settlement, approved in December 2009, was described by the Court as the product of "hard work and good judgment in ultimately achieving a negotiated resolution of substantial value to the class."

➤ *In re Apollo Group, Inc. Securities Litigation*, Master File No. CV 04-2147-PHX-JAT, before the Honorable James A. Teilborg in the District of Arizona. BR&B, as lead counsel for sole lead plaintiff the Policemen's Annuity and Benefit Fund of Chicago ("PABF"), conducted a two month trial which resulted in a **unanimous jury verdict in January 2008 for the lead plaintiff and investor class for the full amount of price inflation per share that the lead plaintiff had requested**. Although the district court judge entered a judgment for defendants notwithstanding the verdict on loss causation grounds, on June 23, 2010, the Ninth Circuit overturned the judgment and reinstated the jury verdict in favor of plaintiffs and the investor class. The decision of the Court of Appeals to reinstate the plaintiffs' jury verdict appears to be the only time such an appellate decision has been made since passage of the PSLRA. On March 7, 2011, the U.S. Supreme Court denied defendants' petition for certiorari, thereby allowing the Ninth Circuit's decision to stand and for the district court to enter judgment in favor of the plaintiff class. Later in 2011, the case was resolved by the payment by defendants of

**\$145 million** for the benefit of the injured investors. On April 20, 2012, the court granted final approval of the case resolution.

➤ *Michael Rubin v. M.F. Global Ltd.*, Case No. 08cv2233 (VM), before the Honorable Victor Marrero in the Southern District of New York. BR&B, as co-lead counsel and counsel for co-lead plaintiffs IPERS and the PABF, negotiated a **\$90 million** settlement after the Second Circuit Court of Appeals reversed the trial court's dismissal of the complaint.

➤ *In re R&G Financial Corporation, et al.*, Civil Action No. 1:05cv04186 (JES), before the Honorable John E. Sprizzo in the Southern District of New York. BR&B, as co-lead counsel for co-lead plaintiff the City of Philadelphia Board of Pensions and Retirement, negotiated a **\$51 million** settlement with defendants.

### Other Representative Shareholder Actions

➤ *In re Pepsi Bottling Group Shareholder Litigation*, C.A. No. 4526-VCS, before the Honorable Leo E. Strine, Jr. in the Delaware Court of Chancery. BR&B, as co-lead counsel for co-lead plaintiff IBEW Local 98, challenged the proposed takeover of Pepsi Bottling Group (PBG), by PepsiCo, and in related actions, shareholders of PepsiCo's other primary bottling company, PepsiAmericas, Inc. (PAS), challenged the proposed takeover of PAS by PepsiCo. After significant litigation of the PBG and PAS actions, and through negotiations of special committees of both bottling companies' boards, PepsiCo agreed to: (a) significantly higher acquisition prices that provided PBG shareholders as a group with **\$1.022 billion** more in value; (b) delete the cross-conditionality provision for the two deals; (c) reductions in the merger agreements' termination fees and termination tail periods; and (d) additional disclosures in the final proxy statements for the two deals. On June 1, 2010, then-Vice Chancellor Strine granted final approval of the settlements of the related cases, crediting the litigation brought by the plaintiffs and their counsel as a causal factor in prompting PepsiCo to make fuller offers for the bottling companies.

➤ *In re Nationwide Financial Services Litigation*, Case No. 2:08-CV-00249, before the Honorable H. Michael Watson, in the U.S. District Court for the Southern District of Ohio. BR&B, as co-lead counsel, represented lead plaintiff the International Brotherhood of Electrical Workers Local 98 Pension Fund in this class action litigation contesting the buy-out of Nationwide Financial Services, Inc. by its majority owner Nationwide Mutual Insurance Company and certain affiliates in 2008. After extensive negotiations, Nationwide Mutual agreed to increase its tender offer price from its initial offer of \$47.20 per share to the final price of \$52.25 per share, a benefit to the class of approximately **\$232.8 million** (a 10.7% increase), and further agreed to additional disclosures in the final proxy statement. In assessing the settlement, the Court agreed with lead plaintiffs that it represented an "excellent result for the Class."

➤ *Dennis Rice v. Lafarge North America, Inc., et al.*, Civil No. 268974-V, before the Honorable Michael D. Mason in the Circuit Court for Montgomery County, Maryland. BR&B, as co-lead counsel, represented lead plaintiff the City of Philadelphia Board of Pensions and Retirement in this class action litigation contesting the buy-out of Lafarge North America by majority owner Lafarge S.A in 2006. After extensive discovery and injunction practice, Lafarge



SA agreed to increase its tender offer price from its initial offer of \$75 per share to the final price of \$85.50, a benefit to the class of approximately **\$388 million**.

➤ *In re Chiron Shareholder Deal Litigation*, Case No. RG 05-230567, before the Honorable Robert B. Freedman in the California Superior Court for Alameda County. BR&B, as lead counsel, represented an individual investor and the class in this class action litigation contesting the proposed acquisition of Chiron Corp. by Novartis AG in 2005. After extensive discovery and injunction practice, Novartis agreed to increase the offering price from its initial offer of \$40 per share to the final price of \$48, a benefit to the class of approximately **\$880 million**.

➤ *In re Applied Micro Circuits Corp. Securities Litigation*, Civil Action No. 01-cv-0649-K (AJB) (S.D.Cal.). BR&B, as sole lead counsel for lead plaintiff the Florida State Board of Administration, negotiated a **\$60 million** settlement in 2005.

➤ *In re Sunbeam Securities Litigation*, Case No. 98-8258-Civ-Middlebrooks (S.D. Fla.). BR&B represented a lead plaintiff group that included the CWA/ITU Negotiated Pension Plan in this litigation, which could not be prosecuted against Sunbeam itself due to its bankruptcy filing. This case resulted in settlements in 2002 totaling **more than \$140 million** from Arthur Andersen LLP, Albert J. Dunlap, Russell Kersh and one of the Company's insurers. The settlement included a record breaking \$110 million settlement with Arthur Andersen and one of the largest individual securities settlements (\$15 million) from the company's former chief executive officer, "Chainsaw" Al Dunlap.

➤ *In re 3Com Securities Litigation*, Master File No. C 97-21083-EAI (N.D. Cal.). This case, in which BR&B represented a lead plaintiff group of individual investors, involved discovery taken throughout the United States and in Europe with respect to 3Com and its outside auditing firm. A settlement in the amount of **\$259 million** was reached at the end of the discovery process.

➤ *In Re Barnes & Noble Stockholder Derivative Litigation*, C.A. No. 4813-CS, before the Honorable Leo E. Strine, Jr. in the Delaware Court of Chancery. BRB served as co-lead counsel in this derivative action challenging the corporation's overpayment for an asset owned by its controlling stockholder. After extensive litigation, an eve-of-trial settlement providing a reduction in the purchase price of the asset of **\$29 million** was achieved. The settlement was approved on September 4, 2012.

➤ *In re Cheniere Energy, Inc. Stockholders Litigation*, C.A. No. 9710-VCL, in the Delaware Chancery Court. BR&B achieved a settlement of lawsuits filed on behalf of investors against Cheniere's CEO, certain other senior executives, and the members of Cheniere's board of directors alleging that Cheniere's management team and board breached the terms of the company's bylaws as well as their fiduciary duties to the company and its shareholders with respect to stock awards made in 2013. Upon the filing of the initial complaint by BR&B, Cheniere postponed the Annual Stockholder Meeting for three months, and thereafter took off the agenda for the Meeting the proposal to add another 30 million shares to the stock incentive plan's share reserve. The settlement negotiated with defendants, among other things: (a) invalidated the board's ability to issue to company insiders 7.845 million shares of stock that the company claimed had been validly set aside for compensation purposes based on a prior

stockholder vote, which shares had a market price-based value at the time of the settlement of approximately **\$565 million**; (b) provided that the 7.845 million shares could be used for compensation purposes only if the company scheduled a new vote and obtained stockholder authorization pursuant to a voting standard in line with the default provision of Delaware law, a so-called “present and entitled to vote” standard under which abstentions are counted as “no” votes; and (c) prohibited the company from granting to company insiders or seeking stockholder approval for any further stock-based compensation to company insiders until January 1, 2017. The Court approved the settlement in March 2015.

➤ *Public Employees’ Retirement System of Mississippi v. Leonard S. Schleifer, et al.* (Regeneron Pharmaceuticals, Inc. Derivative Case), No. 656813/2017, Part 39 (N.Y. Supreme Ct.). BR&B, on behalf of the MPERS, filed a shareholder derivative complaint in the New York Supreme Court in November 2017, alleging that Regeneron Pharmaceuticals, Inc.’s then-current and certain former directors breached their fiduciary duties and were unjustly enriched when they approved and/or received allegedly excessive compensation in 2013, 2014, 2015, and 2016, and that they breached their fiduciary duties in 2014 when they approved a long-term incentive plan and in 2017 when they approved the amended and restated plan, both of which authorized the award of equity compensation to directors and others. After certain Court-ordered document discovery took place, BR&B negotiated a settlement on behalf of MPERS (subsequently joined by plaintiffs in a related action) in which: (1) Regeneron agreed to a significant reduction of the compensation that will be provided to its non-employee directors and the chairman of its board for the next five years, providing a financial benefit to the Company of **\$44.5 million**; (2) defendants agreed that after 2021, only a vote of non-affiliated shareholders can increase the compensation caps agreed to in the settlement, meaning the Company insiders as well as other potentially interested shareholders will not be able to vote on this issue; (3) Regeneron agreed to provide increased disclosures concerning director compensation for the next five years, in excess of what would otherwise be required by SEC regulations; and (4) Regeneron agreed to institute certain governance reforms concerning director compensation. The Court approved the settlement in December 2018.

## EXTENSIVE CLASS ACTION TRIAL EXPERIENCE

The Firm has extensive experience in trying class action cases in federal and state court, including the following:

*In re Apollo Group, Inc. Securities Litigation*, Master File No. CV-04-2147-PHX-JAT (District of Arizona) (jury verdict in 2008 for the full amount of per share damages requested, and later settled after the jury verdict was upheld on appeal for **\$145 million**);

*In re WorldCom, Inc. Securities Litigation*, Master File No. 02-Civ-3288(DLC) (Southern District of New York) (2005 securities class action jury trial against accounting firm, which was settled just before closing arguments for **\$65 million** and a contingency claim later settled for **\$38 million**);

*Becker v. The Bank of New York Mellon Trust Co., N.A., et al.*, No. 2:11-cv-06460 (JRS) (Eastern District of Pennsylvania) (case sought \$15 million in damages, plus interest, settling for **\$13.5 million**. The Court approved the settlement in December 2018.

*Equity Asset Investment Trust, et al. v. John G. Daugman, et al.*, No. 20395 (Delaware Court of Chancery) (non-jury trial in 2003 in which BR&B represented Iridian Technologies, Inc., the world leader at the time in iris recognition technologies, and its common shareholder-elected directors);

*Uniondale Beer Co., Inc. v. Anheuser-Busch, Inc., et al.*, Civil Action No. CV 86-2400(TCP) (Eastern District of New York) (antitrust class action trial);

*Gutierrez v. Charles J. Givens Organization, et al.*, Case No. 667169 (Superior Court of California, County of San Diego) (jury verdict in excess of **\$14 million** for plaintiff consumer class);

*In re Control Data Corporation Securities Litigation*, 933 F.2d 616 (8th Cir. 1991) (securities class action that BR&B took to trial, got directed verdict overturned on appeal, and thereafter favorably settled for the certified class);

*Gould v. Marlon*, CV-86-968-LDG (D. Nev.) (jury verdict for plaintiff class);

*Betanzos v. Huntsinger*, CV-82-5383 RMT (C.D. Cal.) (jury verdict for plaintiff class).

## ATTORNEY RESUMES

**Leonard Barrack**, the founder of Barrack, Rodos & Bacine, is a graduate of Temple University Law School (J.D. 1968) where he was Editor in Chief of the Temple Law Reporter. Mr. Barrack has been practicing in the area of securities class and derivative actions, and corporate litigation generally, for more than 50 years, during which time he has analyzed laws and provided advice on issues relevant to pension fund boards of trustees. He was admitted to the bar of the Supreme Court of Pennsylvania in 1969, and is also a member of the bars of the United States Supreme Court, the United States Courts of Appeals for the First, Third, Eighth and Tenth Circuits, and the United States District Court for the Eastern District of Pennsylvania. Mr. Barrack can be reached at the Firm's Philadelphia, PA office.

Since enactment of the PSLRA, Mr. Barrack has been appointed lead or co-lead counsel in dozens of securities cases throughout the United States, including three of the largest case settlements in securities class action history. In *In re WorldCom, Inc. Securities Litigation*, before the Honorable Denise L. Cote in the Southern District of New York, Mr. Barrack was responsible for guiding both the vigorously prosecuted litigation – including the five-week trial against Arthur Andersen – as well as negotiating on behalf of the NYSCRF the ground-breaking settlements totaling more than \$6.19 billion with WorldCom's underwriters, its outside directors, and Arthur Andersen, in the midst of trial. He was also co-lead counsel in *In re Cendant*



*Corporation Litigation*, before the Honorable William H. Walls in the District of New Jersey, which, at \$3.3 billion, was the previously highest recovery ever achieved in a securities fraud class case; *In re McKesson HBOC, Inc. Securities Litigation*, before the Honorable Ronald M. Whyte in the Northern District of California, which settled for \$1.052 billion. Mr. Barrack was also appointed co-lead counsel in *In re Merrill Lynch & Co. Securities, Derivative and ERISA Litigation*, before the Honorable Jed S. Rakoff in the Southern District of New York (settlement of \$475 million approved in August 2009) and co-lead counsel in *In re American International Group, Inc. Securities Litigation*, before the Honorable Laura Taylor Swain in the Southern District of New York, which settled for \$970.5 million.

Mr. Barrack has had extensive trial and deposition experience in complex actions including the successful trial of derivative lawsuits under Section 14(a) of the Securities Exchange Act of 1934; *Gladwin v. Medfield*, CCH Fed. Sec. L. Rep. ¶95,012 (M.D. Fla. 1975), *aff'd*, 540 F.2d 1266 (5th Cir. 1976); *Rafal v. Geneen*, CCH Fed. Sec. L. Rep. ¶93,505 (E.D. Pa. 1972). In addition, Mr. Barrack has lectured on class actions to sections of the American and Pennsylvania Bar Association and is the author of *Developments in Class Actions*, The Review of Securities Regulations, Volume 10, No. 1 (January 6, 1977); *Securities Litigation, Public Interest Practice and Fee Awards*, Practising Law Institute (March, 1980).

**Gerald J. Rodos**, a partner at Barrack, Rodos & Bacine, is a graduate of Boston University (B.A. 1967) and an honor graduate of the University of Michigan Law School (J.D. *cum laude* 1970). Mr. Rodos has been practicing in the area of securities class and derivative actions, antitrust litigation and corporate litigation generally, for more than 40 years, during which time he has analyzed laws and provided advice on issues relevant to pension fund boards of trustees. He was admitted to the bar of the Supreme Court of Pennsylvania in 1971, and is also a member of the bars of the Supreme Court of the United States, the United States Court of Appeals for the Third Circuit, and the United States District Court for the Eastern District of Pennsylvania. Mr. Rodos can be reached at the Firm's Philadelphia, PA office.

Mr. Rodos has been appointed lead counsel, *inter alia*, in *Payne, et al. v. MicroWarehouse, Inc., et al.*, before the Honorable Dominic J. Squatrito in the District of Connecticut; *In re Sunbeam Securities Litigation*, pending before the Honorable Donald M. Middlebrooks in the Southern District of Florida; *In re Regal Communications Securities Litigation*, before the Honorable James T. Giles in the Eastern District of Pennsylvania; *In re Midlantic Corp. Shareholders Securities Litigation*, before the Honorable Dickinson R. Debevoise in the District of New Jersey; *In re Craftmatic Securities Litigation*, before the Honorable Joseph L. McGlynn, Jr. in the Eastern District of Pennsylvania; *In re New Jersey Title Insurance Litigation*, Case No. 2:08-cv-01425-PGS-ES, before the Honorable Peter G. Sheridan in the District of New Jersey; *In re Automotive Refinishing Paint Antitrust Litigation*, Case No. 2:01-cv-02830-RBS, before the Honorable R. Barclay Surrick in the Eastern District of Pennsylvania; and *In re Publication Paper Antitrust Litigation*, Docket No. 3:04 MD 1631 (SRU), before the Honorable Stefan R. Underhill in the District of Connecticut, among many others. Mr. Rodos also represented lead plaintiff in the *WorldCom* litigation.

Mr. Rodos is the co-author of *Standing To Sue Of Subsequent Purchasers For Antitrust Violations -- The Pass-On Issue Re-Evaluated*, 20 S.D.L. Rev. 107 (1975), and *Judicial Implication of Private Causes of Action; Reappraisal and Retrenchment*, 80 Dick. L. Rev. 167 (1976).

**Daniel E. Bacine**, a partner at Barrack, Rodos & Bacine, is a graduate of Temple University (B.S. 1967) and of Villanova University School of Law (J.D. 1971), where he was an Associate Editor of the Law Review and a member of the Order of the Coif. Mr. Bacine has been practicing in the area of securities class and derivative actions, and corporate litigation generally, for more than 40 years, during which time he has analyzed laws and provided advice on issues relevant to pension fund boards of trustees. He was admitted to the bar of the Supreme Court of Pennsylvania in 1971, and is also a member of the bars of the United States Courts of Appeals for the Third and Seventh Circuits and the United States District Court for the Eastern District of Pennsylvania. Mr. Bacine can be reached at the Firm's Philadelphia, PA office.

Mr. Bacine is an experienced civil litigator in both the federal and state courts, having tried jury and non-jury securities and other commercial cases, including cases involving disputes between securities brokerage firms and their customers. He has been lead or co-lead counsel in various class actions, including, *inter alia*, *In re American Travelers Corp. Securities Litigation*, in the Eastern District of Pennsylvania; *In re IGI Securities Litigation*, in the District of New Jersey; *Kirschner v. CableTel Corp.*, in the Eastern District of Pennsylvania; *Lewis v. Goldsmith*, in the District of New Jersey; *Rieff v. Evens (Allied Mutual Demutualization Litigation)*, in the District Court for Polk County, Iowa; *Crandall v. Alderfer (Old Guard Demutualization Litigation)*, in the Eastern District of Pennsylvania; and *In re Harleysville Mutual*, in the Court of Common Pleas of Philadelphia.

Mr. Bacine served as senior plaintiff's counsel in *Becker v. BNY Mellon Trust Co., N.A.*, in the Eastern District of Pennsylvania, a class action case that resulted in several important decisions delineating the duties of indenture trustees to bondholders: 172 F. Supp. 3d 777 (E.D. Pa. 2016) (denying motion for summary judgment); 2016 WL 6397415 (E.D. Pa. October 28, 2016) (reconsideration denied); 2016 WL5816075 (E.D. Pa. October 5, 2016) (granting class certification). He was senior counsel at the trial of the *Becker* matter, which settled just before closing arguments.

Mr. Bacine sits as an arbitrator for the Financial Industry Regulatory Authority, hearing disputes involving the securities industry, and has chaired numerous FINRA arbitration panels since 2000. He has also been an adjunct professor of law at Drexel University's Thomas R. Kline School of Law and an adjunct lecturer in law at Villanova University School of Law, teaching courses in class actions and complex litigation.

**E. Teresa Ahonkhai**, an associate at Barrack, Rodos & Bacine's Philadelphia office, is a graduate of Georgetown University School of Foreign Service (1997, B.S. International Politics

& Spanish) and Temple University Beasley School of Law (2002, J.D.). She was admitted to practice in Pennsylvania in 2002. She can be reached at the Firm's Philadelphia, PA office.

At BR&B, Ms. Ahonkhai represents investors in class and derivative actions, including cases involving securities fraud, shareholder rights and corporate governance. Ms. Ahonkhai was a member of the litigation team that prosecuted *In re American International Group, Inc. 2008 Securities Litigation*, which resulted in a \$970.5 million settlement for defrauded investors, among the largest recoveries ever achieved in a securities fraud class action arising from the 2008 financial crisis.

Ms. Ahonkhai serves as a volunteer for Big Brothers Big Sisters, a mentoring organization that pairs at-risk youth with positive role models with the goal of overcoming otherwise significant barriers to success and for Metropolitan Area Neighborhood Nutrition Alliance (MANNA), a non-profit that prepares and delivers nutritional meals and nutrition services at no cost to individuals in need. A former college and professional basketball player, Ms. Ahonkhai is a frequent lecturer for high-school and collegiate student-athletes and coaches.

**William J. Ban**, a partner at Barrack, Rodos & Bacine, is a graduate of Brooklyn Law School (J.D. 1982) and Lehman College of the City University of New York (A.B. 1977). For more than thirty-five years, Mr. Ban's practice of law has focused on securities, antitrust and consumer class action litigation on behalf of plaintiffs and he has participated as lead or co-lead counsel, on executive committees and in significant defined roles in scores of major class action litigations in federal and state courts throughout the country. Since Mr. Ban came to the Firm in 2004, he has been an important member of the firm's litigation teams for: *In re WorldCom, Inc. Securities Litigation*, Master File No. 02-Civ-3288 (DLC), before the Honorable Denise L. Cote in the Southern District of New York; *IPERS v. MF Global, Ltd.*, 08-Civ-2233 (VM), before the Honorable Victor Marrero in the Southern District of New York; *Pennsylvania Public School Employees' Retirement System v. Bank of America Corp., et al.*, Civil Action No. 1:11-cv-733-WHP, before the Honorable William H. Pauley, III, in the Southern District of New York; *In re Automotive Refinishing Paint Antitrust Litigation*, MDL Docket No. 1426, before the Honorable R. Barclay Surrick in the Eastern District of Pennsylvania; *In re: OSB Antitrust Litigation*, 06-CV-00826 (PSD), before the Honorable Paul S. Diamond in the Eastern District of Pennsylvania; and the recently concluded *In re: Lithium Ion Batteries Antitrust Litigation*, MDL Docket No. 2420, before the Honorable Yvonne G. Rogers in the Northern District of California, among others. Mr. Ban was admitted to practice in New York in 1983 and in Pennsylvania in 2005. He is a member of the bars of United States District Courts for the Southern and Eastern Districts of New York and the Eastern District of Pennsylvania and is a member of the New York City Bar Association. Mr. Ban can be reached at the Firm's New York, NY office.

**Jeffrey A. Barrack**, a partner at Barrack, Rodos & Bacine, is a graduate of Clark University (B.A. 1990), Boston College (M.A. 1992) and Temple University School of Law (J.D. 1996). He was admitted to practice in Pennsylvania in 1996 and in New York in 2009, is a member of the bars of the United States Court of Appeals for the Third Circuit and the United

States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Pennsylvania, and has been admitted *pro hac vice* in district courts throughout the United States. Mr. Barrack has represented plaintiffs in securities fraud, antitrust and other class actions since joining the Firm in 1996. He also has represented both plaintiff and defendant individual and corporate clients in environmental, consumer, business tort and commercial litigation in state and federal courts. Before joining the Firm, Mr. Barrack served under the United States Attorney assisting in the prosecution of complex white-collar crime in the Eastern District of Pennsylvania and the Philadelphia District Attorney assisting in the prosecution of crime in Philadelphia. He has been honored repeatedly by the First Judicial District of Pennsylvania as an attorney whose "work has been recognized by the judiciary as exemplary." Mr. Barrack can be reached at the Firm's Philadelphia, PA office.

Mr. Barrack served as a principal member of the litigation team and as a trial attorney in *In re Apollo Group Inc. Securities Litigation*, Master File No. CV-04-2147 PHX-JAT, before the Honorable James A. Teilborg of the United States District Court for the District of Arizona, which resulted in a \$145 million recovery for the class. With the firm representing the Policemen's Annuity and Benefit Fund of Chicago, the *Apollo Group* federal jury trial began in November 2007 and ended in a unanimous verdict for investors in January 2008 for the full amount requested per damaged share. After the District Court entered a judgment notwithstanding the verdict on loss causation grounds, Mr. Barrack participated on the briefing team before the Ninth Circuit Court of Appeals, which led to the Court of Appeals vacating the JNOV and reinstating the jury verdict. Mr. Barrack also participated on the briefing team before the U.S. Supreme Court, which denied defendants' petition for certiorari. Mr. Barrack led the successful loss causation evidentiary and expert presentation at trial.

Mr. Barrack was also a principal member of the litigation team in *In re WorldCom, Inc. Securities Litigation*, Master File No. 02-Civ-3288 (DLC), before the Honorable Denise L. Cote of the United States District Court for the Southern District of New York, in which the Firm represented the New York State Common Retirement Fund. He served as a principal attorney on auditing and accounting issues through the case and actively participated in the five-week trial of the only non-settling defendant, WorldCom's former auditor Arthur Andersen LLP. The 2005 jury trial against Arthur Andersen resulted in an additional \$103 million for the benefit of the class of WorldCom investors, prompting Judge Cote to commend in an opinion and order that in the "trial against Andersen, the quality of Lead Counsel's representation remained first-rate."

Mr. Barrack has also served public pensions as an important member of many successful litigation teams for the Firm. He represented the New York State Common Retirement Fund in the prosecution of *In re McKesson HBOC, Inc. Securities Litigation*, No. C-99-20743-RMW, before the Honorable Ronald M. Whyte in the Northern District of California, which resulted in more than \$1.052 billion for investors from defendants, including Bear Stearns, the investment bank that issued a fairness opinion on the merger that was the subject of the action; the State Teachers Retirement System of Ohio in the prosecution of *In re Merrill Lynch &*

*Co., Inc. Securities, Derivative and ERISA Litigation*, Master File No.: 1:07-cv-9633-JSR-DFE, before the Honorable Judge Jed S. Rakoff, in the Southern District of New York, which settled for \$475 million; the Iowa Public Employees Retirement System in the prosecution of *The Mills Corporation Securities Litigation*, Civil Action No. 1:06-cv-00077 (LO/TRJ), before the Honorable Liam O'Grady, in the Eastern District of Virginia, which settled for \$202.75 million; the Denver Employees Retirement Plan, the Policemen's Annuity and Benefit Fund of Chicago, and the Municipal Employees Annuity and Benefit Fund of Chicago in the prosecution of *In re DaimlerChrysler AG Securities Litigation*, Master Docket No. 00-0993 (JJF), before the Honorable Joseph J. Farnan, Jr. in the District of Delaware (\$300 million settlement); the CWA/ITU Negotiated Pension Plan in the prosecution of *In re Sunbeam Securities Litigation*, No. 98-8258-CIV-MIDDLEBROOKS, before the Honorable Donald M. Middlebrooks in the Southern District of Florida (\$140 million settlement recovered from corporate defendants and the company's independent public accounting firm); the City of Philadelphia Board of Pensions and Retirement in the prosecution of *In re R&G Financial Corporation Securities Litigation*, Master File No. 05 Civ. 4186 (JES), before the Honorable John E. Sprizzo, in the Southern District of New York (\$51 million settlement from corporate defendants and the company's independent public accounting firm); and the Iowa Public Employees Retirement System in the prosecution of *In re Bridgestone Securities Litigation*, Master File No. 3:01-cv-0017, before the Honorable Robert L. Echols in the Middle District of Tennessee (\$30 million settlement from Japanese corporation). Mr. Barrack was also a principal member of the litigation team in *Pennsylvania Public School Employees' Retirement System v. Bank of America Corp., et al.*, Civil Action No. 1:11-cv-733-WHP, before the Honorable William H. Pauley, III, in the United States District Court for the Southern District of New York. With the firm serving as counsel on behalf of PSERS, the lead plaintiff and class representative, Mr. Barrack served as a lead member in the litigation and resolution of the case, which settled for \$335 million.

Mr. Barrack has successfully advocated corporate governance and excessive executive compensation reforms through shareholder rights claims asserted in direct and derivative cases alleging corporate directors' breaches of fiduciary and other legal duties. For example, Mr. Barrack was a principal member of the litigation team in *Resnick v. Occidental Petroleum, et al.*, Case No. 10-cv-00390, before the Honorable Robert F. Kelly, presiding by special designation in the District of Delaware, which resulted in benefits described by the Court as "meaningful change" to the company's executive compensation and reporting policies and practices that "affords valuable consideration to Occidental and its shareholders." And in *Gralnick v Apple, Inc.*, No. 13 Civ. 900 (RJS), 13 Civ. 0976 (RJS) (S.D.N.Y.), Mr. Barrack was a principal member of the litigation team that successfully challenged an improper proxy statement issued by Apple, Inc., seeking to preserve shareholders' right to a fair and informed shareholder vote and to enjoin the vote on the offending proposal. The Court issued the injunction ruling that plaintiff shareholder was "likely to succeed on the merits and [would] face irreparable harm if the vote ... [was] permitted to proceed. Further, the Court finds that the balance of hardships tips in [plaintiff's] favor, and that a preliminary injunction would be in the public interest."



Mr. Barrack has participated in public pension board educational programs and conferences designed for the education of public pension fiduciaries. For example, Mr. Barrack participated at a board educational program hosted by the Pennsylvania Public School Employees' Retirement System, and presented on trial practice in securities fraud litigation. In addition, Mr. Barrack has presented to the members of the National Association of Public Pension Attorneys ("NAPPA") during its annual summer seminar, and has published work in its periodical, *The NAPPA Report*. Mr. Barrack currently serves on NAPPA's Securities Litigation Working Group. Mr. Barrack has lectured on private securities litigation at the Beasley School of Law at Temple University, has been a featured columnist on securities litigation for *The Legal Intelligencer*, the oldest law journal in the United States, and has written on trial practice for the *American Journal of Trial Advocacy*.

**Stephen R. Bassar**, partner in Barrack, Rodos & Bacine, is a graduate of the American University, Washington D.C. (B.A., with Honors, 1973) and Temple University School of Law, Philadelphia, Pennsylvania (J.D. *cum laude* 1976), where he was awarded the honor of "Highest Grade and Distinguished Class Performance" by its nationally renowned clinical trial litigation program and was selected to serve as a student prosecutor under the supervision of the United States Attorney's Office for the Eastern District of Pennsylvania. Mr. Bassar has been practicing in the area of securities class and derivative actions, corporate litigation, and consumer protection litigation generally, for over 35 years. He was admitted to the bars of the Supreme Court of Pennsylvania in 1976, and the Supreme Court of California in 1985. He is also a member of the bars of the United States Circuit Courts of Appeals for the Sixth and Ninth Circuits, and the United States District Courts for the Southern, Central and Northern Districts of California, the District of Colorado, Eastern District of Pennsylvania, the Northern District of Texas, the Eastern District of Wisconsin, and the Eastern District of Michigan. Mr. Bassar is the managing partner of the Firm's San Diego, CA office.

Mr. Bassar is an experienced civil litigator in federal and state courts and has successfully tried numerous civil jury and non-jury cases to verdict. In addition to litigating product liability, medical malpractice, catastrophic injury, mass toxic tort and complex business disputes, Mr. Bassar has extensive experience prosecuting securities class actions, including actions against Pfizer, Inc., Procyte Corp., Wall Data Corp., Louisiana-Pacific Corp., Samsonite Corp., TriTeal Corp., Sybase, Inc., Silicon Graphics, Inc., Orthologic Corp., Adobe, PeopleSoft, Inc., Safeskin Corp., Bridgestone Corp., Harmonic, Inc., 3Com Corp., Dignity Partners, Inc., Daou, Vivus, Inc., FPA Medical, Inc., Union Banc of California, Merix Corporation, Simulation Sciences, Inc., Informix Corporation, OmniVision Technologies, Inc., Roadrunner Transportation Corp., WageWorks, Inc., and Hewlett Packard Company. Mr. Bassar served as lead counsel representing lead plaintiff the Florida State Board of Administration in *In re Applied Micro Circuits Corp. Securities Litigation*, Lead Case No. 01-cv-0649-K (AJB), which settled for **\$60 million**, one of the largest recoveries in a securities class action in the Southern District of California since passage of the PSLRA. He also acted as co-lead counsel for lead plaintiff the NYSCRF in *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. CV-99-20743 RMW, which settled for a total of **\$1.052 billion** from all defendants and is the largest securities fraud class action recovery in the Northern District of California. Mr. Bassar was the lead attorney in *In re Chiron Shareholder Deal Litigation*, Case No. RG 05-230567, (Superior Court in and for the County of Alameda, California), resulting in a settlement for the shareholder class valued at approximately **\$880 million**, constituting one of the largest securities ever achieved in

a merger related class action alleging breach of fiduciary duties by corporate officers and directors. He was the lead and first chair trial attorney in *In re Apollo Group Inc. Securities Litigation*, Master File No. CV-04-2147 PHX-JAT (District of Arizona), before the Honorable James A. Teilborg, which was tried to a federal jury from November 2007 until the jury returned a unanimous verdict for investors in January 2008, ultimately recovering **\$145 million** for the shareholder class.

Mr. Basser has prosecuted derivative shareholder actions on behalf of and for the benefit of nominal corporate entities such as Pfizer, Apple, Nvidia and Quest, achieving significant corporate governance therapeutics on behalf of those entities. Mr. Basser has also vigorously pursued the rights of the elderly, and consumers serving as a co-lead counsel and as part of a group of firms prosecuting class actions ("*Senior Annuity Litigation*") alleging California consumer protection and federal RICO claims against companies that target senior citizens in the sale of deferred annuity products, ultimately securing benefits collectively valued at over **\$1 billion**. He was also a co-lead counsel in the "*Carbon Fiber Antitrust Litigation*," No. CV-99-07796 FMC (RNB\*) (C.D. Cal.) achieving settlements totaling **\$67.5 million**.

Mr. Basser was the firm's primary attorney assisting in the development of expert witnesses in aid of the prosecution of the *In re Anthem, Inc. Data Breach Litigation* which secured a **\$115 million** settlement. Mr. Basser has served or is serving as a member of Plaintiffs' Executive Committee in several data breach litigation matters, especially with regard to health care related entities, including for example, *In re Forefront Dermatology Data Breach Litigation*, Case No. 1:21-cv-00887-LA (E.D. Wisc.); *In re Shields Health Care Group Data Breach Litigation*, Civil Action No. 1:22-cv-10901-PBJ (D. Mass.); *In re Lincare Holdings, Inc. Data Breach Litigation*, Case No. 8:22-cv-1472-TPB-AAS (N.D. Fla.); *In re Apria Healthcare Data Breach Litigation*, Case No. 1:22-cv-01003-JPH-KMN (S.D. Ind.); *In re Mr. Cooper Data Breach Litigation*, Case No. 3:23-cv-02453 (N.D. Tex.). He served as Interim Executive Committee Counsel in the *Feller v. Transamerica Life Insurance Litigation* that settled for **\$200 million**. He has served as Interim Executive Committee Counsel in the *Toyota Hybrid Brake* (EDTX) and in the *Nissan CVT* (MDTN) litigation cases (settlement valued at over **\$300 million**) and as Chair of the Executive Committee in *In re Forefront Data Breach Litigation* (EDWI). He served as a member of the Science and Expert Subcommittee in *In re Philips CPAP, Bi-Level PAP Mechanical Ventilator Products Liability Litigation* (WDPA), which settled for **\$479 million** and as a member of Plaintiffs' Steering Committee in *In re East Palestine Derailment Litig.* (N.D. Ohio), which recently settled for **\$600 million**.

Mr. Basser has regularly shared his experience and knowledge with attorneys, Judges, public pension funds and the lay public. He also lectured on the topic of securities related litigation and shareholder issues in the wake of the derivative securities, toxic debt portfolio and real estate mortgage default related global economic crisis of 2008, at the American Association of Justice, Winter Convention, February 2010 and the American Association of Justice, Summer Convention 2010. He presented on the topic of "Securities Litigation" at the Federal Judicial Center's Workshop for Judges of the Ninth Circuit on February 1, 2011 and lectured on the topic of trying a complex class action at Vanderbilt Law School entitled "*Battle in the Valley of the Sun: Strategy Tactics and Honor in Litigation*," October 17, 2013. He has written for the American Association of Justice Quarterly Newsletter, Fall 2009, co-authoring "*Securities Litigation in the Wake of the Sub-Prime Crisis*." Mr. Basser has been repeatedly selected as a California "Super Lawyer," as LAWDRAGON's "100 Attorneys You Need to Know in Securities Litigation" and has been regularly commended by San Diego Magazine and the Los Angeles

Times as a "Top Lawyer." He has also been repeatedly cited as one of Southern California's "Top 100 High-Stakes Litigators."

**Chad A. Carder**, a partner at Barrack, Rodos & Bacine, is an honors graduate of The Ohio State University (B.A. 1999), and College of William and Mary, Marshall-Wythe School of Law (J.D. 2002), where he was a Graduate Research Fellow and served on the William and Mary Moot Court Board. From 2002 to 2003, Mr. Carder served as the law clerk to the Honorable Michael J. Hogan of the New Jersey Superior Court. Mr. Carder was admitted to practice in Pennsylvania and New Jersey in 2002 and is a member of the bars of the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. Mr. Carder can be reached at the Firm's Philadelphia, PA office.

Mr. Carder concentrates his practice on federal securities class action litigation, is experienced in representing both institutional investor plaintiffs and individual defendants, and has been a member of the teams that have litigated major securities class actions to their landmark conclusions, including *In re WorldCom, Inc. Securities Litigation*, Master File No. 02-Civ-3288 (DLC), before the Honorable Denise L. Cote in the Southern District of New York; *In re Schering-Plough Securities Litigation*, Master File No. 01-CV-0829 (KSH/RJH), before the Honorable Katherine Hayden in the District of New Jersey; *Eastwood Enterprises, LLC v. Farha, et al.*, Case No. 8:07-cv-1940-T-33EAJ, before the Honorable Virginia M. Hernandez Covington in the Middle District of Florida; and *In re The Mills Corporation Securities Litigation*, Civil Action No. 1:06-cv-00077 (LO/TJR), before the Honorable Liam O'Grady in the Eastern District of Virginia.

In addition to representing plaintiffs in securities class actions, Mr. Carder also has an active antitrust litigation practice, representing plaintiffs in the prosecution of the following antitrust cases, among others: *In re Chocolate Confectionary Antitrust Litigation*, before the Honorable Christopher C. Connor, in the Middle District of Pennsylvania; *In re Processed Egg Products Antitrust Litigation*, before the Honorable Gene E.K. Pratter, in the Eastern District of Pennsylvania; *In re New Jersey Title Insurance Antitrust Litigation*, before the Honorable Garrett E. Brown, Jr., in the District of New Jersey; *In re Flat Glass (II) Antitrust Litigation*, before the Honorable Donetta W. Ambrose in the Western District of Pennsylvania; and *In re Publication Paper Antitrust Litigation*, before the Honorable Stefan R. Underhill in the District of Connecticut. Mr. Carder is also currently litigating several corporate takeover class and derivative actions, and has extensive experience litigating shareholder derivative actions in various state and federal courts.

**Matthew Cyr**, an associate at Barrack, Rodos & Bacine, is a graduate of St. Joseph's University, Philadelphia, Pennsylvania (B.A. 1998) and the University of Wisconsin Law School, Madison, Wisconsin (J.D. 2005). Mr. Cyr was admitted to practice in Wisconsin in 2005, in New Jersey in 2006 and in Pennsylvania in 2012. Mr. Cyr can be reached at the Firm's Philadelphia, PA office.



At the Firm, Mr. Cyr has worked on major class action litigation in the securities and antitrust fields, including cases against Mills Corporation, WellCare Health Plans, Inc., American International Group, RAIT Financial Trust, Merrill Lynch & Co., and companies involved in the municipal derivatives industry.

**Alexander Arnold Gershon**, a partner at Barrack, Rodos & Bacine, is a graduate of the Georgia Institute of Technology (B.S. 1962), Emory University School of Law (L.L.B. 1964) and New York University (L.L.M. 1966). For more than 35 years, Mr. Gershon's practice has focused on representing plaintiffs in cases arising under the federal securities laws, state corporations laws, and similar kinds of matters in class actions, individual actions, and stockholders' derivative actions in the state and federal courts. Mr. Gershon was admitted to practice in New York in 1966 and in Georgia in 1964 (inactive status) and is a member of the bars of the United States Supreme Court, United States Courts of Appeals for the District of Columbia Circuit, the Second, Third and Ninth Circuits, and the United States District Courts for the Southern, Eastern and Western Districts of New York and the Northern District of Georgia. Mr. Gershon can be reached at the Firm's New York, NY office.

Mr. Gershon is an experienced civil litigator in federal and state courts and has contributed to the jurisprudence of class action settlements in cases such as *National Super Spuds, Inc. v. New York Mercantile Exchange*, 660 F.2d 9 (2d Cir. 1981); has helped to establish important standards in shareholder derivative actions: *Seinfeld v. Barrett*, 2006 WL 890909 (D. Del. 2006), and *Vides v. Amelio*, 265 F.Supp.2d 273 (S.D.N.Y. 2003) (exceptions to the demand requirement in stockholders' derivative actions); *Lewis v. Vogelstein*, 699 A.2d 327 (Del.Ch. 1997), and *Kaufman v. Beal*, 1983 WL 20295 (Del.Ch. 1983) (standards for executive compensation); and contributed to the establishment of the standards of required disclosure under the federal securities laws when corporate stockholders are solicited to approve executive bonus plans seeking tax benefits under the Internal Revenue Code in *Shaev v. Saper*, 320 F.3d 373 (3d Cir. 2003).

Mr. Gershon has successfully advocated corporate governance and excessive executive compensation reforms through shareholder rights claims asserted in direct and derivative cases alleging corporate directors' breaches of fiduciary and other legal duties. Most recently, Mr. Gershon led the litigation team in *Resnick v. Occidental Petroleum, et al.*, Case No. 10-cv-00390, before the Honorable Robert F. Kelly, presiding by special designation in the District of Delaware, which resulted in benefits described by the Court as "meaningful change" to the company's executive compensation and reporting policies and practices that "affords valuable consideration to Occidental and its shareholders."

**Jeffrey W. Golan**, a partner at Barrack, Rodos & Bacine, graduated with honors from Harvard College in 1976 with a degree in Government. Mr. Golan graduated in 1980 from the Georgetown University Law Center, where he served as the Topics Editor for the school's international law review, and from the School of Foreign Service, with a Master's of Science Degree in Foreign Service. In 1980, he received the Francis Deák Award from the American

Society of International Law for the year's best student writing in an international law journal. Mr. Golan served as a Law Clerk for the Honorable Edwin D. Steel, Jr., in the United States District Court for the District of Delaware, and thereafter joined a large firm in Philadelphia, where he concentrated on commercial litigation, including the representation of plaintiffs and defendants in federal securities and antitrust cases. Mr. Golan was admitted to practice in Pennsylvania in 1981 and is a member of the bars of United States Court of Appeals for the Second, Third, and Fourth Circuits, and the United States District Court for the Eastern District of Pennsylvania. Mr. Golan can be reached at the Firm's Philadelphia, PA office.

Since joining BR&B in 1990, Mr. Golan has been the Firm's primary attorney in many major securities fraud cases throughout the country. Of particular note, he was BR&B's lead trial attorney in the *WorldCom* securities class action – a prosecution that yielded a record-breaking recovery of more than \$6.19 billion for defrauded investors – one of the most notable fraud cases ever to go to trial. In April 2005, Mr. Golan led the BR&B team that took the only non-settling defendant, WorldCom's former auditor Arthur Andersen LLP, to trial. Andersen agreed to settle in the fifth week of trial, shortly before closing arguments. In approving this and other settlements, Judge Denise Cote found “the quality of the representation given by Lead Counsel is unsurpassed in this Court's experience with plaintiffs' counsel in securities litigation” and that “the quality of representation that Lead Counsel has provided to the class has been superb.” From 2008 to 2015, Mr. Golan was the Firm's lead attorney in *In re American International Group, Inc. 2008 Securities Litigation*, which settled for \$970.5 million. The settlement is believed to be the largest recovery in a securities class action in the absence of a restatement, an SEC enforcement action or a criminal indictment. In approving the settlement in March 2015, Judge Laura Taylor Swain found the recovery to be an “outstanding result obtained on behalf of the settlement class.”

Mr. Golan also served as BR&B's primary attorney for the landmark *Cendant* case, in which the lead plaintiffs and lead counsel achieved what is still the third highest recovery ever achieved in a securities fraud class case (\$3.32 billion), which included the most ever paid in a securities fraud class case by an outside auditor (\$335 million). He served as the Firm's lead attorney in the securities fraud class action involving The Mills Corporation, which settled with the defendant real estate investment trust corporation, its officers and directors, its auditor, and a foreign real estate development company, for \$202.75 million, as well as in cases against DaimlerChrysler (\$300 million obtained for the class), Mallinckrodt plc (\$65.75 million while the company was in bankruptcy proceedings), DFC Global Corp. (\$30 million recovered), and many others.

Mr. Golan also served as the lead trial attorney in an action in the Delaware Court of Chancery, *Equity Asset Investment Trust, et al. v. John G. Daugman, et al.*, in which the Firm represented Iridian Technologies, Inc. (the world leader in iris recognition technologies) and its common shareholder-elected directors. The case was brought against the Company and the common directors, prepared for trial on an expedited basis under the Chancery Court's “fast-track” procedures for Board contests, and went to trial two months after the complaint was filed.

Mr. Golan has also headed up the Firm's representation of lead plaintiffs in a number of derivative actions stemming from the stock option backdating scandal, and served as the Firm's lead attorney in cases challenging proposed corporate transactions. He served as a co-lead counsel in consolidated shareholder cases challenging PepsiCo's acquisition of Pepsi Bottling Group. After such lawsuits were filed, PepsiCo increased its offer price from \$29.50 to \$36.50 per share, which provided PBG's public shareholders with an additional \$1.022 billion in value. He represented institutional and individual lead plaintiffs in a case that challenged the proposed buy-out of Lafarge N.A. by its majority shareholder, Lafarge S.A., which was settled when Lafarge S.A. agreed to increase the buy-out price from the \$75.00 per share initially offered to \$85.50 per share (a \$388 million increase in the amount paid to Lafarge N.A.'s public shareholders) and to make additional disclosures about the company and the proposed transaction. And, among other cases, Mr. Golan served as a co-lead counsel in consolidated shareholder cases challenging the majority shareholder buy-out of Nationwide Financial Services, Inc., where as part of a settlement the acquirer raised its offer price from \$47.20 per share to \$52.25 per share, thereby providing a \$232 million benefit to class members.

Mr. Golan also successfully represented investors in the class and derivative action in the Delaware Court of Chancery in *In re Cheniere Energy Stockholders Litigation*, which challenged whether shareholders approved an equity compensation plan that provided Cheniere's CEO with \$126 million in equity compensation for one year. The successful settlement of this litigation resulted in the withdrawal of a new equity compensation plan that had earlier been proposed to grant executives 30 million shares that would have had a market value of \$565 million at the time, a new stockholder vote on the shares that were challenged by the litigation, and several other corporate reforms.

Mr. Golan has been selected several times as a "Pennsylvania Super Lawyer" in the field of securities litigation. In June 2000, he was honored as the "Featured Litigator" in the on-line magazine published by Summation Legal Technologies, the legal software company. Mr. Golan, who has served as a faculty member at various deposition training programs, has also served in numerous capacities for the Public Interest Law Center of Philadelphia, including as Vice-Chair of the Board, on the staff of the Mayor's Task Force for the Employment of Minorities in the Philadelphia Police Force, and as a member of the Philadelphia Bar Association's Pro Bono Task Force (report issued October 2017).

**T. Ahlise Greenbaum**, an associate at Barrack, Rodos & Bacine, is a graduate of Spelman College (B.A. 1998) and Temple University School of Law (J.D. 2001). Ms. Greenbaum is admitted to practice in Pennsylvania, New Jersey, and Georgia. She focuses her practice on class action securities fraud litigation and has extensive experience in all phases of document and deposition discovery. Before joining the firm, Ms. Greenbaum represented plaintiffs and defendants in a variety of matters, including pharmaceutical litigation, mass tort litigation, and multidistrict product liability litigation. At BR&B, she is active in the prosecution of securities claims against Dentsply Sirona, Inc. before the Honorable Nina Gershon in the

Eastern District of New York. Ms. Greenbaum can be reached at the Firm's Philadelphia, PA office.

Ms. Greenbaum is active in her community, and has been a volunteer for Metropolitan Area Neighborhood Nutrition Alliance (MANNA), a non-profit that prepares and delivers nutritional meals and nutrition services at no cost to individuals in need.

**Andrew J. Heo**, an associate at Barrack, Rodos & Bacine, is a graduate of George Washington University (B.A. 2015) and Drexel University Thomas R. Kline School of Law (J.D. 2018), where he was President of the Civil Litigation Society. Mr. Heo is admitted to practice in Pennsylvania and New Jersey, and is a member of the bar of the Eastern District of Pennsylvania. Mr. Heo can be reached at the Firm's Philadelphia, PA office.

Mr. Heo represents investors and clients in complex commercial litigation with an emphasis on antitrust and securities litigation. Among other matters, Mr. Heo is active in the prosecution of securities claims against Energy Transfer LP and U.S. Xpress Enterprises, Inc. Prior to joining BR&B, Mr. Heo's practice included advising and representing institutional clients in a wide range of commercial litigation matters, including complex products liability, class action, and mass torts litigation. During law school, Mr. Heo worked at the Federal Reserve Bank of Philadelphia, and was a member of the school's Appellate Litigation Clinic. Mr. Heo's *pro bono* practice has included appellate work on behalf of plaintiffs in federal court.

**Robert A. Hoffman**, a partner at Barrack, Rodos & Bacine, is a graduate of Rutgers University (B.A. 1980) (with high distinction) and Rutgers University School of Law - Camden (J.D. 1983). Mr. Hoffman clerked for the Honorable Charles R. Weiner, United States District Court for the Eastern District of Pennsylvania, during the years 1984-1985. Mr. Hoffman has been practicing in the area of securities class and derivative actions, and corporate litigation generally, for more than 25 years, during which time he has analyzed laws and provided advice on issues relevant to pension fund boards of trustees. He was admitted to the bars of the Supreme Court of Pennsylvania and Supreme Court of New Jersey in 1983, and is also a member of the bars the United States Courts of Appeals for the Third, Fifth, and Eighth Circuits and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. Mr. Hoffman can be reached at the Firm's Philadelphia, PA office.

Mr. Hoffman has broad experience in prosecuting securities class actions in federal courts around the country. He served as lead counsel for the Florida State Board of Administration in *In re Schering-Plough Securities Litigation*, before the Honorable Katherine Hayden in the District of New Jersey, which settled in 2009 for \$165 million. Mr. Hoffman also prosecuted one of the most significant subprime related securities class actions, *In Re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation*, before the Honorable Judge Jed S. Rakoff, in the Southern District of New York, which settled for \$475 million for defrauded investors, and was a member of the litigation team in prosecuting *In re American International Group, Inc. 2008 Securities Litigation*, before the Honorable Laura Taylor Swain in the Southern

District of New York, which settled in 2014 for \$970.5 million. He was one of the lead attorneys representing plaintiffs in *In re MicroWarehouse Securities Litigation*, (D. Conn.), which resulted in a \$30 million recovery for the plaintiff class. He also has significant experience in the trial and appeal of securities class actions. See, e.g. *In re Control Data Corp. Securities Litigation*, 933 F.2d 616 (8<sup>th</sup> Cir. 1991). Mr. Hoffman also led a derivative case against Synthes, Inc., a large medical device company that had been cited by the U.S. Government for illegal “off-label” promotions. The case resulted in the implementation of significant corporate governance changes at the company.

**Jordan R. Laporta**, an associate at Barrack, Rodos & Bacine, joined the Firm in 2023. Ms. Laporta is a 2019 graduate, *summa cum laude*, of Drexel University Thomas R. Kline School of Law. During law school, she was a lead editor for the Drexel Law Review, an accomplished member of the Moot Court Board, and a student attorney with the Federal Litigation and Appeals Clinic, through which she achieved victories for her clients in immigration and social security cases. Ms. Laporta also graduated *cum laude* from the Pennsylvania State University Schreyer Honors College in 2016.

Ms. Laporta was admitted to practice law in Pennsylvania in 2019. Prior to joining BR&B’s Philadelphia office, she served as a law clerk to the Honorable Russell G. Vineyard, Chief Magistrate Judge, and the Honorable Justin S. Anand, Magistrate Judge, in the United States District Court for the Northern District of Georgia. As an associate at BR&B, Ms. Laporta represents investors and clients in complex commercial litigation with an emphasis on securities litigation. She is a member of the BR&B team prosecuting *In re Grand Canyon Education, Inc. Securities Litigation*, which the Court upheld in its entirety in March 2023.

**Leslie Bornstein Molder**, a partner at Barrack, Rodos & Bacine, is an honors graduate from the University of Michigan (A.B. *magna cum laude* 1980) as well as from the National Law Center at the George Washington University (J.D. *cum laude* 1983) and was admitted to practice in Pennsylvania in 1983 and is a member of the bar of the United States Court of Appeals for the Seventh Circuit and the United States District Court for the Eastern District of Pennsylvania. For over 38 years, Ms. Molder has practiced primarily in the area of complex civil litigation, including securities class actions, antitrust class actions and policyholder actions against insurance companies and has participated in the trials of a variety of commercial cases, including cases involving disputes between securities brokerage firms and their customers. Ms. Molder oversees the Firm’s portfolio monitoring services for institutional clients. She is also the Firm’s settlement attorney, specializing in documenting and effectuating settlements of class actions and assisting clients throughout the settlement process. Ms. Molder can be reached at the Firm’s Philadelphia, PA office.

**Ajibola D. Peter-Kovi**, an associate at Barrack, Rodos & Bacine, is a graduate of University of Bridgeport (M.B.A. 2006) and Nigerian Law School (L.L.B., Barrister at Law 1999). Ms. Peter-Kovi is admitted to practice in New York. She focuses her practice on class action



securities fraud litigation on behalf of injured investors and is well versed in all phases of document and deposition discovery. Before joining the firm, Ms. Peter-Kovi represented plaintiffs and defendants in a variety of matters including complex securities class action litigation, mass tort litigation and multi-district product liability litigation. She can be reached at the Firm's Philadelphia, PA office.

Ms. Peter-Kovi is passionate about helping the underserved, and has been part of the New York City Volunteer Lawyer for the Day Program, assisting unrepresented Consumer Debtors appearing in Civil Court. She also serves as a guardian *ad litem* for tenants at risk of eviction in Housing Court.

**Michael A. Toomey**, a partner at Barrack, Rodos & Bacine, is a graduate of Tufts University (B.A. 2005) and Temple University School of Law (J.D. 2010). Mr. Toomey is admitted to practice in New York and New Jersey and is a member of the bars of the United States District Courts for the Southern and Eastern Districts of New York. While at Temple, Mr. Toomey was an intern in the Chambers of Judge Lerner of the Philadelphia Court of Common Pleas and Magistrate Judge Elizabeth Hey of the Eastern District of Pennsylvania. He also interned at the Philadelphia Public Defender where he advocated in court on behalf of indigent defendants. Mr. Toomey can be reached at the Firm's New York, NY office.

At BR&B, Mr. Toomey has represented investors, including state, local and union pension funds, in many class and derivative actions, including cases involving securities fraud, shareholder rights and corporate governance. Mr. Toomey was an integral part of the litigation teams that prosecuted *In re American International Group, Inc. 2008 Securities Litigation*, which resulted in a \$970.5 million settlement for defrauded investors, among the largest recoveries ever achieved in a securities fraud class action stemming from the 2008 financial crisis, and *Pennsylvania Public School Employees' Retirement System v. Bank of America Corp et. al.*, which resulted in a \$335 million settlement in 2016. Mr. Toomey has also successfully represented investors in class and derivative actions such as *Pub. Employees' Ret. Sys. of Miss. v. Schleifer*, which challenged the excessive compensation provided to Regeneron Pharmaceuticals, Inc. board of directors'. The successful settlement of this case resulted in the largest reduction in board compensation in any excessive director compensation case, ever: \$44.5 million. Mr. Toomey also represented investors in *In re Cheniere Energy Stockholders Litigation*, which challenged whether shareholders approved an equity compensation plan that provided Cheniere's CEO with \$126 million in one year. The successful settlement of this litigation resulted in the withdrawal of a new equity compensation plan that proposed to grant executives 30 million shares, a new stockholder vote on the shares that were challenged by the litigation, and several other corporate reforms. Mr. Toomey also successfully represented shareholders in a derivative case challenging the payment by Barnes & Noble for an asset held by its chairman Leonard Riggio whereby Riggio agreed to pay \$29 million to settle shareholders' claims. Mr. Toomey has also helped to establish important standards in shareholder derivative actions such as *Seinfeld v. Slager*, No. CIV.A. 6462-VCG, 2012 WL 2501105 (Del. Ch. June 29, 2012) (directors must show entire fairness of their own compensation if compensation plan

lacks meaningful limits) and *Kaufman v. Allemang*, 70 F. Supp. 3d 682 (D. Del. 2014) (companies must strictly comply with SEC regulation 17 C.F.R. § 240.14a-101 (Item 10(a)(1)) when attempting to gain shareholder approval of company compensation plans).

**Allison Utecht**, an associate at Barrack, Rodos & Bacine, is a graduate of the College of William & Mary (B.A. 1991) and Wake Forest School of Law (J.D. 1993). Ms. Utecht is admitted to practice in Pennsylvania. She focuses her practice on class action securities fraud litigation on behalf of injured investors and is well versed in all phases of document and deposition discovery. Before joining the firm, Ms. Utecht represented plaintiffs and defendants in a variety of matters including complex securities class action litigation, mass tort litigation and multi-district product liability litigation. Ms. Utecht can be reached at the Firm's Philadelphia, PA office.

**Frances Vilella-Vélez**, of counsel to Barrack, Rodos & Bacine, is a graduate of Syracuse University College of Law, Syracuse, New York (J.D. 1977) and Swarthmore College (B.A. 1974). She was admitted to practice in Puerto Rico in 1977 and in Pennsylvania in 1978 and is a member of the bars of the United States Court of Appeals for the Third Circuit and the United States District Court for the Eastern District of Pennsylvania. Ms. Vilella-Vélez began her legal career in 1978 as a trial attorney in the Office of the Regional Solicitor, U.S. Department of Labor, where she litigated OSHA cases before the United States district courts and the Occupational Safety and Health Review Commission (OSHRC). She then served as the first law clerk for the Honorable Nelson A. Diaz, on the Court of Common Pleas of Philadelphia County, Philadelphia, Pennsylvania. During her tenure with Judge Diaz, Ms. Vilella-Vélez also served as a staff member on the Mayor's Task Force on Minority Employment in the Police Department, in Philadelphia, where she conducted legal and policy analyses of alternative proposals to increase minority employment in the Policy Department, and assisted in drafting the report to the mayor. Ms. Vilella-Vélez can be reached at the Firm's Philadelphia, PA office. Among other community activities, Ms. Vilella-Vélez served for many years on the board of the Valentine Foundation and on the board of the Chester Children's Chorus.

**Samuel M. Ward**, a partner at Barrack, Rodos & Bacine, is a graduate of the University of California, Hastings College of Law (J.D. 2001), and a 1995 honors graduate of the University of California, San Diego (B.A. 1995). Mr. Ward was admitted to practice in California in 2001 and is a member of the bars of the United States District Courts for the Southern, Central and Northern District of California. Before joining BR&B, Mr. Ward worked as a political consultant, managing both Congressional and State Assembly campaigns. Mr. Ward can be reached at the Firm's San Diego, CA office.

At the Firm, he has litigated numerous securities cases in federal district courts throughout the country. Mr. Ward was a member of the trial team in *In re Apollo Group Inc. Securities Litigation*, before the Honorable James A. Teilborg in the District of Arizona, where he played a critical role in mastering the deposition and documentary proof that was used at trial to

secure the jury's unanimous verdict. Mr. Ward also represented the plaintiff class in *In re Applied Micro Circuits Corp. Securities Litigation*, achieving a \$60 million settlement for class members, one of the largest recoveries in a securities class action in the Southern District of California since passage of the PSLRA. Mr. Ward is a former member of the Independent Bond Oversight Committee for the Carlsbad Unified School District.

**Zakiya Washington**, an associate at Barrack, Rodos & Bacine, is a graduate of Hampton University School of Business (2004, B.S. Entrepreneurship) and Temple University Beasley School of Law (2007, J.D.). Before joining Barrack, Ms. Washington performed discovery representing plaintiffs and defendants in a variety of matters, including: complex securities class action litigation, pharmaceutical litigation and insurance litigation. Ms. Washington was also a Compliance Advisor to large financial institutions in the Financial Crimes department. At BR&B, Ms. Washington performs discovery representing investors in class and derivative actions, including cases involving securities fraud, shareholder rights and corporate governance. Ms. Washington can be reached at the Firm's Philadelphia, PA office.

**Danielle M. Weiss**, an associate at Barrack, Rodos & Bacine, joined the Firm in 2022. She graduated *cum laude* from the University of Pennsylvania in 2002 with a degree in U.S. History. Ms. Weiss attended the James E. Beasley School of Law of Temple University (J.D. 2005), where she was a James Beasley Scholar, a member and editor of the *Temple International and Comparative Law Journal*, and the recipient of the Harry R. Kozart Memorial Prize in Products Liability. She is licensed to practice law in Pennsylvania and New Jersey. Ms. Weiss can be reached at the Firm's Philadelphia, PA office.

Before joining BR&B's Philadelphia office, Ms. Weiss spent over fifteen years at a boutique litigation firm in Philadelphia, where she successfully represented individual and small-business clients in high stakes cases in state and federal court, trying several matters to successful conclusion, including at the appellate level. Her experience includes litigating complex matters involving issues of professional liability, products liability, defamation, breach of contract, breach of warranty, employment discrimination, personal injury, and education law through all phases of litigation. Ms. Weiss is active in the community, serving, among other positions and organizations, on the Board of Directors of the Jewish Federation of Greater Philadelphia, Chair of the Jewish Community Relations Council of the Jewish Federation of Greater Philadelphia, and on the National Young Leadership Cabinet of the Jewish Federations of North America.

## SIGNIFICANT JUDICIAL PRAISE

In *In re Apollo Group Inc. Securities Litigation*, Master File No. CV-04-2147 PHX-JAT (U.S. District Court for the District of Arizona), Barrack, Rodos & Bacine, as the sole lead counsel for the class, secured a jury verdict for the full amount per share requested. Judge Teilborg commented that trial counsel **"brought to this courtroom just extraordinary talent**



***and preparation.... The technical preparation, the preparation for your examination and cross-examination of witnesses has been evident in every single instance. The preparation for evidentiary objections and responses to those objections have been thorough and foresighted. The arguments that have been made in every instance have been well-prepared and well-presented throughout the case. \*\*\* Likewise, for the professionalism and the civility that you -- and the integrity that you have all demonstrated and exuded throughout the handling of this case, it has just, I think, been very, very refreshing and rewarding to see that. \*\*\* [W]hat I have seen has just been truly exemplary."***

BR&B ultimately secured payment of \$145 million from the defendants – the largest post-verdict judgment and recovery achieved in a shareholder class action for violations of the federal securities laws since passage of the PSLRA. In approving the \$145 million resolution on April 20, 2012 (see 2012 WL 1378677), Judge Teilborg further stated: “[S]ince the enactment of the Private Securities Litigation Securities Reform Act (“PLSRA”), securities class actions rarely proceed to trial. Because Plaintiffs faced the burden of proving multiple factors relating to securities fraud, there was great risk that this case would not result in a favorable verdict after trial. Further, after the jury verdict, this Court granted judgment as a matter of law in favor of Defendants and Class Counsel pursued a risky and successful appeal to the Ninth Circuit Court of Appeals. Thereafter, Class Counsel successfully opposed a petition for certiorari to the United States Supreme Court. ***Based on this procedural history and the seven years of diligence in representing the Class, Class Counsel achieved an exceptional result for the Class. Such a result is unique in such securities cases and could not have been achieved without Class Counsel's willingness to pursue this risky case throughout trial and beyond. ... [A]s discussed above, Plaintiffs' Lead Counsel achieved exceptional results for the Class and pursued the litigation despite great risk."***

In *In re WorldCom, Inc. Securities Litigation*, No. 02 Civ. 3288 (DLC), BR&B was co-lead counsel for the Class and achieved settlements in excess of \$6.13 billion. After a partial settlement with one group of defendants for in excess of \$2.56 billion, Judge Cote stated that ***"the settlement amount ... is so large that it is of historic proportions."*** The Judge found that ***"Lead Counsel has performed its work at every juncture with integrity and competence. It has worked as hard as a litigation of this importance demands, which for some of the attorneys, including the senior attorneys from Lead Counsel on whose shoulders the principal responsibility for this litigation rests, has meant an onerous work schedule for over two years."*** Judge Cote further found that ***"the quality of the representation given by Lead Counsel is unsurpassed in this Court's experience with plaintiffs' counsel in securities litigation. Lead Counsel has been energetic and creative. Its skill has matched that of able and well-funded defense counsel. It has behaved professionally and has taken care not to burden the Court or other parties with needless disputes. Its negotiations with the Citigroup Defendants have resulted in a settlement of historic proportions. It has cooperated with other counsel in ways that redound to the benefit of the class and those investors who have opted out of the class. The submissions of Lead Counsel to the Court have been written with care and have repeatedly been of great assistance."*** The Court also found that ***"In sum, the quality of representation that Lead Counsel has provided to the class has been superb."*** In approving the final settlements totaling \$3.5 billion, in an opinion and order dated September 20, 2005, the Court stated ***"The impressive extent and superior quality of Lead Counsel's***

**efforts as of May 2004 were described in detail in the Opinion approving the Citigroup Settlement. ... At the conclusion of this litigation, more than ever, it remains true that 'the quality of representation that Lead Counsel has provided to the class has been superb.' ... At trial against Andersen, the quality of Lead Counsel's representation remained first-rate... The size of the recovery achieved for the class – which has been praised even by several objectors – could not have been achieved without the unwavering commitment of Lead Counsel to this litigation."**

Further, the Court found that **"Despite the existence of these risks, Lead Counsel obtained remarkable settlements for the Class while facing formidable opposing counsel from some of the best defense firms in the country;"** and **"If the Lead Plaintiff had been represented by less tenacious and competent counsel, it is by no means clear that it would have achieved the success it did here on behalf of the Class."** In reiterating that the size of the settlements was "historic," Judge Cote stated: **"it is likely that less able plaintiffs' counsel would have achieved far less."**

In ***Becker v. Bank of New York Mellon, et al.***, 11-cv-06460-JS (E.D. Pa.), BR&B served as class counsel, and achieved a cash settlement of \$13,500,000 to resolve all claims asserted by the plaintiff and the class. In approving the settlement, the Court noted that trial counsel's **"skill and efficiency"** in defending against a **"litany of pretrial motions, including a new motion to dismiss, motions in limine, and several Daubert motions,"** as well as during the trial. The Court further stated that: **"This favorable settlement is attributable in large part to class counsel's zealous advocacy for the class and vigorous prosecution of this action in the face of formidable opposition from Defendants."**

In ***In re Automotive Refinishing Paint Antitrust Litigation***, 2:10-md-01426-RBS (E.D. Pa.), BR&B, co-lead counsel for a Class of direct purchasers of automotive refinishing paint, achieved settlements with five defendants in excess of \$100 million. After reaching a settlement with the last two defendants remaining in the litigation, the Court stated, **"I want to commend counsel on both sides of this litigation. I think that the representation on both sides of this litigation is as good as I've ever seen in my entire professional career. Counsel worked together in this case. They frankly made the job of this Court very easy and I commend all of you for what you've done in this litigation."**

In ***In re Nationwide Financial Services Litigation***, Case No. 2:08-CV-00249, before the Honorable H. Michael Watson, in the U.S. District Court for the Southern District of Ohio. BR&B, as co-lead counsel, represented a lead plaintiff in a class action litigation contesting the buy-out of Nationwide Financial Services, Inc. by its majority owner Nationwide Mutual Insurance Company and certain affiliates in 2008. In assessing the settlement, the Court found: **"Plaintiffs and their counsel have made a thoroughly considered judgment that the Settlement is not only fair, adequate and reasonable, but an excellent result for the Class."** The \$52.25 per share revised offer was 12% more than NFS's closing price on August 6; it was 10.7% higher than Nationwide Mutual's initial offer of March 10, 2008 (providing an aggregate benefit of \$232.8 million to the members of the Class); and it was negotiated in the midst of an overall decline in the financial markets, and apparently while internal forecasts for NFS indicated some decline in its projected results." And, in assessing the work of co-lead counsel, the Court found that the **"quality and skill in the work performed by Plaintiffs"**

***Counsel is evident through the significant economic and non-economic recovery achieved in this Action."***

In ***In re Cendant Corporation Litigation***, No. 98-CV-1664 (WHW) (D.N.J.), BR&B was co-lead counsel for the Class and achieved settlements with defendants in excess of **\$3.18 billion**, more than three times larger than the next highest recovery ever achieved in a securities law class action suit by that time. The *Cendant* settlement included what was, at the time, the largest amount by far ever paid in a securities class action by an issuing company and the amount paid by Ernst & Young remains the largest amount ever paid in a securities class action by an outside auditor. The *Cendant* settlement further included extensive corporate governance reforms, and a contingency recovery of one-half the net recovery that Cendant and certain of its affiliated individuals may recover in on-going proceedings against CUC's former auditor. The *Cendant* Court stated that ***"we have all been favored with counsel of the highest competence and integrity and fortunately savvy in the ways of the law and the market."*** The Court found that the ***"standing, experience and expertise of counsel, the skill and professionalism with which counsel prosecuted the case and the performance and quality of opposed counsel were and are high in this action."*** The Court further found that the result of lead counsel's efforts were ***"excellent settlements of uncommon amount engineered by highly skilled counsel with reasonable cost to the class."***

**Exhibit 8<"**

F gencvkkp"qh"John G. Emerson."  
Emerson Firm, PLLC"

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

In Re: Group Health Plan Litigation

Case No. 23-cv-00267 (JWB/DJF)

**DECLARATION OF JOHN G.  
EMERSON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES  
AND CLASS REPRESENTATIVE  
AWARD**

I, John G. Emerson, declare:

1. I am the owner and principal in charge at the law firm of Emerson Firm PLLC. I am one of Plaintiffs' Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. I am the only professional at my firm who has contributed time billed to Plaintiffs' case. The following represents my billed time to Plaintiffs' case over the course of this matter through May 21, 2025, and my hours of work on behalf of Plaintiffs in this matter, my current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
John Emerson	Partner	45	26.60	\$795.00	\$21,147.00
<b>TOTALS:</b>					<b>\$21,147.00</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.

4. Below is the chart for John G. Emerson identifying the amount of time and lodestar per each of the eight general time categories:

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount @ \$795</u></b>
1. Case Investigation	<b>1.10</b>	<b>\$874.50</b>
2. Client Communications	<b>7.30</b>	<b>\$5,803.50</b>
3. Case Strategy	<b>13.50</b>	<b>\$10,732.50</b>
4. Legal Research and Drafting	<b>4.30</b>	<b>\$3,418.50</b>
5. Mediation/Settlement Discussions	<b>.40</b>	<b>\$318.00</b>
6. Court Hearings	<b>0.00</b>	<b>\$0.00</b>
7. Communications with Defendant	<b>0.00</b>	<b>\$0.00</b>
8. Discovery	<b>.10</b>	<b>\$79.50</b>
<b>TOTAL</b>	<b>26.60</b>	<b>\$21,147.00</b>

5. The undersigned and the firm of Emerson Firm PLLC have not received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. I am, or have in the past, represented Plaintiffs in a variety of class action cases, including my client Kaye Lockrem, one of the named lead plaintiffs in this case; Eagle Lake Farms Partnership in *Deere & Company Repair Services Antitrust Litigation*, Case No. 3:22-cv-50188, NDIL; Deborah Hamilton, Jorge Gonzalez, and Peter



Wojciechowski in the data breach case *Morill v. Lakeview Loan Servicing, LLC*, SDF; Caralyn Tada and Amjed Ali Ababseh in *In Re: Capital One Customer Data Security Breach Litigation*, Case No. 1:19-md-02915-AJT-JFA, EDVA, and many others too numerous to mention.

7. Emerson Firm PLLC and John Emerson have had marked success in the field of complex class action litigation for over half a century across the United States. Exemplar cases are detailed in the firm resume attached hereto as Exhibit A.

8. The fee rates of Emerson Firm PLLC in complex class action cases have recently been approved in the Western District of Pennsylvania, the Northern District of Texas District, and the Western District of Missouri including by the Honorable Joy Flowers Conti in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litigation*, Case No 21-mc-1230, WDPA; by the Honorable Amos L. Mazzant, III in the automobile defect case *Wilson et al v. FCA US LLC et al*, Case No, 4:22-cv-00447-ALM, NDTX- Sherman Division; and by the Honorable Stephen Bough in the allegedly defective tractor 303 oil *In Re: Smitty's/CAM2 303 Tractor Hydraulic Fluid Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2936, Master Case No. 4:20-MD-02936-SRB, WDMO-Western Division.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 23rd day of May 2025 in Houston, TX.



John G. Emerson

Attorney for Plaintiffs

# EXHIBIT A



**Emerson Firm, PLLC**  
Attorneys at Law

Houston

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**Class Action Litigation  
Antitrust Litigation  
Securities Litigation  
ERISA Litigation  
Consumer Litigation  
Trials and Appeals  
Personal Injury and Wrongful Death  
Martindale-Hubble Rated AV Preeminent**

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Emerson Firm, PLLC ("EF") has a national class action, mass tort, and catastrophic injury trial practice with offices in Houston, Texas.

The Firm and its team of experienced attorneys and paralegals handles complex commercial litigation with a concentration on cases that involve violations of federal antitrust statutes, ERISA, federal and state consumer protection laws, and securities laws. EF has prosecuted numerous antitrust class action cases, consumer class action cases, securities fraud, and shareholder derivative cases representing consumers, damaged companies, and investors around the country and abroad. EF and its predecessor firms have been active in many class action and individual cases of note. In class action litigation, EF and its predecessor firms have represented plaintiffs in well over 100 class action or other complex litigation cases.

John G. Emerson is the founder of Emerson Firm, PLLC and has been practicing for forty-five years. He was born in Little Rock, Arkansas, and was raised there and in Houston, Texas. He obtained his Bachelor of Arts from the University of Texas at Austin and his Juris Doctorate from South Texas College of Law in Houston. He was admitted to the Texas Bar in 1980 and is admitted to practice before the U.S. Supreme Court; U.S. Court of Appeals for the 2nd, 5th, and 8th Circuits; U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas; Eastern and Western Districts of Arkansas; Western District of Washington; District of Colorado; Eastern District of Michigan; Eastern District of Wisconsin; and all Texas, Washington, and Arkansas state courts. He began his career as law clerk in the Admiralty Section of Fulbright & Jaworski in Houston, Texas. Later he was outside trial counsel for several large national insurance companies and self-insureds such as Farmers Insurance Group, Liberty Mutual, Nationwide, Westinghouse, and Clark Equipment Company. He was a named partner in his defense firm in Houston. He transitioned from defense trial work into a mass tort practice and ultimately into a mass tort, class action, and catastrophic injury law practice.

For the past 27 years, Martindale-Hubbell, a national authority on attorney reviews and ratings, has awarded Mr. Emerson the rating “AV Preeminent” – the highest possible rating for legal ability and ethical standards. Mr. Emerson was honored by being named one of the Top 100 Trial Lawyers in America by the National Trial Lawyers in 2013-2020.

One more recent case of note in his personal injury practice, Mr. Emerson prosecuted a catastrophic brain injury case for a 42-year-old woman and her husband involving alleged malpractice by doctors and staff at CHI-St. Vincent Hot Springs in Hot Springs, AR. Mr. Emerson’s client was severely brain damaged and left in a permanent vegetative state. This matter was settled under a confidential agreement.

Mr. Emerson has represented named lead plaintiffs in many antitrust cases and has been a committee member in many cases. His antitrust cases include:

- In re: Aluminum Warehousing Antitrust Litigation.
- In re: High Pressure Laminates Antitrust Litigation.
- In re: Compact Disc Antitrust Litigation.
- In re: Lithium-Ion Batteries Antitrust Litigation.
- In re: CRT (Cathode Ray Tube) Antitrust Litigation.
- In re: Flash Memory Antitrust Litigation.
- In re: GPU (Graphics Processing Units) Antitrust Litigation.
- In re: Ocean Shipping Antitrust Litigation.
- In re: TFT-LCD (Flat Panel) Antitrust Litigation.
- In re: Trans-Pacific Airline Surcharge Litigation.
- In re: Domestic Airlines Antitrust Litigation.
- In re: Bridgestone Anti-Vibration Rubber Parts Antitrust Litigation.
- In re: Interior Molded Doors Antitrust Litigation.
- In re: Liquid Aluminum Sulfate Antitrust Litigation.
- In re: Crop Inputs Antitrust Litigation.
- In re: Deere & Company Repair Services Antitrust Litigation.
- Hightower v. Celestron Acquisition, LLC, et al.
- In re: Manufactured Home Lot Rents Antitrust Litigation

In his privacy and data breach practice, Mr. Emerson has represented many named lead plaintiffs and/or has been a committee member in the following pending or settled privacy or data breach cases:

- In re: Marriott International, Inc., Customer Data Security Breach Litigation.
- In re: Equifax, Inc., Customer Data Security Breach Litigation.
- In re: Anthem Healthcare Data Breach Litigation.)
- In re: Premiera Healthcare Data Breach Litigation.
- In re: Medical Informatics Engineering Data Breach Litigation.
- In re: Office of Personnel Management Data Breach Litigation.
- In re: Experian Data Breach Litigation-represented half of the 58 named lead plaintiffs.
- In re: Vizio, Inc., Consumer Privacy Litigation.
- In re: Banner Health Data Breach Litigation.

- In re: Valley Anesthesiology Data Breach Litigation.
- In re: Lincare Holdings Inc. Data Breach Litigation.
- In re: T-Mobile Customer Data Security Breach Litigation.
- In re: Capital One Customer Data Breach Litigation.
- In re: Advocate Aurora Health Data Breach Litigation.
- In re: Lakeview Loan Servicing Data Breach Litigation.
- In re: Forefront Data Breach Litigation.
- Shields Health Care Group Inc. Data Breach Litigation.
- Wesch v. Yodlee, Inc, et al. Privacy Litigation.
- Broward Health Data Breach Litigation.
- Tenet Healthcare Corporation Data Breach Litigation.
- Flagstar Bank Data Breach Litigation.
- Yuma Medical Center Data Breach Litigation.
- Apple Privacy Litigation.
- BetMGM Data Breach Litigation.
- TikTok Privacy Litigation.
- In re: Meta Pixel Tax Filing Cases (a privacy litigation)
- Zoll Medical Data Breach Litigation
- Smith et al. v. Apria Healthcare LLC (a data breach litigation)
- BetterHelp Privacy Litigation
- Maternal and Family Health Service Data Breach Litigation
- TMX Data Breach Litigation
- Regal Medical Group Data Breach Litigation
- Cedars-Sinai Privacy Litigation
- Highmark Health Data Breach Litigation
- Group Health Plan Privacy Litigation
- Elaine Malinowski et al. v. International Business Machines Corporation et al. (a data breach litigation)
- Mary L. Smith, et al., individually and on behalf of all others similarly situated v. Google, LLC (a tax pixel tracking case)
- Geleng v. Independent Living Systems, LLC (a data breach litigation)
- Skurauskis, et al., v. NationsBenefits Holdings, LLC, *et al.* (a data breach litigation)
- Crowe v. Managed Care of North America, Inc. (a data breach litigation)
- Maria Sgambati v. Enzo Biochem, Inc., and Enzo Clinical Labs, Inc. (a data breach litigation)
- Harvard Pilgrim Data Breach Litigation
- Silvers et al. v. HCA Healthcare, Inc. (a data breach litigation)
- Douglas et al. v. Purfoods, LLC (a data breach litigation)
- Caresource Data Breach Litigation
- Arturo Bruno v. Robert Donohoe, as Trustee of The Texas Medical Liability Trust (a data breach litigation)
- Curtis Wilson et al. v. Longhorn Imaging Center, LLC (a data breach litigation)
- Jesus Castillo et al. v. Costco Wholesale Corporation (a pixel privacy litigation)
- McLaren Health Data Breach Litigation
- Healthec Data Breach Litigation
- Loan Depot Data Breach Litigation

- HMG Data Breach Litigation
- Northwell Health Data Breach Litigation
- Columbus Healthcare Data Breach Litigation
- Concentra Health Data Breach Litigation
- Singing River Data Breach Litigation
- Keenan & Associates Data Breach Litigation
- Progress Software – MOVEit Litigation.

**In his consumer class action practice, Mr. Emerson has represented or is representing numerous consumers who are named lead plaintiffs or bellwether trial plaintiffs in the following class actions:**

- **In re: Syngenta AG MIR162 Corn Litigation (MDL 2591).** A global settlement of approximately \$1.5 billion. Mr. Emerson represented the Arkansas bellwether trial plaintiff Eagle Lake Farms Partnership as well as many farmers in Arkansas and around the United States.
- **In re: Smitty's/Cam2 303 Tractor Hydraulic Fluid Marketing, Sales Practices and Products Liability Litigation.** Two manufacturer defendants have settled for \$31,900,000.00. Mr. Emerson is represented plaintiffs in the consolidated class action on behalf of contractors, farmers, and individual consumers relating to allegedly defective "303" hydraulic tractor oil fluid.
- **In re East Palestine Derailment Litigation,** representing many plaintiffs. This case settled for \$600,000,000.00.
- **In re: Chrysler Pacifica Fire Recall Products Liability Litigation,** a class action involving 2017-2023 Hybrid Pacifica Minivans subject to fires, explosions, and spontaneous shutdowns.
- **Juliet Murphy, et al., v. Toyota Motor Corporation,** a class action involving 2013-2018 Toyota RAV4 vehicles which have allegedly defective battery hold down frames. This case settled for approximately \$13,000,000.00.
- **Danny Weston, et al v. Subaru of America, Inc.,** a class action involving sudden and unintended acceleration in 2012-2018 Subaru Forester, 2015-2019 Subaru Legacy, and 2015-2019 Subaru Outback vehicles.
- **Laura and James Sampson, et al, v. Subaru of America, Inc. and Subaru Corporation f/k/a Fuji Heavy Industries, Ltd.,** a class action involving allegedly defective Autonomous Emergency Braking and Lane Keep Assist systems in 2013-2021 Subaru vehicles.
- **Gordon Feller et al v. Transamerica Life Insurance Company.** Mr. Emerson represented policyholders who experienced increased cost of insurance rates and/or increased monthly deductions (COI). Among other work, Mr. Emerson defended the deposition in Saipan of one of the named plaintiffs, a US citizen residing in Saipan. This case settled for approximately \$200 million.
- **In Re: Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation.** Mr. Emerson served as Chairman of the Expert Witness Committee in the consolidated MDL class action.

- In both the Gerber's and Carter's Baby Clothing Litigation, Mr. Emerson was Co-Lead Counsel for several parents and the Class. Both cases resolved for plaintiffs in a JAMS mediation.
- Mr. Emerson served as a consultant to Canadian plaintiffs' counsel in the Canadian Medtronic Pacemaker Pacing Lead Product Liability Litigation. This case was certified and settled as a Canadian national class action.
- In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation.
- In re: Toyota Hybrid Brake Litigation, a class action involving allegedly defective brakes in certain hybrid Toyota vehicles.
- In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litigation, a class action involving allegedly defective breathing products. Mr. Emerson represents 10 of the named plaintiffs in the Economic Loss Complaint (which has tentatively settled for approximately \$479 million with Final Settlement Approval in April 2024) and 6 of the named plaintiffs in the Medical Monitoring Complaint.
- Rust-Oleum class action litigation involved allegedly defective deck stains including Rustoleum RockSolid and Rustoleum Restore products. There were 2 cases, Green, et al., v. Rust-Oleum Corporation and Nancy Cole, et al., v. Rust-Oleum Corporation, both of which have settled.
- Generac Power System Litigation is a consolidated class action involving the allegedly defective PWRcell System.
- FCA RAM Defective ABS & HCU Litigation. Mr. Emerson represents plaintiffs in cases in Texas and California involving defective anti-lock braking systems and defective hydraulic control units. This case has settled with relief estimated at \$200 million.
- Suboxone Drug Litigation where Mr. Emerson represents numerous injured consumers.
- Camp LeJeune Contaminated Water Litigation where Mr. Emerson represents many injured veterans.
- Bard PowerPort Litigation where Mr. Emerson represents many injured patients.
- Dicamba Herbicide Crop Litigation where Mr. Emerson represents farmers who have suffered damages to crops allegedly at the hands of the Monsanto Company

In his retirement plan practice, Mr. Emerson was appointed to the Plaintiffs' Counsel Steering Committee by Judge Melinda Harmon, in the consolidated Enron ERISA Litigation, styled Pamela M. Tittle v. Enron Corp., et al.

In his corporate practice, Mr. Emerson has represented numerous shareholders in shareholder derivative lawsuits brought against corporate boards alleging breaches of fiduciary duties. These suits sought to impose corporate governance reforms aimed at protecting shareholders and eliminating corporate waste and abuse. Some notable cases include:

- Computer Associates (CA) Shareholder Derivative. This case was brought in the Federal District Court for the Eastern District of New York. Mr. Emerson was Lead Counsel in this action which was brought against the CA board of directors and led to the resignation of the Company's CFO and two other senior financial officers. More importantly it established corporate governance measures that CA has since represented as the "gold standard" of governance reform.

- **In re: AOL Time Warner Shareholder Derivative Litigation.** Mr. Emerson was Co-Lead Counsel in this case which settled in the Federal District Court for the Southern District of New York. It resulted in wide ranging corporate governance and compliance changes and was recognized as a substantial factor in Time Warner's ability to obtain \$200 million from its Directors' and Officers' (D&O) insurance carriers.
- **In re: Crompton Shareholder Derivative Litigation.** Mr. Emerson was Lead Counsel in the case which settled with Crompton's D & O carrier, AIG, in mediation at JAMS New York. After the mediated settlement, but before Court approval, Crompton filed bankruptcy. Thereafter the settlement was approved by the Bankruptcy Court for the Southern District of New York and resulted in major corporate governance improvements.

Mr. Emerson has 45 years of jury trial experience. He is a member of the legal fraternity Delta Theta Phi. He is also a member of The National Trial Lawyers; American Association for Justice ("AAJ"); AAJ Class Action Litigation Group; AAJ Medical Negligence Information Exchange Group; Fellow of The National Civil Justice Institute (formerly The Pound Civil Justice Institute); Texas Trial Lawyers Association; American Bar Association (Tort and Insurance Practice and Legal Economics Sections); State Bar of Texas (Grievance Committee 4-D, Houston, 1991-94); Membership Services Committee, 1991-92); Sustaining Life Fellow Texas Bar Foundation; Bar Association for the United States District Court for the Eastern District of Texas; Houston Bar Association; Fellow of the Houston Bar Foundation; Washington State Bar; King County Bar Association; Arkansas Trial Lawyers Association; Pulaski County Bar Association; and the Arkansas Bar Association. Mr. Emerson was honored by the Governor of Arkansas when he was named an Arkansas Traveler, an Ambassador of Good Will on behalf of the people of the state of Arkansas to people everywhere.

Mr. Emerson is married with two children, three grandsons, and three miniature dachshunds. He enjoys the outdoors and has hunted and fished in the United States, Canada, Mexico, Honduras, Uruguay, Argentina, Botswana, and South Africa. He currently hunts with a camera, only, and is an avid bird watcher. He supports elephants in East Africa through the David Sheldrick Wildlife Trust. He is a member of Ducks Unlimited and is a Life Member of Safari Club International. He is a Life Member of Texas Exes, the alumni group of the University of Texas at Austin.



**Exhibit 9<"**

F gencvkkp"qh"David S. Almeida,  
Almeida Law Group LLC"

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

*In Re: Group Health Plan Litigation*

Case No. 23-cv-00267 (JWB/DJF)

**DECLARATION OF DAVID S.  
ALMEIDA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES  
AND CLASS REPRESENTATIVE  
AWARD**

I, David S. Almeida, declare:

1. I am the Founder and Managing Partner at the law firm of Almeida Law Group LLC ("ALG") and one of Plaintiffs' Settlement Class Counsel in the above-captioned matter and have knowledge of the facts set forth in this declaration.

2. The following represents the professionals from the firm of ALG who have contributed billable time to Plaintiffs' case over the course of this matter through May 21, 2025, and their hours of work on behalf of Plaintiffs in this matter, their current hourly rate, and the resulting lodestar.

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>ATTORNEY YEARS OF EXPERIENCE</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
David S. Almeida	Managing Partner	25	35.2 h	\$775/hr.	\$27,280.00
Elena Belov	Of Counsel	23	61.5 h	\$550/hr.	\$33,825.00
Katy Liebhold	Paralegal	n/a	1.10h	\$175/hr.	\$192.50
<b>TOTALS:</b>			<b>97.8h</b>		<b>\$61,297.50</b>

3. The hours in the chart above were reasonable, necessary to the result achieved for the Plaintiffs' class, and non-duplicative.



4. Below are charts for each ALG timekeeper identifying the amount of time and lodestar per each of the eight general time categories:

*Attorney David S. Almeida*

<b><u>Time Keeping Category</u></b>	<b><u>Amount of Time</u></b>	<b><u>Lodestar Amount</u></b>
1. Case Investigation	17.3	\$13,407.50
2. Client Communications	.5	\$387.50
3. Case Strategy	4.7	\$3,642.50
4. Legal Research and Drafting	11.3	\$8,757.50
5. Mediation/Settlement Discussions	1.4	\$1,085.00
6. Court Hearings		
7. Communications with Defendant		
8. Discovery		
<b>TOTAL</b>	35.2	\$27,280.00

*Attorney Elena A. Belov*

<u>Time Keeping Category</u>	<u>Amount of Time</u>	<u>Lodestar Amount</u>
1. Case Investigation	21.5	\$11,825.00
2. Client Communications	11.5	\$6,325.00
3. Case Strategy	4.7	\$2,585.00
4. Legal Research and Drafting	12.8	\$7,040.00
5. Mediation/Settlement Discussions		
6. Court Hearings		
7. Communications with Defendant		
8. Discovery	11.0	\$6,050.00
<b>TOTAL</b>	61.5	\$33,825.00

5. No one at ALG, including the undersigned, have received any compensation since the inception of this action and borne the risk of not recovering any fees or expenses, despite the significant outlay of both over the course of this case.

6. Our firm is representing Plaintiff Kelly Vreizen in one other putative class action lawsuit currently pending in the United States District Court for the District of Minnesota, captioned *Vriezen v. Infinite Health Collaborative* and assigned case number 24-cv-03743-NEB-DJF.

7. While our Firm was founded fairly recently, it has enjoyed marked success in the field of complex class action litigation; exemplar cases, including recoveries and leadership positions are detailed in the firm resume attached hereto as Exhibit A.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of May 2025 in Chicago, Illinois.

*s/ David S. Almeida*  
David S. Almeida

*Attorney for Plaintiffs*



The Almeida Law Group LLC is a class action litigation boutique committed to advocating for individuals, families and small businesses who have suffered because of corporate malfeasance. We are accomplished, experienced and credentialed class action practitioners, and we represent our clients in consumer protection, false labeling, unfair and deceptive practices cases as well as data privacy, technology and security matters including, but not limited to, data breaches, pixel tracking and claims under various consumer protection and privacy-related statutes such as the Electronic Communications Privacy Act (“ECPA”), the California Medical Information Act (“CMIA”), the Illinois Biometric Information and Privacy Act (“BIPA”), the Video Privacy Protection Act (“VPPA”) and the Telephone Consumer Protection Act (“TCPA”).

Our attorneys began their training at some of the most esteemed law schools in the country including Columbia, Cornell, Georgetown, Harvard and the University of Chicago. Excelling at each of these rigorous schools, our attorneys received top honors, contributed to prestigious law journals and completed numerous externships. Our attorneys have also completed highly selective public interest fellowships, federal clerkships in the Northern District of Illinois, Eastern District of Pennsylvania and the District of South Carolina as well as internships at the United States Attorney’s Offices in Atlanta and Baltimore.

With those foundations in place, our attorneys gained invaluable experience and honed their litigation skills by working at some of the very best law firms in the world including:

- Benesch, Friedlander, Coplan & Aronoff LLP
- Covington & Burling LLP
- Faegre Drinker Biddle & Reath LLP
- K&L Gates LLP
- Kilpatrick Townsend & Stockton LLP
- Kirkland and Ellis LLP
- Milbank LLP

- Quinn Emanuel Urquhart & Sullivan LLP
- Sheppard Mullin Richter & Hampton LLP
- Steptoe & Johnson LLP

These decades of experience set us apart from many plaintiffs' firms; we are acutely aware of how companies will respond in our cases because we represented the exact same types of companies for years. Coupled with our educations and training, this insider knowledge equips us to strategically utilize our experience for our clients' benefit.

Our practice is truly national as we represent clients in class action litigation in federal and state courts throughout the country. Our attorneys are licensed to practice in California, Florida, Georgia, Illinois, New York, South Carolina and Wisconsin. In short, our Firm is composed of a dedicated team of legal professionals with the knowledge, experience and unwavering commitment to obtain the best possible legal results for our clients.

#### **PIXEL TRACKING CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *John v. Froedtert Health, Inc.*, 23-CV-1935 (Wis. Cir. Ct.) (co-counsel in pixel tracking class action, settled on a class-wide basis)
- *In re Advocate Aurora Health Pixel Litigation*, 2:22-cv-01253 (E.D. Wis.) (co-counsel in consolidated pixel tracking class action, settled on a class-wide basis)
- *Guenther v. Rogers Behavioral Health System, Inc.* (Wis. Cir. Ct.) (co-counsel in pixel tracking class action, settled on a class-wide basis)
- *Doe v. ProHealth Care*, 2:23-cv-00296 (E.D. Wis.) (co-counsel in consolidated pixel tracking class action)
- *Vriezen v. Group Health Plan, Inc.*, 23-cv-00267 (D. Minn.) (counsel in consolidated pixel tracking class action, settled on a class-wide basis, final approval hearing set for June 26, 2025)
- *Randy Mrozinski, et al. vs. Aspirus, Inc.*, 2023CV000170 (Wisc. Cir. Ct., Marathon County) (co-lead counsel in pixel tracking class action)
- *McCulley v. Banner Health*, 2:23-cv-00985 (D. Ariz.) (co-lead counsel in consolidated pixel tracking class action)
- *Heard v. Torrance Memorial Medical Center*, 22-cv-36178 (9th Cir.) (co-lead counsel in consolidated pixel tracking class action)
- *Doe v. Adventist Health Care Network, Inc.*, 22ST-cv-36304 (L.A. Sup. Ct.) (co-lead counsel in consolidated pixel tracking class action)
- *Isaac v. Northbay Healthcare Corp.*, FCS059353 (L.A. Sup. Ct.) (co-lead counsel in consolidated pixel tracking class action)

- *Mayer v. Midwest Physicians Administrative Services LLC*, 1:23-cv-03132 (N.D. Ill.) (co-lead counsel in pixel tracking class action)
- *Smith v. Loyola University Medical Center*, 1:23-cv-15828 (N.D. Ill.) (co-lead counsel in pixel tracking class action, settled on a class-wide basis, final approval hearing set for September 17, 2025)
- *Kaplan v. Northwell Health*, 2:23-cv-07205 (E.D. N.Y.) (counsel in pixel tracking class action)
- *Cooper v. Mount Sinai Health System Inc.*, 1:23-cv-09485 (S.D.N.Y.) (counsel in pixel tracking class action, settled on a class-wide basis, preliminary approval pending)
- *Kane v. University of Rochester Medical Center*, 6:23-cv-06027 (W.D.N.Y.) (counsel in pixel tracking class action, settled on a class-wide basis, final approval hearing set for August 21, 2025)
- *Doe v. Workit Health Inc.*, 2:23-cv-11691 (E.D. Mich.) (counsel in telehealth pixel tracking class action, settled on a class-wide basis)
- *Strong v. LifeStance Health Group Inc.*, 2:23-cv-00682 (D. Ariz.) (counsel in telehealth pixel tracking class action)
- *Federman v. Cerebral Inc.*, 2:23-cv-01803 (C.D. Cal.) (counsel in telehealth pixel tracking class action)
- *Marden v. LifeMD Inc.*, A-24-906800-C (Nev. Dist. Ct., Clark Cnty.) (counsel in telehealth pixel tracking class action, preliminary approval pending)
- *R.C. & T.S. v. Walgreens Co.*, 5:23-cv-01933 (C.D. Cal.) (counsel in telehealth pixel tracking class action)
- *Doe v. Wellstar Health System, Inc.*, 1:24-cv-01748 (N.D. Ga.) (co-lead counsel in telehealth pixel tracking class action)
- *Reedy v. Everylywell, Inc.*, 1:24-cv-02713 (N.D. Ill.) (co-lead counsel in telehealth pixel tracking class action, settled on a class-wide basis)
- *Pattison, et al. v. Teladoc Health, Inc.*, 7:23-cv-11305-NSR (S.D.N.Y.) (co-lead counsel in consolidated pixel tracking class action)
- *Nguyen, et al. v. Abbott Laboratories, Inc.*, 1:24-cv-08289 (N.D. Ill.) (counsel in telehealth pixel tracking class action)
- *R. C., et al. v. Walmart Inc.*, 5:24-cv-02003 (C.D. Ca.) (counsel in telehealth pixel tracking class action)
- *Vriezen v. Infinite Health Collaborative*, 0:24-cv-03743 (D. Minn.) (counsel in telehealth pixel tracking class action)

- *Fateen v. Corewell Health*, 1:24-cv-01216 (W.D. Mi.) (counsel in telehealth pixel tracking class action)
- *J. R. et al v. Atrium Health, Inc.*, 3:24-cv-00382 (W.D.N.C.) (counsel in telehealth pixel tracking class action)
- *In re CityMD Data Privacy Litigation*, 2:24-cv-06972 (D.N.J.) (interim Co-Lead Class Counsel in urgent care pixel tracking class action)
- *Singh v. The Moses H. Cone Memorial Hospital Operating Corporation et al.*, 1:24-cv-00558 (M.D.N.C.) (co-counsel in pixel class action; settled on a class-wide basis, preliminary approval hearing pending)
- *B.W. and Jane Doe, et al. v. San Diego Fertility Center Medical Group, Inc.*, 37-2024-00006118-CU-BC-CTL (Super. Ct., Solano County, Cal.) (co-counsel in pixel class action; final approval hearing set for July 18, 2025)

#### **DATA BREACH CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *In re Practice Resources, LLC Data Security Breach Litigation*, 6:22-cv-00890 (N.D.N.Y.) (co-lead counsel in consolidated data privacy class action, settled on a class-wide basis, final approval hearing set for June 11, 2025)
- *In re City of Hope Data Security Breach Litigation*, 24STCV09935 (L.A. Sup. Ct.) (counsel in consolidated data breach class action)
- *Marie Catanach v. Bold Quail Holdings, LLC et al.*, 24STCV32029 (Los Angeles Superior Court) (counsel in data breach class action)
- *Tambroni et al v. WellNow Urgent Care, P.C. et al.*, 2025LA000013 (Cir. Ct., Sangamon County, Ill.) (co-lead counsel in data breach class action, settled on a class-wide basis, final approval hearing scheduled for August 15, 2025)
- *Spann v. Superior Air-Ground Ambulance Service, Inc.*, 1:24-cv-04704 (N.D. Ill.) (co-lead counsel in operative data breach class action, settled on a class-wide basis)
- *Hulse v. Acadian Ambulance Services, Inc.*, 6:24-cv-01011 (W.D. La.) (executive Committee in consolidated data breach class action)
- *Gorder v. FCDG Management LLC d/b/a First Choice Dental*, 2024-CV-002164 (Dane County Circuit Court) (co-lead counsel in data breach class action)
- *In re Rockford Gastroenterology Associates, Ltd Data Breach Litigation*, 2024-CH-0000120 (Winnebago Cir. Ct.) (interim Co-Lead Class Counsel in data breach class action)
- *Fitzsimons v. Long Island Plastic Surgical Group, PC*, 2:25-cv-00309 (E.D.N.Y.) (counsel in data breach class action)

**OTHER DATA BREACH CASES IN WHICH OUR FIRM IS INVOLVED**

- *Montenegro v. American Neighborhood Mortgage Acceptance Company d/b/a AnnieMac Home Mortgage*, 1:24-cv-10679 (D.N.J.)
- *McHugh v. Enzo Biochem, Inc.*, 2:23-cv-04326 (E.D. N.Y.)
- *Meyers v. Onix Groups LLC*, 2:23-cv-0228 (E.D. Penn.)
- *Kolstedt v. TMX Finance Corporate Services, Inc.*, 4:23-cv-00076 (S.D. Ga.)
- *Rasmussen v. Uintah Basin Healthcare*, 2:23-cv-00322 (C.D. Utah)
- *Douglas v. Purfoods LLC*, 4:23-cv-00332 (S.D. Iowa)
- *Williams v. Southwell Inc. & Tift Regional Health Systems Inc.*, 2023CV0328 (Tift County Superior Court)

**VIDEO PRIVACY PROTECTION ACT CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *Edwards v. Mubi Inc.*, 5:24-cv-00638 (N.D. Cal.) (co-counsel in VPPA class action)
- *John v. Delta Defense LLC & U.S. Concealed Carry Association Inc.*, 2:23-cv-01253 (E.D. Wisc.) (lead counsel in VPPA class action)
- *Macalpine, et al. v. Onnit, Inc.*, 1:24-cv-00933 (W.D. Tex.) (counsel in pixel class action)
- *Jolly v. FurtherEd, Inc.*, 1:24-cv06401-LJL (S.D.N.Y.) (co-lead counsel in consolidated VPPA class action)
- *Marteney v. ANM Media, LLP, Inc. d/b/a MY-CPE*, 4:24-cv-04511 (S.D. Tex.) (counsel in VPPA class action)
- *Jones v. Becker Professional Development Corporation*, 6:24-cv-06643 (W.D.N.Y.)

**FALSE LABELING CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *Levy v. Hu Products LLC*, 23-cv-01381 (S.D.N.Y.) (co-counsel in false labeling class action alleging defendant did not disclose the presence of lead in chocolate)
- *In re Trader Joe's Company*, 3:23-cv-00061 (S.D. Cal.) (co-counsel in false labeling class action alleging defendant did not disclose the presence of lead in chocolate)
- *Haymount Urgent Care PC v. Gofund Advance LLC*, 1:22-cv-01245 (S.D.N.Y.) (co-counsel in lawsuit alleging merchant cash advances were usurious loans)
- *Mandy Cliburn v. One Source Market, LLC, d/b/a HexClad Cookware*, 23-ST-cv-28930 (Cal. Sup. Ct.) (counsel in false labeling class action, settled on a class-wide basis, preliminary approval pending)



- *Fleetwood Services LLC v. Complete Business Solutions Group Inc.*, 2:18-cv-00268, (E.D. Penn.) (co-counsel in class action alleging merchant cash advances were usurious loans)
- *Kyungo et al v. Saks & Company, LLC et al*, 3:24-cv-06934 (N.D. Ca.) (counsel in false advertising class action)

**CONSUMER PROTECTION CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *Oganesyan v. Rakuten USA*; 4:25-cv-01534 (N.D. Ca.) (counsel in consolidated false advertising class action)
- *Chowning vs. Tyler Technologies, Inc.*; 3:25-cv-04009 (N.D. Ca.) (counsel in junk fees class action)

**BIOMETRIC CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *Aragon v. Weil Foot & Ankle Institute LLC*, 2021-CH-01437 (Cook County Cir. Ct.) (co-lead counsel in BIPA class action, settled on a class-wide basis)
- *Bore v. Ohare Towing Systems Inc.*, 2020-CH-02865 (Cook County Cir.) (co-lead counsel in BIPA class action, final approval granted)
- *Daichendt v. CVS Pharmacy Inc.*, 1:22-cv-03318 (N.D. Ill.) (co-counsel in BIPA class action)
- *Vargas v. Cermak Fresh Market Inc.*, 2020-CH-06763 (Cook County Cir. Ct.) (co-counsel in BIPA class action)
- *Karling v. Samsara Inc.*, 1:22-cv-00295 (N.D. Ill.) (co-counsel in BIPA class action)
- *Stegmeyer v. ABM Industries Incorporated, et al.*, 1:24-cv-00394 (N.D. Ill.) (co-lead counsel in biometric class action)

**GENETIC CASES IN WHICH OUR FIRM HAS SERVED AS LEAD OR CO-COUNSEL**

- *Carter et al v. MyHeritage (USA), Inc.*, 1:25-cv-00224 (N.D. Ill.) (Interim co-lead class counsel in consolidated GIPA class action)
- *Saathoff v. Gene By Gene Ltd.*, 1:24-cv-12118 (N.D. Ill.) (interim class counsel in consolidated pixel class action)

## OUR TEAM

**David S. Almeida** is the Founder and Managing Partner of the Almeida Law Group LLC, headquartered in Chicago, Illinois.

Bringing a distinctive and highly seasoned perspective, he specializes in representing consumers in class action lawsuits. Notably, a significant portion of his career has been devoted to serving as a class action defense lawyer, representing hospital systems, medical providers, retail and hospitality companies, and various consumer-facing entities in class action lawsuits related to privacy. Before establishing ALG, David was a Partner at Benesch, Friedlander, Coplan and Aronoff LLP; while there, David founded and chaired the Class Action Practice Group and lead the Firm's Telephone Consumer Protection Act Team and its Retail, Hospitality and Consumer Products Practice Group.

A 1999 graduate of Cornell Law School, David has practiced law at prestigious firms in New York City and Chicago. David is admitted to the bars of New York, Illinois, Arizona and Wisconsin, as well as several federal courts, including the United States District for the Northern District of Illinois.

David's extensive experience spans over 350 class action lawsuits across the country. These cases encompass issues such as data breaches and privacy violations, state consumer fraud and deceptive business practices, false advertising and false labeling, as well as numerous statutory violations including the Telephone Consumer Protection Act, the Fair Credit Reporting Act, the Illinois Biometric Information and Privacy Act ("BIPA"), the Video Privacy Protection Act ("VPPA"), the Electronics Communication Privacy Act, 18 U.S.C. § 2511(1) ("ECPA"), the California Confidentiality of Medical Information Act, Cal. Civ. Code § 56, *et seq.* ("CMIA"), the California Invasion of Privacy Act, Cal. Penal Code § 630, *et. seq.* ("CIPA"), the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750, *et seq.* ("CLRA"), the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.* ("UCL").

As a recognized authority in the field, David is well-versed in data privacy and security issues, direct and mobile marketing, emerging payment systems, as well as social and digital media matters. He is an author and speaker on these topics and is sought after by local and national publications for his insights. David has received multiple listings as an Illinois Super Lawyers and has been acknowledged as a "Rising Star" by the National Law Journal. He earned his Bachelor of Arts from Salisbury University, graduating *summa cum*

*laude*, and obtained his Juris Doctor from Cornell Law School, where he served as an Editor of the Cornell Law Review.

**Wesley M. Griffith** is a Partner and the California Managing Partner at Almeida Law Group.

Wes is an accomplished litigator. Like many attorneys at the firm, Wes developed extensive experience as a defense attorney, spending a decade at two of the nation's top defense firms, where he represented some of the world's largest companies in class actions and complex litigation. Wes now leverages his big law experience to advocate vigorously for everyday Americans in trial and appellate courts across the country.

Wes's practice focuses primarily on consumer class actions, focusing on junk fees, false and deceptive advertising, forever chemical contamination, and complex commercial disputes. He has represented clients in significant federal court actions (including before the United States Supreme Court), multidistrict litigation, and other complex actions across the country.

Wes's notable current matters include:

- Reserve California Camping Junk Fees Class Action
- Greystar Junk Fee Class Action
- School Lunch Fees Class Action
- Avis and Budget Rental Car Junk Fees

Wes's prior class action experience includes:

- *Beaver v. Tarsadia Hotels*, 2017 WL 4310707 (S.D. Cal. Sept. 28, 2017) (granting final approval to a class action settlement of over \$50 million in a real estate development dispute)
- *Weller v. HSBC Fin. Corp.*, 2015 WL 6123195 (D. Colo. Oct. 19, 2015)
- *West v. HSBC Mortgage Corp.*, South Carolina Court of Common Pleas (August 2015)
- *In re HSBC Bank, USA, N.A., Debit Card Overdraft Fee Litig.*, Supreme Court of the State of New York (2015)
- *In re HSBC Bank, USA, N.A., Debit Card Overdraft Fee Litig.*, 99 F. Supp. 3d 288 (E.D.N.Y. 2015)

- *Vasquez v. California School of Culinary Arts, Inc.*, 230 Cal. App. 4th 35 (Cal. App. 2d Dist. 2014)
- *Diaz v. HSBC USA, N.A.*, 2014 WL 5488161 (S.D. Fla. 2014)
- *In re HSBC Mortg. Corp. Force-Placed Hazard Ins. Litig.*, 959 F. Supp. 2d 1370 (J.P.M.L. 2013)
- *Davis v. Chase Bank USA, N.A.*, Central District of California (2013)

**Matthew J. Langley** is a Partner at Almeida Law Group. Matthew leverages his extensive skills and experience cultivated as a federal prosecutor and defense attorney to champion the rights of individuals affected by unjust or deceptive practices. Prior to joining the Almeida Law Group, Matthew was as a partner at Benesch, Friedlander, Coplan and Aronoff LLP, collaborating with David in the firm's Class Action practice group and, among other matters, representing plaintiffs in a two-billion-dollar defamation suit involving election fraud claims.

Matthew began his legal career at Kirkland and Ellis where, as an associate, he defended corporate clients in high-stakes litigation, including representing AOL in a class action data breach involving the personal data of over 680,000 customers. He continued to represent corporate clients, as both plaintiffs and defendants, at K&L Gates in Miami, Florida before joining the United States Attorney's Office for the Southern District of Florida.

As an Assistant United States Attorney, Matthew worked in both the Major Crimes and the Economic Crimes Divisions, prosecuting crimes involving health care fraud, tax fraud, money laundering, identity theft, bank fraud, child pornography, and drug trafficking. He first-chaired ten jury trials, securing guilty verdicts in all ten cases and successfully argued appeals in front of the Eleventh Circuit Court of Appeals.

After leaving government service, Matthew worked as a securities class action attorney at Robbins Geller, where he played a crucial role in bringing securities fraud cases, helping to secure the recovery of millions of dollars for shareholders.

Matt has actively participated in numerous class action lawsuits, addressing issues such as data breach and privacy violations, state consumer fraud, deceptive business practices, false advertising and labeling, the Telephone Consumer Protection Act (TCPA), the Fair Credit Reporting Act (FCRA), Illinois' Biometric Information Privacy Act (BIPA), and the California Invasion of Privacy Act (CIPA).

Matt is admitted to the bar in New York, Florida, California and Illinois. He earned his Bachelor of Arts in English and Sociology from the University of Connecticut and his Juris Doctor from Columbia Law School, where he was a Harlan Fiske Scholar.

**John R. Parker Jr.**, known as “J.R.,” is a Partner with the Almeida Law Group. J.R. is a tenacious and successful litigator, handling intricate civil litigation from the investigative phase through settlement or trial in both state and federal courts, including appellate proceedings.

J.R.'s practice encompasses class action lawsuits, False Claims Act cases, Medi-Cal and Medicare fraud, consumer fraud, defective products and drugs, insurance bad faith, personal injury, medical malpractice, employment claims, civil rights, toxic tort, and environmental cases. He has taken on consumer class actions against prominent tech industry entities such as Facebook, Apple, and Zynga. J.R. has been appointed lead counsel in numerous class action cases by state and federal courts in California and nationwide.

Recognizing the human impact of personal or economic injuries resulting from the carelessness, negligence, or intentional acts of others, J.R. is deeply committed to representing ordinary individuals who lack the resources of the multinational corporations and insurance companies he holds accountable in his cases.

In addition to his legal ventures, J.R. has volunteered for the Eastern District of California Dispute Resolution Program and served as appointed counsel for the Eastern District of California's pro bono program. He earned his A.B. in Greek and Latin from the University of Georgia, graduating *summa cum laude*, and obtained his J.D. from Harvard Law School, where he served as Deputy Editor-in-Chief of the Harvard Journal of Law and Public Policy.

After law school, J.R. clerked for Judge Joseph A. Anderson, at the time Chief Judge for the United States District Court for the District of South Carolina. He then worked at a plaintiff's firm in Atlanta Georgia, and then a litigation boutique in Birmingham, Alabama, Spotswood, Sansom, and Sansbury LLC, where he defended the FedEx Corporation in class action suits around the country. After the birth of his first child, he and his wife moved to Sacramento, California, where he worked for Kershaw, Cutter & Ratinoff LLP and then Cutter Law LLC, where he litigated and tried complex cases on behalf of ordinary people against large corporations and insurance companies. Some of his work before joining the Almeida Law Group LLC includes the following matters:

- *Doan v. State Farm*, Santa Clara Superior Court, 1-08-cv-129264 (co-lead counsel in certified class action against State Farm successfully tried and resulting in a global settlement of all State Farm fire policyholders in California)
- *U.S. ex rel. Bell v. Biotronik, Inc. et al.*, 18-cv-01391 (C.D. Cal.) (Lead Relator's counsel in a False Claims Act case against medical device company resulting in \$12.95 million recovery by the United States)
- *Bohannon v. Facebook, Inc.*, 4:12-cv-01894-BLF (N.D. Cal.). (Appointed Class Counsel representing a certified nationwide class of minor Facebook users and their parents)
- *Phillips v. County of Riverside*, 5:19-cv-01231-JGB-SHK (C.D. Cal.) (Co-lead Class Counsel in a collective action and then 86 individual actions brought under FLSA on behalf of social workers employed by Riverside County, resulting in \$4.55 million global settlement after decertification)
- *Pike v. County of San Bernardino*, 5:17-cv-01680 (C.D. Cal.) (Co-lead Class Counsel in certified collective action brought under FLSA on behalf of social workers employed by San Bernardino County)
- *Johnson v. CSAA*, 07AS03197 (Sacramento Superior Court) (Co-Lead Counsel in class action against CSAA relating to failure to waive deductible. Resolved by settlement providing complete cash reimbursement, plus interest. Settlement valued at over \$80 million)
- *Shurtleff v. Health Net*, (Eastern District of California and Sacramento County Superior Court) (Co-Lead and Plaintiffs' Liaison counsel in class actions against Health Net for a breach of confidential information, resulting in a nationwide class settlement)
- *Parry v. National Seating & Mobility Inc.*, 3:10-cv-02782-JSW (N.D. Cal.) (Appointed Class Counsel on behalf of representing nationwide class of sales representatives for medical equipment company in breach of contract case that settled on a class-wide basis after certification in the Northern District of California)
- *Zmucki v. Extreme Learning*, 111-cv-197630. (Santa Clara County Superior Court), (Appointed settlement class counsel on behalf of class of educators for wage and hour violations in the Northern District of California)

**Karen Dahlberg O'Connell** is a Partner with the Almeida Law Group. Karen is an experienced litigator who is skilled at investigating and prosecuting consumer fraud actions. Prior to joining Almeida Law Group, Karen participated in a wide range of cases on behalf of the Federal Trade Commission for more than 15 years. Representative matters include undisclosed recurring subscription fees, alternative education scams, unlawful debt collection, unauthorized billing, business coaching and job scams, deceptive marketing of a medical discount plan, and false advertising via affiliate marketers. Before working at the Federal Trade Commission, Karen served as an Assistant Attorney General in the Litigation Bureau of the New York State Office of the Attorney General, where she defended New York State, state agencies, and state officers in all stages of litigation, including trial. Her cases as an Assistant Attorney General ranged from employment actions to alleged constitutional violations, including First Amendment claims. Before entering public service, Karen was a litigation associate at Robins, Kaplan, Miller & Ciresi LLP in Boston. She started her legal career at Milbank LLP in New York.

Karen is admitted to the state bars of New York and Massachusetts, the Southern District of New York, the Eastern District of New York, and the District of Massachusetts.

**Elena A. Belov** serves as Of Counsel at the Almeida Law Group.

An adept litigator, Elena began her legal career at Milbank LLP, a renowned international law firm. While there, she developed her skills in navigating complex commercial litigations and actively engaged in *pro bono* work focused on civil rights.

Motivated by a belief in justice for all, Elena devoted more than a decade of her practice to environmental work and public service before redirecting her passion toward advocating for wronged plaintiffs. She had the privilege of clerking for Judge Cynthia M. Rufe in the U.S. District Court for the Eastern District of Pennsylvania, gaining firsthand insights into the intricacies of the federal judicial system. Elena also contributed to the field by teaching and practicing environmental law on behalf of pro bono clients at the University of Washington School of Law. And while working for the World Wildlife Fund, she supported Native Alaskan Tribes as well as State and Federal officials, including the U.S. Coast Guard, in their endeavors to safeguard Arctic ecosystems. Elena has collaborated with a diverse clientele, ranging from major banks and insurance companies to non-governmental organizations and individuals from various walks of life.

Elena investigates consumer rights violations and takes pride in combating companies that exploit individuals, whether through deceptive advertising, selling defective products, or



neglecting user privacy. Elena graduated with honors from Barnard College in New York, earning a B.A. in Political Science, and received her Juris Doctor from the Georgetown University Law Center. During law school, she served as a member of the American Criminal Law Review, authoring several published articles, and worked in the Environmental Law Clinic, successfully representing the Mattaponi Tribe of Virginia in their fight to protect their water rights.

Elena is admitted to the New York State Bar, as well as the United States District Courts for the Southern and Eastern Districts of New York.

**Britany A. Kabakov** is an Associate Attorney at the Almeida Law Group.

A skilled trial lawyer and litigator, Britany began her career as a litigation associate at Kirkland & Ellis LLP in its Chicago office, where she gained experience as a defense attorney. While at Kirkland, Britany actively participated in two federal bellwether jury trials, contributing to the largest multidistrict litigation in U.S. history.

Britany had the privilege of clerking for Judge Sunil R. Harjani in the U.S. District Court for the Northern District of Illinois and externing for Judge Andrew G. Schopler in the U.S. District Court for the Southern District of California. Through these roles, Britany acquired comprehensive insights into the intricacies of federal litigation, spanning from the filing of a complaint through trial and post-trial motions.

Specializing in consumer class action lawsuits, Britany's practice focuses on privacy and false labeling cases, along with complex commercial disputes. She has represented clients in federal court, multidistrict litigation, and class action lawsuits involving defective products, consumer fraud, toxic tort, environmental cases, information privacy, insurance, and contract disputes.

Committed to public service and advocating for all individuals, Britany has maintained an active pro bono practice focusing on civil rights, supporting civil liberty organizations in research and litigation efforts. During law school, she volunteered at the Legal Aid Society of San Diego's Domestic Violence Clinic, and prior to entering law school, Britany taught middle school social studies in Phoenix, Arizona.

Britany is admitted to the Illinois State Bar, as well as the U.S. District Court for the Northern District of Illinois. She graduated *magna cum laude* from Loyola University Chicago with a Bachelor of Arts in History and Secondary Education. Britany earned her



Juris Doctor from the University of Chicago Law School, where she worked in the Environmental Law Clinic, representing conservation groups in Clean Water Act litigation.

**Luke Coughlin** is an Associate Attorney at the Almeida Law Group.

Luke is an accomplished litigator. Before joining the Firm, Luke was a litigation associate at Edelman, Combs, Lattuner & Goodwin, LLC, where he worked on a wide range of consumer cases with focus on usury claims. His passion for protecting consumer rights is driven by his interest in using technical investigations to support and advocate for his clients. He is committed to advancing consumer protection through innovative, cross-disciplinary legal strategies.

While attending law school, Luke worked as a claims investigator at Rain Intelligence, combining technical investigation with comprehensive legal analysis across a broad spectrum of case types. His work emphasized a meticulous approach to fact-finding, leveraging technology to investigate illicit collection and use of sensitive personal data and other incursions against consumer rights.

Prior to law school, Luke gained extensive experience in the tech sector, including work at Wayfair, where his focus on technical processes and analysis laid the foundation for his legal career. He brings a unique blend of technical expertise and legal acumen to the Firm.

Luke is admitted to the Illinois State Bar as well as the Federal District Courts of the Northern District of Illinois, Southern District of Illinois, Northern District of Indiana and Southern District of Indiana.