

1 George Haines, Esq.
Nevada Bar No. 9411
2 Gerardo Avalos, Esq.
Nevada Bar No. 15171
FREEDOM LAW FIRM
3 8985 S. Eastern Ave., Suite 100
Las Vegas, Nevada 89123
4 (702) 880-5554
(702) 385-5518 (fax)
5 Ghaines@freedomlegalteam.com

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

11 *Attorneys for Plaintiffs and the Settlement Class*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 SARA SANGUINETTI, RAYMOND
16 D. SPEIGHT, DAVID DIETZEL,
PATRICIA SAAVEDRA, AND NINA
17 S. KUHLMANN, individually and on
18 behalf of all others similarly situated,

19 Plaintiffs,

20 vs.

21 NEVADA RESTAURANT
22 SERVICES, INC.,

23
24 Defendant.
25

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-
EJY

**DECLARATION OF DAVID K. LIETZ
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS**

1 I, David K. Lietz, declare as follows:

2 1. I am currently a senior partner of the law firm of Milberg Coleman Bryson Phillips
3 Grossman, PLLC (“Milberg”). I am counsel for Plaintiffs Sara Sanguinetti, Raymond D. Speight,
4 David Dietzel, and Nina S. Kuhlmann in this matter, and have been appointed Class Counsel by
5 this Court in the above-captioned action. I make this Declaration in support of Plaintiffs’ Motion
6 for Attorneys’ Fees, Expenses, and Service awards. I make this declaration based on my personal
7 knowledge and/or upon information and belief of the matters set forth herein and based on my
8 active participation in all material aspects of this litigation. If called upon to do so, I could and
9 would testify competently thereto.
10

11 2. My experience and qualifications are outlined in my declaration in support of
12 Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement. ECF No. 104-1.

13 3. My work in this matter, and the work of others in my law firm involved
14 investigating the cause and effects of the Nevada Restaurant Services, Inc. (“NRS”) Data
15 Incident, interviewing potential clients, evaluating the potential class representatives,
16 contributing to the evaluation of the merits of the case before filing the Complaint; conducting
17 legal research; conducting extensive research into data security incidents and their causes and
18 effects, conducting further extensive research into data security practices and standards across e-
19 Commerce platforms and industries; drafting and filing the initial Complaint in the *Speight*
20 matter; communicating with co-counsel and consolidating all related matters; drafting and filing
21 the Consolidated Complaint; drafting and filing an Amended Consolidated Complaint;
22 overseeing substantial law and motion efforts including drafting oppositions to Defendant’s
23 Motion to Dismiss Amended Consolidated Class Action Complaint (ECF 30), Motion to Stay
24 Discovery (ECF 34), Objection to Order and/or Motion to Stay Class Discovery in the Alternative
25 (ECF 56), Motion to Dismiss for Lack of Subject Matter jurisdiction (ECF 73), Motion to Stay
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1 Discovery (ECF 79), and Defendant’s Motion for Protective Order (ECF 85); coordinating
2 extensively with Defendant regarding a joint discovery plan and drafting a discovery plan;
3 conducting informal discovery regarding the Data Incident; drafting a detailed mediation
4 summary, preparing for and participating in a formal mediation presided over by Bruce Friedman,
5 Esq. of JAMS; drafting the settlement term sheet, the settlement agreement, well-crafted notices
6 of settlement and an easy to understand claim form, the Motion for Preliminary Approval, and
7 this instant motion for attorneys’ fees; communicating with defense counsel; updating and
8 handling questions from our class representatives; overseeing the launching of the notice program
9 with substantial interaction between Class Counsel and the Settlement Administrator; and
10 overseeing the claims process. I conferred with my colleagues about strategy and case status while
11 being mindful to avoid duplicative efforts within my firm.
12

13 4. The other Plaintiffs’ Counsel performed a similar range of tasks. These tasks were
14 not duplicative, as it was the cumulative efforts of Plaintiffs’ that ultimately provided great
15 impetus to resolve these actions through this Settlement.
16

17 5. Continuing through today, my co-counsel and I have continued to work with
18 Defendant and the Claims Administrator regarding claims administration and processing as well
19 as answering class members questions about the settlement and the process. Based on my past
20 experience I and my law firm expect to spend another 40-50 hours seeking final approval,
21 defending the Settlement from and potential objections, reviewing and responding to questions
22 from Settlement Class Members, and supervising claims administration and the distribution of
23 proceeds.
24

25 6. As of the date of filing, I have received no objections to the Settlement Agreement
26 in general, and no objections to the proposed attorneys’ fees, costs (the amount of which was
27 made known to the Class via the Court-approved notice program) in particular.
28

1 7. It is my understanding that Kroll, the Settlement Administrator, also has received
2 no opt-outs and no objections. Plaintiffs will submit a declaration from Kroll detailing the notice
3 and claims administration with their Motion for Final Approval.

4 8. Furthermore, the Parties have also agreed to pay, separately from any funds made
5 available to the Settlement Class, for a supplemental reminder notice of settlement with a tear-off
6 claim form (“Reminder Notice”) to be sent to each member of the Settlement Class. Specifically,
7 to encourage the Settlement Class to submit as many claims as possible, the Parties agreed to pay
8 separately for a Reminder Notice to be sent to each member of the Settlement Class at a total cost
9 to the Parties of \$107,116. While the Defendant will actually pay for this Reminder Notice, the
10 Parties agreed to split this cost evenly by way of Plaintiff’s Counsel reducing the anticipated
11 \$400,000 combined fee and expense request by half of the cost of the Reminder Notice (a
12 reduction of \$53,558). As such Class Counsel now seeks a reduced amount of \$346,442 in
13 combined attorneys’ fees and costs, rather than the \$400,000 contemplated in the Settlement
14 Agreement and Preliminary Approval Motion. Class Counsel voluntarily reduced their fee and
15 expense request in favor of the Settlement Class.
16
17

18 **The Contingent Nature of the Case**

19 9. My Firm, and all of the other Plaintiffs’ lawyers, prosecuted this case on a purely
20 contingent basis. As such, Plaintiffs’ Counsel assumed a significant risk of nonpayment or
21 underpayment.

22 10. This matter has required me, other attorneys at my Firm, and all other Plaintiffs’
23 Counsel to spend time on this litigation that could have been spent on other matters. At various
24 times during the litigation of this class action, this lawsuit has consumed significant amounts of
25 my time and my Firm’s time.
26

27 11. Such time could otherwise have been spent on other fee-generating work. Because
28

1 Plaintiffs' Counsel undertook representation of this matter on a contingency-fee basis, we
2 shouldered the risk of expending substantial costs and time in litigating the action without any
3 monetary gain in the event of an adverse judgment.

4 12. If not devoted to litigating this action, from which any remuneration is wholly
5 contingent on a successful outcome, the time Plaintiffs' Counsel spent working on this case could
6 and would have been spent pursuing other potentially fee generating matters.

7 13. Litigation is inherently unpredictable and therefore risky. Here, that risk was very
8 real, due to the rapidly evolving nature of case law pertaining to data breach litigation, and the
9 state of data privacy law. Therefore, despite Plaintiffs' Counsel's devotion to the case and our
10 confidence in the claims alleged against Defendant, there have been many factors beyond our
11 control that posed significant risks.

12 14. The fees contemplated under Class Counsel's representation agreements for cases
13 in this District and elsewhere generally fall within the one-third to 40% range. It is my
14 understanding that the representation agreements of the other Plaintiffs' Attorneys are similar.
15 Class Counsels' and Plaintiffs' Counsel's fees were not guaranteed—the retainer agreements
16 counsel had with Plaintiffs did not provide for fees apart from those earned on a contingent basis,
17 and, in the case of class settlement, approved by the court.

18
19
20 **The Costs and Fees Incurred**

21 15. Due to the vast amounts of law and motion present in this matter that took place
22 before Class Counsel was able to obtain this significant settlement, along with the extensive
23 discussions and negotiations between Class Counsel and Defense Counsel regarding discovery
24 and settlement issues, expenses and fees incurred by Plaintiffs are high.

25 16. These lawsuits were filed in September 2021, and have been litigated now for
26 almost three (3) years. Over those three years, Class Counsel have currently accrued 885.2 hours
27
28

1 through August 9, 2024 (or less than 300 cumulative hours per year of litigation). The hours Class
 2 Counsel spent litigating this matter reflect the reasonable, appropriate, and necessary effort
 3 required to achieve such a satisfactory result. *See* attached hereto as **Exhibits A-E** Declarations
 4 of Class Counsel M. Anderson Berry, Jean S. Martin, George Haines, David Wise, and Michael
 5 Kind in Support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards.

6 17. All Plaintiffs’ Counsel are well-respected members of the bar with substantial
 7 experience in complex civil litigation, class actions, and data breach litigation. The hourly rates
 8 reflect actual and customary billing rates. These rates are reasonable, have been approved by other
 9 courts, and use rates comparable to those charged in this geographic area.

10 18. As Class Counsel, I have gathered and reviewed the time spent by all other
 11 Plaintiffs’ Counsel on this litigation to date. The total amount of time and hours expended, and
 12 the case expenses incurred, is listed in the chart below:
 13

Firm	Hours to Date	Rate Range	Total Time Billed	Expenses
Milberg Coleman Bryson Phillips Grossman PLLC	233.1	\$170-\$1057	\$202,724.70	\$11,893.03
Clayco C. Arnold, APC	302.3	\$308-\$850	\$178,922.00	\$82.78
Morgan & Morgan	44.5	\$650-\$1,150	\$47,325.00	\$2,999.20
Wise Law Firm	47.2	\$150-\$550	\$15,170.00	\$1,402.00
Kind Law	80.4	\$350-\$875	\$51,713.50	\$402.00
Freedom Law Firm	177.7	\$130-\$695	\$106,845.75	\$550.00
TOTALS	885.2	Avg. of attorney billing rates = \$680.86	\$602,700.95	\$17,329.01

14 19. Additional time will be spent drafting the final approval motion, preparing for and
 15 attending the Final Approval Hearing, defending any appeals taken from the final judgment
 16 approving Settlement, and ensuring that the claims process and distribution of Settlement
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1 proceeds to Class Members is done in a timely manner in accordance with the terms of the
2 Settlement. Based upon my past experience, I estimate that another 40-50 hours of attorney time
3 will be reasonably expended on this matter.

4 20. I assert that the attorneys' fees sought in the Motion for Attorneys' Fees, Costs,
5 and Service Awards are reasonable and seek fair and reasonable compensation for undertaking
6 this case on a contingency basis, and for obtaining the relief for Plaintiffs and the Class.

7 21. Where possible, Class Counsel made efforts to carefully assign work so as to avoid
8 duplication of efforts and have the work completed by the appropriate level of attorney.

9 22. If the Court will permit, detailed contemporaneous billing records of all Plaintiffs'
10 Counsel will be submitted to the Court for review *in camera*. *In camera* inspection is appropriate
11 where the contemporaneous billing records may (and likely do) contain attorney-client privileged
12 material and attorney work-product. Should the Court determine that *in camera* submission is not
13 appropriate, Class Counsel will seek leave to supplement their motion for attorneys' fees to
14 submit the detailed billing records.
15

16 23. All books and records in this case regarding costs expended were maintained in
17 the ordinary course of business, from expense vouchers and check records. I have reviewed the
18 records of out-of-pocket expenses expended in this matter.
19

20 **The Hourly Rates are Reasonable**

21 24. My hourly rate has increased over time based on my experience and my
22 accomplishments in my practice. I have been practicing law continuously since 1991 (over 32
23 years), and the rate for my time is commensurate with partners of that level of experience.
24

25 25. The billing rates for Milberg attorneys were most recently set in January 2024, and
26 are drawn from the Laffey Matrix without any deviation. The titles, billing rates, law schools, and
27 year of graduation of the attorneys who billed time to this matter is as follows:
28

1 David Lietz - Senior Partner \$800 in 2021, \$919 in 2022, \$997 in 2023, \$1057 in 2024

2 (JD Georgetown 1991)

3 Gary Klinger – Senior Partner \$800 in 2021, \$850 in 2022; \$850 in 2023, \$878 in 2024

4 (JD Illinois 2010)

5 John Nelson – Associate \$468 in 2022, \$568 in 2023

6 (JD San Diego 2017)

7 Dean Meyer – Associate \$ 381 in 2022

8 (JD Northwestern 2021)

9 Lisa White – Staff Attorney \$600 in 2022

10 (JD Tennessee 2007)

11
12 26. The rates we charge for our time is also commensurate with hourly rates charged
13 by our contemporaries around the country, including those rates charged by lawyers with our
14 level of experience who practice in the area of data breach class litigation across the nation (i.e.
15 the national market for data breach litigation). *See e.g. In re: Capital One Consumer Data Breach*
16 *Litigation*, MDL No. 1:19-md-02915-AJT-JFA (Doc. 2231-1 – approving rates for partners in
17 data breach ranging from \$919 to \$1050 per hour); *Fox v. Iowa Health Sys.*, No. 3:18-CV-00327-
18 JDP, 2021 WL 826741, at *6 (W.D. Wis. Mar. 4, 2021) (data breach settlement awarding
19 \$1,575,000 in attorneys’ fees and costs, at hourly rates from \$815-\$865 per hour for partners,
20 \$550-\$625 for senior associates, \$415-\$500 for associates, and \$215-\$350 for paralegals); *Perdue*
21 *v. Hy-Vee, Inc.*, No. 19-1330, 2021 WL 3081051, at *5 (C.D. Ill. July 21, 2021) (approving
22 reasonable hourly rates requested by Class Counsel of \$700-\$815 for partners, \$325-\$700 for
23 associates, \$200-\$275 for paralegals, and \$150-\$225 for law clerks); *In re Equifax Inc. Customer*
24 *Data Sec. Breach Litig.*, No. 1:17-MD-2800-TWT, 2020 WL 256132, at *39 (N.D. Ga. Mar. 17,
25 2020) (finding reasonable hourly rates charged by partners who billed \$1050, \$1000 \$750, and
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1 \$935 per hour); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-MD-02752-LHK,
2 2020 WL 4212811, at *26 (N.D. Cal. July 22, 2020) (finding reasonable rates from \$450 to \$900
3 for partners, \$160-\$850 for non-partner attorneys, and \$50 to \$380 for paralegals);); *Fulton-*
4 *Green v. Accolade, Inc.*, No. CV 18-274, 2019 WL 4677954, at *12 (E.D. Pa. Sept. 24, 2019)
5 (finding reasonable hourly rates range \$202 to \$975 per hour); *In re Anthem, Inc. Data Breach*
6 *Litig.*, No. 15-MD-02617-LHK, 2018 WL 3960068, at *16 (N.D. Cal. Aug. 17, 2018) (finding
7 reasonable hourly rates of partners from \$400 to \$970, non-partner attorneys from \$185 to \$850,
8 and non-attorneys from \$95 to \$440).

10 27. Our billing rate are also consistent with rates billed for similar class action legal
11 services.¹

12 28. Prior to submitting the Motion for Attorneys' Fees, Costs, and Service Awards, I
13 compared and confirmed our hourly rates with lawyers at other law firms whose practice is
14 focused on data breach class litigation. Moreover, I routinely survey hourly rates charged by
15 lawyers around the country in published surveys, and review continuously as part of my
16 continuing education opinions rendered by courts on attorneys' fee requests. Again, based upon
17 my research, my rate – and the rates charged by my colleagues -- are within the range of lawyers
18 with our levels of experience, practicing in this area of law.

20 29. The Milberg lawyers' hourly rates have been approved by federal courts around
21 the country. Most recently, my hourly rate was approved in *In re: GE/CBPS Data Breach*
22 *Litigation*, Case No. 1:20-cv-02903 (KPF) (S.D.N.Y. 3/28/2023) (Judge Failla); *Pagan v.*
23 *Faneuil, Inc.*, Case No. 3:22-cv-297 (ED VA February 17, 2023); *Powers, Sanger et al v. Filters*

26 ¹ 2020 Class Action Hourly Rate Survey, NALFA (March 4, 2020)
27 <https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-in-2020/#:~:text=The%20NALFA%20survey%20shows%20that,than%20%24200%20and%20over%20%241%2C200> (listing hourly rates up to \$1,200 per hour for class actions).

1 *Fast LLC*, Case 3:20-cv-00982-jdp (WD WI, July 22, 2022), ECF 84) where the fee application
2 was submitted on a lodestar basis; *James v. Cohnreznick LLP*, Case Number: 1:21-cv-06544-LJL
3 (SD NY September 20, 2022) (fee application submitted on both percentage of benefit and
4 lodestar calculation); *In re Deva Concepts Product Liability Litigation*, Case 1:20-cv-01234-
5 GHW, Order Granting Motion for Attorneys’ Fees, Document 129 (January 3, 2022); see also
6 Document 121-1 (filed 10/01/21).

7
8 30. In addition, Milberg’s hourly rates were approved by at least three federal courts
9 using that hourly rate as a lodestar cross-check, which is what my hourly rate is submitted for in
10 this case. See *Lamie et al. v. LendingTree, LLC*, Case No. 3:22-cv-00307, ECF Doc. 60 (W.D.
11 N.C. February 27, 2024) (final approval order approving hourly rates as reasonable as part of a
12 lodestar cross-check, and highlighting “the quality, skill, and experience of counsel” and “the
13 excellent results”); *Baldwin et al. v. National Western life Insurance Company*, Case No. 2:21-
14 cv-04066 (W.D. Mo.) ECF 76; *Purvis, et al v. Aveanna Healthcare, LLC*, Case No. 1:20-cv-
15 02277-LMM (N.D. Ga.) (appointed class counsel; final approval granted October 2022), ECF 79.

16
17 31. In the time-keeping systems of my firm and co-counsel, our typical hourly rates
18 are reflected. However, those rates are higher than those charged by Nevada practitioners. Based
19 upon case law from this Court, the range of approved attorney rates as of 2021 is \$250 to \$550
20 per hour. *Wunderlich v. State Farm Mut. Auto. Ins. Co.*, No. 221CV00486JADEJY, 2021 WL
21 6138236, at *2 (D. Nev. Dec. 28, 2021). Notably, these Court-approved hourly rates are not for
22 complex civil litigation or class actions and do not consider the inflation nor market rate increases
23 from 2021 to now late 2024.² If one were to determine a reasonable “blended rate” using these
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25
26 ² Adjusted for inflation, even without factoring in market rate increases, \$375.00 in December of
27 2021 has the same purchasing power as \$422.58 as of June 2024. See [https://data.bls.gov/cgi-
bin/cpicalc.pl?cost1=375&year1=202112&year2=202406](https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=375&year1=202112&year2=202406) (last visited August 5, 2024).
28 Moreover, adjusted for inflation and without factoring market rate increases, \$550 in December

1 inflation adjusted figures, that blended rate would be \$521.18 (\$422.58 per hour for associates
2 added to \$619.78 for partners, divided by 2).

3 32. In reviewing the hours of my firm and those of my co-counsel, it becomes clear
4 that the majority of the work on this matter was performed by partner level attorneys with
5 considerable experience with data breach litigation. Extrapolating that their rates would fall into
6 the range previously approved by this Court, but not discounting that the total time reported
7 included both associate and paralegal rates, I conservatively estimate that a blended rate of \$450
8 more than accurately reflects rates that this Court would approve in this case, and that would be
9 in line with hourly rates for Nevada practitioners. In other words, without “getting out the green
10 visor,” approximately 65% of Class Counsel’s lodestar using their typical hourly rates (with an
11 attorney billing rate average of \$688.40 would bring the lodestar in line with Court-approved
12 Nevada hourly rates (i.e. the blended rate of \$450).

14 33. 65% of Class Counsel’s current lodestar set out above is \$391,755.62. If another
15 50 hours are accrued as anticipated through final approval and closing out the claims’ process at
16 the average rate of \$450, that is another \$22,500.

18 34. I therefore expect the lodestar (adjusted for Court-approved hourly rates) will meet
19 or exceed \$414,255.62 through final approval, given the hours expended to date plus the
20 anticipated additional hours. Given the reduced combined fee and expense request of \$346,442,
21 the fees requested fairly represent a negative lodestar multiplier of -1.20 for purposes of any
22 lodestar crosscheck. The lodestar dips even further into negative territory when one deducts the
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28 of 2021 has the same purchasing power as \$619.78. See <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=550&year1=202112&year2=202406> (last visited August 5, 2024).

1 accumulated \$17,329.01 in expenses³ from the \$346,442 (meaning that the attorneys’ fees sought
 2 are currently \$329,113).

3 35. My firm and co-counsel have also accrued \$17,329.01 in total out of pocket
 4 expenses reasonably expended on this litigation, of which \$11,893.03 is from Milberg; including:

Expense	Amount
Service of Process Fees	\$ 160.25
Hotel for in-person motion to dismiss hearing	\$ 226.00
Coach class flight on American Airlines for in person motion to dismiss hearing	\$ 775.00
Mediator Fees for Bruce Friedman	\$ 8500.00
Meals for in-person motion to dismiss hearing	\$ 74.00
Multiple Ubers for in-person motion to dismiss hearing	\$ 129.00
Coach class airfare on Southwest Airlines for in-person preliminary approval hearing	\$ 1501.96
Hotel and on-property dinner and breakfast for in-person preliminary approval hearing	\$ 490.36
Uber from airport to hotel for preliminary approval hearing trip	\$ 36.46
TOTAL	\$11,893.03

20 36. These costs are reasonable, and necessary for the litigation, and are modest in
 21 comparison to the enormous costs that likely would have been incurred if litigation had continued.
 22 Indeed, considerable amounts of law and motion has already transpired in this lawsuit which has
 23 resulted in far greater expenses for Plaintiffs’ Counsel and had litigation continued, costs would
 24 have been even higher. Reimbursement of these costs is sought in addition to the attorneys’ fees
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27 _____
 28 ³ Additional expenses will necessarily be incurred for in-person attendance at the final approval hearing.

1 requested. Based upon my past experience, the amount of out-of-pocket case expenses will
2 increase prior to Final Approval, and will include additional travel expenses to appear at the Final
3 Approval Hearing.

4 37. The Settlement Agreement calls for reasonable service award to Plaintiffs in the
5 amount of \$2,500 each, subject to approval of the Court. The Service Award is meant to recognize
6 Plaintiffs for their efforts on behalf of the Class, including assisting in the investigation of the
7 case, maintaining contact with counsel, reviewing the pleadings, answering counsel's many
8 questions, communicating with counsel during the settlement negotiations, and reviewing the
9 terms of the Settlement Agreement. Plaintiffs were not promised a service award, nor did they
10 condition their representation on the expectation of any service or incentive award. *See* attached
11 hereto as **Exhibits F-H** Declarations of Plaintiffs Sara Sanguinetti, Raymond D. Speight, David
12 Dietzel in Support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards,
13

14 38. I strongly believe that the Settlement Agreement is favorable for the Settlement
15 Class. The Settlement addresses the type of injury and repercussions sustained by Settlement
16 Class Members in the wake of the Data Incident. In the opinion of the undersigned and other
17 Settlement Class Counsel, the settlement is fair, reasonable, adequate, as are the attorneys' fees,
18 expenses, and service awards requested here.
19

20 39. Although Plaintiffs believe in the merits of their claims, this litigation was
21 inherently risky, costly, and complex. The claims involve the intricacies of data breach litigation
22 (a fast-developing area in the law), and the Plaintiffs would face risks at each stage of litigation.
23 Against these risks, it was through the hard-fought negotiations and the skill and hard work of
24 Settlement Class Counsel and the Class Representatives that the Settlement was achieved for the
25 benefit of the Settlement Class.
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1 40. In contrast to the risks, the Settlement provides certain and substantial
2 compensation to the Settlement Class Members. The result achieved in this Settlement is notable
3 because the parties were able, through capable and experienced counsel, to reach a negotiated
4 Settlement without involvement of the Court in managing this litigation or discovery disputes.

5 41. Settlement Class Counsel worked on behalf of the Settlement Class to obtain
6 information from Defendant regarding the Data Incident and used that information (along with
7 their experience and the knowledge gained from other data breach class actions) to negotiate the
8 Settlement.
9

10 * * * * * * * * *

11 I declare under penalty of perjury under the laws of the State of Nevada that that foregoing
12 is true and correct.

13 Executed August 12, 2024, at Washington, DC.

14
15
16 *David K Lietz*

17 _____
18 David K. Lietz

EXHIBIT A

George Haines, Esq.
Nevada Bar No. 9411
Gerardo Avalos, Esq.
Nevada Bar No. 15171
FREEDOM LAW FIRM
8985 S. Eastern Ave., Suite 100
Las Vegas, Nevada 89123
(702) 880-5554
(702) 385-5518 (fax)
Ghaines@freedomlegalteam.com

M. Anderson Berry, Esq.
Gregory Haroutunian, Esq.
CLAYEO C. ARNOLD
A PROFESSIONAL CORPORATION
865 Howe Avenue
Sacramento, CA 95825
Telephone: (916) 239-4778
Email: *aberry@justice4you.com*
gharoutunian@justice4you.com

Attorneys for Plaintiffs and the Settlement Class

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SARA SANGUINETTI, RAYMOND D.
SPEIGHT, DAVID DIETZEL, PATRICIA
SAAVEDRA, AND NINA S. KUHLMANN,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

NEVADA RESTAURANT SERVICES,
INC.,

Defendant.

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-EJY

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

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

2 1. I have been licensed to practice law in the state of California since 2009. I submit
3 this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service awards.
4 Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and
5 could and would competently testify to them if called upon to do so.

6 2. Pursuant to this Court's Preliminary Approval Order (ECF 114), I was appointed
7 Settlement Class Counsel along with David Lietz and Gary Klinger of Milberg Coleman Bryson
8 Phillips Grossman PLLC; Jean S. Martin of Morgan & Morgan; George Haines and Gerardo Avalos
9 of Freedom Law Firm, Michael Kind of Kind Law; and David Wise and Joseph Langone of Wise
10 Law Firm, PLC.

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

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

21 5. I was first selected as the Northern California Super Lawyers Rising Star in 2015 in
22 the field of complex civil litigation. Before joining the Arnold Law Firm in 2017, I worked as an
23 Assistant United States Attorney for the Eastern District of California. As part of the Affirmative
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1 Civil Enforcement unit, I handled a wide variety of complex cases, recovering millions of dollars
2 for the United States.

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

6
7 7. I attended the University of California, Berkeley, as an undergraduate and for law
8 school. I graduated from law school in 2008 and was admitted to the State Bar of California in
9 2009.

10 8. I have personally handled more than seventy-five class action cases across the
11 country involving data breaches and other privacy matters, including the following matters where
12 I hold or held a leadership position.¹

13
14 9. Alex Sauerwein practiced in the data breach complex litigation group for the Arnold
15 Law Firm under my direct supervision. He has been licensed to practice law in the state of California
16 since 2021.

17
18
19
20
21 ¹ See, e.g., *In Re: CaptureRx Data Breach Lit.*, 5:21-cv-00523 (W.D. TX.) (Co-Lead Counsel); *In*
22 *Re: Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D. Ill.) (Co-Lead Counsel);
23 *In Re: Entertainment Partners Data Breach*, No. 2:23-cv-06546-CAS-PVC (C.D. CA.) (Co-Lead
24 Counsel); *Burgin et al. v. Housing Authority of the City of Los Angeles*, No. 23STCV06494 (Super.
25 Ct. of CA, Los Angeles) (Co-Lead Counsel); *In Re: Snap Finance Data Breach Litigation*, No.
26 2:22-cv-00761-TS (D. UT.) (Co-Lead Counsel); *Ware v. San Gorgonio Memorial Hosp.*,
27 CVRI2301216 (Super. Ct. of CA, Riverside) (Co-Lead Counsel); *In re: Cerebral, Inc. Privacy*
28 *Practices*, No. 2:23-cv-01803-FMO (C.D. Ca.) (Liaison Counsel); *In re: Mednax Servs., Inc.,*
Customer Data Security Breach Litig., No. 21-MD-02994 (S.D. Fla.) (Executive Comm.); *Desue*
v. 20/20 Eye Care Network, Inc. et al., No. 0:21-cv-61275 (S.D. Fla.) (Executive Comm.); *In re:*
Sequoia Benefits and Insurance Data Breach Litig., No. 3:22-cv-08217-RFL (N.D. Cal.)
(Plaintiffs' Executive Committee) and *Smith v. Apria Healthcare, LLC*, No. 1:23-cv-01003-JPH-
KMB (S.D. Ind.) (Executive Comm.).

1 and filing the Consolidated Complaint; drafting and filing an Amended Consolidated Complaint;
2 overseeing substantial law and motion efforts including drafting oppositions to Defendant's Motion
3 to Dismiss Amended Consolidated Class Action Complaint (ECF 30), Motion to Stay Discovery
4 (ECF 34), Objection to Order and/or Motion to Stay Class Discovery in the Alternative (ECF 56),
5 Motion to Dismiss for Lack of Subject Matter jurisdiction (ECF 73), Motion to Stay Discovery
6 (ECF 79), and Defendant's Motion for Protective Order (ECF 85); coordinating extensively with
7 Defendant regarding a joint discovery plan and drafting a discovery plan; conducting informal
8 discovery regarding the Data Incident; drafting a detailed mediation summary, preparing for and
9 participating in a formal mediation presided over by Bruce Friedman, Esq. of JAMS; drafting the
10 settlement term sheet, the settlement agreement, well-crafted notices of settlement and an easy to
11 understand claim form, the Motion for Preliminary Approval, and this instant motion for attorneys'
12 fees; communicating with defense counsel; updating and handling questions from our class
13 representatives; overseeing the launching of the notice program with substantial interaction
14 between Class Counsel and the Settlement Administrator; and overseeing the claims process. I
15 conferred with my colleagues about strategy and case status while being mindful to avoid
16 duplicative efforts within my firm.

17
18
19
20 15. As part of the Settlement Agreement, Defendant has agreed to pay for the entire cost
21 of notice and claims administration separately from any funds made available to the Settlement
22 Class. The Parties have also agreed to pay for supplemental notices of settlement to be sent to the
23 Settlement Class separate from any funds made available to the Settlement Class.

24
25 16. As a result of Class Counsel's efforts in researching the legal claims at issue in this
26 case and drafting the Amended Consolidated Class Action Complaint, Defendant agreed to enter
27 into settlement negotiations and to seek an early resolution to the dispute.
28

1 17. The Parties' unwavering pursuit of settlement negotiations led them to eventually
2 reach a settlement in principle on all terms, including attorneys' fees, costs and expenses, and the
3 service award. The Parties then memorialized the terms of the settlement in a Settlement Agreement
4 filed March 12, 2024. ECF 103.

5 18. As part of the process, Co-Class Counsel and I spent many hours crafting a
6 confidential Term Sheet to memorialize the central terms of the settlement, as well as finalizing the
7 Settlement Agreement and each of its exhibits.

8 19. The Parties did not negotiate attorneys' fees and the service award until agreement
9 on all substantive portions of the class resolution had been reached, and both the class portion of
10 the resolution and the attorneys' fees and the service award were negotiated during numerous and
11 periodic arm's-length negotiations.

12 20. Co-counsel and I then diligently worked to effectuate the Settlement Agreement
13 including drafting and filing the Motion for Preliminary Approval, and preparing the instant Motion
14 for Attorneys' Fees, Expenses and Service Awards to Plaintiffs. Moreover, Class Counsel will also
15 spend significant time drafting the Motion for Final Approval of Class Action Settlement in the
16 near future.

17 21. The Court entered an Order Granting Preliminary Approval of Class Action
18 Settlement on May 28, 2024 (ECF 114).

19 22. Continuing through today, I have worked with co-counsel, Defendant's counsel, and
20 the Claims Administrator regarding claims administration and processing. I have also answered
21 Settlement Class Members' questions about the settlement and the process.

1 23. Based on my experience I expect Class Counsel to spend at least an additional 40-
2 50 hours seeking final approval and supervising claims administration and the distribution of
3 settlement proceeds.

4 24. Alex Sauerwein, Gregory Haroutunian, Brandon P. Jack, and Michelle Zhu assisted
5 me in this matter with respect to drafting the complaint, motions and associated legal research. They
6 provided assistance while being mindful to avoid duplicative efforts.
7

8 25. Olya Velichko was, and Bianca Marentes and Lori Martin are, paralegals at the
9 Arnold Law Firm, working exclusively for me under my direct supervision. They assisted me in
10 this matter with respect to investigating the cause and effects of this data breach, researching
11 Defendant's operations and background, organizing and calendaring events, and drafting and
12 revising motions and other papers filed in this matter. They provided assistance while being mindful
13 to avoid duplicative efforts.
14

15 26. The hourly rates of the professionals at the Arnold Law Firm reflect our experience.
16 The rates of \$850 per hour for me, \$725 for Gregory Haroutunian, \$475 for Alex Sauerwein, \$550
17 for Brandon P. Jack, \$400 for Michelle Zhu, \$308 for Ms. Martin, \$308 for Ms. Marentes, and \$308
18 for Ms. Velichko are within the lower end of the range of hourly rates charged by our
19 contemporaries and are the customary rates charged by the Arnold Law Firm.
20

21 27. The lawyers and other professional staff of the Arnold Law Firm maintain and record
22 their respective time and the specific services they perform contemporaneously in a computerized
23 system. Based upon the records in this system, the Arnold Law Firm has spent in excess of 302.8
24 hours litigating this action as of August 9, 2024, amounting to a lodestar of \$178,922.00. This time
25 includes the assistance detailed above by me, Mr. Haroutunian, Mr. Sauerwein, Mr. Jack, Ms. Zhu,
26 Ms. Martin, Ms. Marentes, and Ms. Velichko.
27
28

1 28. We will spend additional time responding to any objections, preparing for and
2 attending the fairness hearing to obtain final approval, communicating with defense counsel, the
3 class administrator and Settlement Class Members, and assisting with any appeal.

4 29. I assert that the attorneys' fees sought for the Arnold Law Firm personnel in the
5 motion for attorneys' fees are reasonable, and my firm seeks fair and reasonable compensation for
6 undertaking this case on a contingency basis and for obtaining the relief for Plaintiffs and the
7 Settlement Class.
8

9 30. My firm's rates have been approved in numerous other data breach class action cases
10 in federal courts, including but not limited to: *Remoundos, et al. v. LendUS, LLC*, No. 3:22-cv-
11 00749-EMC (N.D. CA. Oct. 17, 2023) (ECF No. 66, at 3) (order approving fees and costs); *Bowdle*
12 *v. King's Seafood Company, LLC*, No. SACV 21-01784-CJC (JDEx) (S.D. CA. Feb. 13, 2023)
13 (ECF No. 49 at 15) (same); *Bitmouni v. Paysafe Payment Processing Solutions, LLC*, No. 21-cv-
14 00641-JCS (N.D. CA. Feb. 2, 2024) (ECF No. 103, ¶ 18) (same); *Carrera Aguallo v. Kemper Corp.*,
15 No. 1:21-cv-01883 (N.D. Ill. Mar. 18, 2022) (ECF No. 53, ¶ 18) (same); *Gaston v. FabFitFun, Inc.*,
16 No. 2:20-cv-09534-RGK-E, 2021 U.S. Dist. LEXIS 250695 (C.D. Cal. Dec. 9, 2021) (ECF No. 52
17 at 5-6) (same); *Riggs v. Kroto, Inc.*, No. 1:20-cv-5822 (N.D. Ill. Oct. 29, 2021) (ECF No. 61, ¶ 13);
18 *Pygin v. Bombas*, No. 20-cv-04412-JSW, 2021 U.S. Dist. LEXIS 251118 (N.D. Cal. Nov. 29, 2021)
19 (ECF No. 61 at 11-12) (same); *In re Hanna Andersson & Salesforce.com Data Breach Litig.*, No.
20 3:20-cv-00812-EMC (N.D. Cal. Jun. 25, 2021) (ECF No. 75, ¶ 12) (same); and *Llamas v. Truefire,*
21 *LLC*, No. 8:20-cv-00857-WFJ-CPT (M.D. Fla. May 14, 2021) (ECF No. 35, ¶ 18) (same).
22
23
24

25 31. The chart below reflects the amount of time spent by professional staff members of
26 the Arnold Law Firm in the investigation and prosecution of this case through August 9, 2024:
27
28

Timekeeper	Hours to Date	Rate Range	Lodestar
M. Anderson Berry	52.2	\$850	\$44,370.00
Gregory Haroutunian	95.1	\$725	\$68,947.50
Alex Sauerwein	55.1	\$475	\$26,172.50
Brandon P. Jack	34.2	\$550	\$18,810.00
Michelle Zhu	4.2	\$400	\$1,680.00
Lori Martin	39.6	\$308	\$12,196.80
Bianca Marentes	8.8	\$308	\$2,710.40
Olya Velinchko	13.1	\$308	\$4,034.80
TOTALS	302.3		\$178,922.00

32. Plaintiffs request the Court's permission to submit Class Counsel's detailed billing records to the Court *in camera*.

33. The lodestar amount for attorney/paraprofessional time is based on the firms' current rates and the hours are consistent with hourly rates submitted by plaintiffs' counsel in other complex class action litigation. The rates are set based on periodic analysis of rates charged by firms performing comparable work both on the plaintiffs and defense side. The requested rates are reasonable for this case considering the experience and expertise these professionals have in this area of law and have been approved by other courts in similar cases.

34. We spent a significant amount of time litigating this matter and securing the settlement. Because we are a small operation, the expenditure of time on this case precluded our employment on other cases. We took meaningful steps to ensure the efficiency of our work and to avoid duplicating efforts. I expect to maintain a high level of oversight and involvement, along with co-counsel, as the case continues, and anticipate incurring additional lodestar.

35. The Arnold Law Firm's costs and expenses, totaling \$82.78, are detailed below. I assert they are reasonable, that they were derived from a computerized database maintained by individuals in the accounting office of my firm, and that they were checked for accuracy.

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

Category	Cost
Postage	\$36.78
PACER	\$46.00
TOTAL	\$82.78

SERVICE AWARDS TO THE CLASS REPRESENTATIVES

37. The Settlement Agreement calls for reasonable service award to Plaintiffs in the amount of \$2,500 each, subject to approval of the Court. The Service Award is meant to recognize Plaintiffs for their efforts on behalf of the Class, including assisting in the answering investigation of the case, maintaining contact with counsel, reviewing the pleadings, counsel's many questions, communicating with counsel during the settlement negotiations, and reviewing the terms of the Settlement Agreement. Plaintiffs were not promised a service award, nor did they condition their representation on the expectation of any service or incentive award.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of August 2024, at Sacramento, California.

/s/ M. Anderson Berry
M. Anderson Berry

EXHIBIT A



Arnold Law Firm Biography

Sacramento Office

865 Howe Avenue
Sacramento, CA 95825
916-777-7777
916.239.4778 (d)
415.595.3302 (c)

Los Angeles Office

12100 Wilshire Boulevard
Suite 800
Los Angeles, CA 90025
Phone: 747.777.7748

justice4you.com



Founded in 1975 by Clayeo C. Arnold, the Arnold Law Firm is a litigation-oriented practice with locations in Sacramento and Los Angeles, California. In keeping with its founding principles, our firm consciously works for the interests of individual people and small businesses — not for large corporations or insurance companies.

The Arnold Law Firm prosecutes class action, mass tort, *qui tam*, product defect, employment, and personal injury cases. We pride ourselves on being a practice of trial lawyers, typically trying a minimum of ten cases per year to verdict. In addition to our practice throughout the state of California in both state and federal courts, we also pursue class action, *qui tam* and multi-district litigation claims on a nationwide basis.

Our team of twelve attorneys collectively encompass a broad and diverse professional background, including plaintiff contingency work, public entity representation, criminal defense, and civil defense. We have current and past board members of Capital City Trial Lawyers Association, as well as members of numerous prestigious professional organizations, including the American Board of Trial Advocates, American Association for Justice, Association of Trial Lawyers of America, Sacramento County Bar Association, and Consumer Attorneys of California.

Our firm's operating structure is comprised of multiple teams directed towards specific practice areas. These teams regularly and intentionally collaborate and exchange information between their practice areas to improve the quality of representation for all of our clients.



**Arnold Law Firm
Biography**

(continued)

For over four decades the Arnold Law Firm has developed a respected and extensive network of co-counsel and experienced contract counsel to rapidly expand our capabilities as necessary on an *ad hoc* basis (e.g., document review). We employ a robust staff of highly qualified and experienced legal staff including assistants and paralegals to ensure that attorney time is spent in the most efficient manner possible.

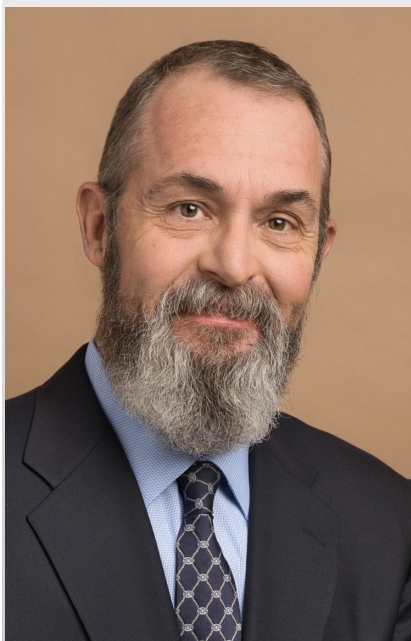
The Arnold Law Firm employs technology to increase productivity thereby resulting in more efficient and effective legal representation and driving excellent results on behalf of its clients. Specifically, the firm increases its efficiency by using numerous forms of legal and practice management software including template software, client management software, and secure internet-based client management for mass tort or multi-plaintiff litigation. We also invest in appropriate billing and tracking software for contemporaneous hourly record keeping.

The Arnold Law Firm places substantial value on representing clients in a manner that is both effective and courteous. Integrity with clients, the courts, and adverse counsel are all considered to be as indispensable as successful results.

Our highly accomplished counsel has a long history of successfully handling class actions across a range of industries, including data breach cases.



M. Anderson Berry Biography



The Arnold Law Firm has a proven track record of success and the ability to work efficiently and cooperatively with others. In addition, our firm has the availability and resources necessary to litigate complex class actions.

M. Anderson Berry

M. Anderson Berry heads the data breach complex litigation and *qui tam* practices for the Arnold Law Firm. He brings substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner, including as Lead Class Counsel, Co-Lead Class Counsel, and as a member of numerous Plaintiffs' Executive Committees.

Mr. Berry has an extensive background in privacy and consumer/government fraud litigation, actively participating in a currently sealed False Claims Act case involving widespread cybersecurity fraud upon the United States, and the class action litigations filed in federal and state courts across the nation, set out below.

Before joining the Arnold Law Firm in 2017, Mr. Berry worked as an Assistant United States Attorney for the Eastern District of California. As part of the Affirmative Civil Enforcement unit, Mr. Berry handled a wide variety of complex cases and recovered millions of dollars for the United States.

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

Mr. Berry was first selected as the Northern California Super Lawyers Rising Star in 2015 in the field of complex civil litigation.



M. Anderson Berry Biography

(continued)

Mr. Berry attended the University of California, Berkeley, where he majored in English and graduated with highest honors. Mr. Berry was inducted into the Phi Beta Kappa Honor Society and served as President of the English Undergraduate Associate.

After working as a private investigator for both criminal and civil investigations in the San Francisco Bay Area, Anderson graduated from U.C. Berkeley School of Law, where he was a Senior Editor for both the *Berkeley Journal of Criminal Law* and *Berkeley Journal of International Law*.

He was admitted to the California Bar in 2009 and is admitted to practice in the Northern, Eastern, Southern and Central Districts of California. Mr. Berry is also admitted to practice in the Northern District of Illinois, the Eastern District of Michigan, the Northern and Southern Districts of Indiana, the Districts of Colorado and Nebraska, and the Fourth and Ninth Circuit Courts of Appeals.

Mr. Berry was raised in Moraga, California and now lives in Fair Oaks, California, with his wife and three young sons.

Select Data Breach Cases

In re: Fred Hutchinson Cancer Center Data Breach Litig., 23-2-24266-1 SEA (Wash Super, King) (**Co-Lead Counsel**);

In Re: Entertainment Partners Data Breach Litigation, 2:23-cv-06546-CAS (C.D. Ca.) (**Co-Lead Counsel**)

In Re: Snap Finance Data Breach, 2:22-cv-00761-TS-JCB (D.UT.) (**Co-Lead Counsel**) (settled)

Ware v. San Geronio Memorial Hosp., CVRI2301216 (Cal Super, Riverside) (**Co-Lead Counsel**)

In Re: Overby-Seawell Co. Customer Data Security Breach Lit., 1:23-md-03056-SDG (N.D. Ga.) (**Co-Lead Counsel**);

Holmes v. Elephant Insurance Company, et al., 3:22-cv-00487-JAG (E.D. VA.) (**Co-Lead Counsel**);

In Re: Arthur J. Gallagher Data Breach Litigation, 1:21-cv-04056 (N.D.Ill.) (**Co-Lead Counsel**);

Petimat Dudurkaewa et al. v. Midfirst Bank et al., 5:23-cv-00817-R (W.D. Ok.) (Executive Comm.);
In Re: CaptureRx Data Breach Litigation, 5:21-cv-00523 (W.D.TX.)(Co-Lead Counsel) (settled);
Rossi v. Claire's Stores, 1:20-cv-05090 (N.D. Ill.) (Co-Lead Counsel) (settled);
Desue v. 20/20 Eye Care Network, Inc. et al., 0:21-cv-61275 (S.D. Fla.) (Executive Comm.);
In re: Mednax Services, Inc. Customer Data Security Breach Litigation, 21-MD-02994 (S.D. Fla.) (Executive Comm.);
Bowdle v. King's Seafood Co. LLC, 8:21-cv-01784-CJC-JDE, (CD. Cal.) (Class Counsel) (settled);
Hashemi et al. v. Bosley, Inc. 2:21-cv-00946 (CD. Cal.) (Class Counsel) (settled);
Heath et al. v. Insurance Technologies Corp et al., 3:21-cv-01444 (N.D. Tex.) (Class Counsel) (settled);
Carrera Aguillo et al. v. Kemper Corporation et al., 1:21-cv-01883 (N.D. Ill.) (Class Counsel) (settled);
Ahn et al. v. Herff Jones, LLC, 1:21-cv-01381 (S.D. Ind.) (settled);
Bitmouni v. Paysafe Limited, 3:21-cv-00641-JCS (N.D. Cal.) (Class Counsel) (settled);
Gaston v. FabFitFun, Inc., 2:20-cv-09534 (C.D. Cal.) (Class Counsel) (settled);
In Re: Ambrly Genetics Data Breach Litigation, 8:20-cv-00791 (C.D. Cal.) (settled);
In Re: Morgan Stanley Data Security Litigation, 1:20-cv-05914 (S.D.N.Y.) (settled);
Pfeiffer et al. v. RadNet, Inc., 2:20-cv-09553-RGK-SK (C.D. Cal.)(Class Counsel) (settled);
Thomsen v. Morley Companies, Inc., 1:22-cv-10271-TLL (E.D. Mi.) (settled);
In re Lakeview Loan Servicing Data Breach Litigation, 1:22-cv-20955-DPG (S.D. Fl.) (settled);

M. Anderson Berry
Biography
 (continued)





Gregory Haroutunian Biography



Gregory Haroutunian

Gregory Haroutunian is the Senior Associate and of the data breach complex litigation and *qui tam* practices for the Arnold Law Firm. He brings substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner.

Mr. Haroutunian has an extensive background in complex litigation, privacy and consumer/government fraud litigation, actively participating in a currently sealed False Claims Act case involving widespread cybersecurity fraud upon the United States, and the class action litigations filed in federal courts across the nation, set out below.

Before joining the Arnold Law Firm in 2021, Mr. Haroutunian worked in diverse practices across the nation including litigating dozens of products liability medical device cases in state and federal courts throughout the country and employment and construction related complex class-action and surety bond litigations involving multi-million dollar settlements throughout New York and New Jersey.

Mr. Haroutunian attended Columbia College, Columbia University, where he majored in Political Science and served with the New York State Senate Minority Leader's Office.

After working as a paralegal for a small general litigation and elder law firm in New York City, Gregory attended the Georgetown University Law Center where he graduated *cum laude*. While at Georgetown Gregory held a year-long judicial internship under Chief Administrative Law Judge Ronnie A. Yoder of the United States Department of Transportation and served as a legal intern at the National Whistleblowers' Center and the firm Kohn, Kohn, & Colapinto where he had his first experiences in *qui tam* and fraud cases.

Work that Mr. Haroutunian did at Georgetown comparing and analyzing aviation regulations was subsequently published in the Law Journal of the Pacific.



**Gregory Haroutunian
Biography (cont.)**

He was admitted to the New Jersey and New York Bars in 2013 and the California Bar in 2020 and is admitted to practice in the Northern, Eastern, Southern, and Central Districts of California, the Southern and Northern Districts of New York, and the District of New Jersey. Mr. Haroutunian is also admitted to practice in the Southern and Northern Districts of Indiana and the District of Colorado.

Mr. Haroutunian has been separately appointed Lead Counsel or Class Counsel in the following matters:

Benavides v. HopSkipDrive, Inc., No. 23STCV31729 (Cal. Super. Los Angeles) (Lead Counsel);

Ishaq v. F21OpCo LLC, 2:23-cv-07390-MEMF-AGR (C.D. Cal.) (Lead Counsel);

Bitmouni v. Paysafe Payment Processing Solutions, LLC, No. 3:21-cv-00641-JCS (N.D. Cal.) (Class Counsel);

In re: Ethos Technologies Inc. Data Breach Litig., No. 3:22-cv-09203-SK (N.D. Cal.) (Class Counsel);

In re: Blackhawk Network Data Breach Litig., No. 3:22-cv-07084-CRB (N.D. Cal.) (Class Counsel);

Franchi v. Barlow Respiratory Hospital, No. 22STCV09016 (Cal. Super. Los Angeles) (Class Counsel);

Parker v. Metromile, LLC, No. 27-2022-000-49770-CU-BT-CTL (Cal. Super. San Diego) (Class Counsel).

Gilbert et al. v. BioPlus Specialty Pharmacy Services, LLC, Case No. 6:21-cv-02158-RBD-DCI (M.D. Fla.) (Class Counsel)

Mr. Haroutunian was raised in Montvale, New Jersey.

EXHIBIT B

1 George Haines, Esq.
Nevada Bar No. 9411
2 Gerardo Avalos, Esq.
Nevada Bar No. 15171
3 **FREEDOM LAW FIRM**
8985 S. Eastern Ave., Suite 100
4 Las Vegas, Nevada 89123
(702) 880-5554
5 (702) 385-5518 (fax)
Ghaines@freedomlegalteam.com

6 M. Anderson Berry, Esq.
7 Gregory Haroutunian, Esq.
8 **CLAYEO C. ARNOLD**
A PROFESSIONAL CORPORATION
865 Howe Avenue
9 Sacramento, CA 95825
10 Telephone: (916) 239-4778
Email: *aberry@justice4you.com*
11 *gharoutunian@justice4you.com*

12 *Attorneys for Plaintiffs and the Settlement Class*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 SARA SANGUINETTI, RAYMOND D.
16 SPEIGHT, DAVID DIETZEL, PATRICIA
17 SAAVEDRA, AND NINA S. KUHLMANN,
18 individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 vs.

21 NEVADA RESTAURANT SERVICES,
22 INC.,

23 Defendant.
24
25
26
27
28

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-EJY

**DECLARATION OF JEAN S. MARTIN IN
SUPPORT OF MOTION FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE AWARDS**

1 I, Jean S. Martin, being competent to testify, make the following declaration:

2 1. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees,
3 Expenses, and Service awards. Except as otherwise noted, I have personal knowledge of the facts
4 set forth in this declaration and could and would competently testify to them if called upon to do
5 so.

6 2. I am a partner at Morgan & Morgan Complex Litigation Group. Morgan & Morgan
7 is a leading civil trial law firm representing consumers and commercial clients nationwide. With
8 over 900 lawyers, and more than 3,000 non-lawyer employees, Morgan & Morgan is the largest
9 plaintiffs' firm in the nation. *See*, Exhibit A, Morgan & Morgan Firm Resume.

10 3. The majority of my practice for the last 20 years has concentrated on complex
11 litigation, including consumer class actions, mass tort actions, and data breach litigation. I am
12 licensed to practice in the state of North Carolina, and I am admitted *pro hac vice* in this matter.

13 4. Pursuant to this Court's Preliminary Approval Order (ECF 114), I was appointed
14 Settlement Class Counsel along with M. Anderson Berry of the Arnold Law Firm, David Lietz and
15 Gary Klinger of Milberg Coleman Bryson Phillips Grossman PLLC; George Haines and Gerardo
16 Avalos of Freedom Law Firm, Michael Kind of Kind Law; and David Wise and Joseph Langone
17 of Wise Law Firm, PLC.

18 5. For more than two decades, I have concentrated my practice on complex litigation,
19 including consumer class actions, pharmaceutical mass tort actions, and data breach litigation. I am
20 a lead attorney in the national consumer class action section of Morgan & Morgan's Complex
21 Litigation Group, which has handled some of the largest class action lawsuits in history, among
22 them *Brown v. Google LLC* (challenging the privacy of Google's Incognito Mode), *In re: Yahoo!*
23 *Customer Data Security Breach Litigation* (\$117.5 million settlement), and *In re Capital One*
24 *Customer Data Security Breach Litigation* (resulting in a \$190 million settlement for a class of 98
25 million U.S. residents. In these cases, I have written briefs, coordinated document review, deposed
26
27
28

1 executives and experts, overseen the development of principal expert testimony, and presented oral
2 arguments on motions to discuss, motions for class certification, and Daubert motions.

3 6. I have had the fortune to lead some noteworthy data security cases, including *In re:*
4 *Morgan Stanley Data Security Litigation* (S.D.N.Y., No. 1:20-cv-05914) (resulting in a \$60 million
5 common fund settlement for 15 million class members); *In re: Ambry Genetics Data Breach*
6 *Litigation*, (C.D. Cal., No. 8:20-cv-00791) (resulting in a \$12.25 million settlement last for a class
7 of approximately 230,000 patients); and *Farley, et al. v. Eye Care Leaders Holdings, LLC*, 1:22-
8 cv-00468-UA-JLW (M.D.N.C.) (the presiding District Court judge at final approval noted: “this is
9 by far the most complex class action settlement I have seen ... but I definitely think it is fair and
10 very reasonable and benefits the class. They get everything they could have gotten, really, and more
11 than if you had litigated it.”).

12 7. In a data breach case in which I serve as interim co-lead counsel, I argued a motion
13 for class certification which resulted in the first order in the country granting Rule 23(b)(3)
14 certification in a consumer payment card data breach and argued the appeal before the 11th Circuit.
15 *In re Brinker Data Incident Litig.*, No. 3:18-cv-686-TJC-MCR, 2021 WL 1405508 (M.D. Fla. Apr.
16 14, 2021) *vacated in part sub nom. Green-Cooper v. Brinker Int’l, Inc.*, 73 F.4th 883 (11th Cir.
17 2023) (trial court’s (b)(3) analysis affirmed).

18 8. I also serve as a member of the Plaintiffs’ Steering Committee for the cases
19 proceeding against LabCorp., Inc. in *In re American Medical Collection Agency Data Breach*
20 *Litigation*, No. 19-md-2904 (D.N.J.). She is also a member of the Plaintiffs’ Steering Committee in
21 *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability*
22 *Litigation*, No. 17-md-2775 (D. Md.) and in *In re Allergan Biocell Textured Breast Implant*
23 *Products Liability Litigation*, No. 19-md-2921 (D.N.J.).

24 9. I have been honored with the prestigious “AV” rating by Martindale-Hubbell. In
25 2015, I was inducted as a Fellow of the Litigation Counsel of America and also have been selected
26 as a Fellow of the American Bar Foundation. In 2016, I was honored by her peers and recognized
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1 as the top Litigation attorney in the State of North Carolina for Business North Carolina Magazine's
2 Legal Elite, earning entrance into the Legal Elite Hall of Fame. In 2022, I was recognized as one of
3 Law360's "Cybersecurity & Privacy MVPs".

4 **MORGAN & MORGAN'S WORK ON THIS MATTER**

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

12 11. Our work on this matter included: working on offensive and defensive discovery;
13 engaging with counsel for defendant on issues related to the sufficiency of discovery responses and
14 disputes related to discovery; engaging and working with experts for class certification; leading
15 Plaintiffs' efforts on Rule 30(b)(6) and fact witness depositions; handling third party subpoenas;
16 and assisting with efforts to oppose Defendant's motion to dismiss.

17 12. My law firm has kept billing records for this case. I have personally reviewed all of
18 my firm's time entries and have used billing judgment to ensure that duplicative or unnecessary
19 time has been excluded and that only time reasonably devoted to the litigation has been included.
20 The time and descriptions displayed in these records were regularly and contemporaneously
21 recorded by me and the other timekeepers of the firm pursuant to firm policy and have been
22 maintained in the computerized records of my firm.

23 13. I assert that the attorneys' fees sought by Morgan & Morgan in the motion for
24 attorneys' fees are reasonable, and my firm seeks fair and reasonable compensation for undertaking
25 this case on a contingency basis and for obtaining the relief for Plaintiffs and the Settlement Class.
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1 14. I have general familiarity with the range of hourly rates typically charged by
2 plaintiffs' class action counsel in the geographical area where my firm practices and throughout the
3 United States, both on a current basis and historically. From that basis, I am able to conclude that
4 the rates charged by my firm are within the range of market rates charged by attorneys and
5 professional staff of equivalent experience, skill and expertise for legal services furnished in
6 complex contingency class action litigation such as this.

7 15. The hourly rates of the professionals in my firm, including my own, reflect
8 experience and accomplishments in the area of class litigation. The hourly rates presented are
9 commensurate with hourly rates charged by my contemporaries around the country, including those
10 rates charged by lawyers with my level of experience who practice in the area of class litigation
11 across the nation, and courts have approved my firms' rates in the following examples: *Brown v.*
12 *Google LLC*, No. 4:20-cv-03664-YGR-SVK, Dkt. 31 (N.D. Cal. July 15, 2022), *In re: Yahoo! Inc.*
13 *Customer Data Sec. Breach Litig.*, 16-MD-02752-LHK, 2020 WL 4212811, at *26 (N.D. Cal. July
14 22, 2020), *In re: Equifax Inc. Customer Data Security Breach Litigation*, Case No 1:17-md-02800-
15 TWT, ECF 956 at 105 (N.D. Ga. Jan. 13, 2020), *Lewis, et al., v. Green Dot Corp., et al.*, No. 2:16-
16 cv-03557 (C.D. Cal.), *Fuentes, et al. v. UniRush, LLC, et al.*, No. 1:15- cv- 08372 (S.D.N.Y.),
17 *Gordon, et al. v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415 (D. Colo.), and *Linnins v. HAECO*
18 *Americas, Inc., et al.*, No. 16-cv-486 (M.D.N.C.).

19 16. The chart below reflects the amount of time spent by the attorneys of Morgan &
20 Morgan in the prosecution of this case through August 9, 2024:

<u>Billor</u>	<u>Position</u>	<u>Hourly Rate</u>	<u>Time Spent</u>	<u>Lodestar</u>
Jean Martin	Partner	\$1,150.00	34.20	\$39,330.00
Francesca Burne	Attorney	\$650.00	12.30	\$7,995.00
		Total:	44.50	\$47,325.00

1 17. If requested by the Court, Plaintiffs request the Court's permission to submit Class
2 Counsel's detailed billing records to the Court *in camera*.

3 18. Morgan & Morgan's costs and expenses, totaling \$2,999.20 are detailed below. I
4 assert they are reasonable, that they were derived from a computerized database maintained by
5 individuals in the accounting office of my firm, and that they were checked for accuracy.

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

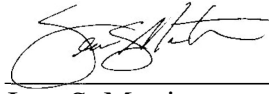
Expense Category	Amount
Court Fees	\$405.00
Legal Research	\$50.66
Deposition Expenses	\$343.54
Experts	\$2,200.00
Total Expenses	\$2,999.20

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19 **SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

20 20. The Settlement Agreement calls for reasonable service award to Plaintiffs in the
21 amount of \$2,500 each, subject to approval of the Court. The Service Award is meant to recognize
22 Plaintiffs for their efforts on behalf of the Class, including assisting in the answering investigation
23 of the case, maintaining contact with counsel, reviewing the pleadings, counsel's many questions,
24 communicating with counsel during the settlement negotiations, and reviewing the terms of the
25 Settlement Agreement. Plaintiffs were not promised a service award, nor did they condition their
26 representation on the expectation of any service or incentive award.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 12th day of August 2024, at Tampa, Florida
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7 Jean S. Martin
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EXHIBIT A



Morgan & Morgan is a leading civil trial law firm representing consumers and commercial clients nationwide. With over 1,000 lawyers, and more than 3,000 non-lawyer employees, Morgan & Morgan is the largest plaintiffs' firm in the nation. Morgan & Morgan maintains over offices throughout the United States. Among its lawyers are former state attorney generals and present and former members of various state legislatures.

Morgan & Morgan has a dedicated Complex Litigation Group staffed with lawyers, paralegals, and retired FBI agents serving as investigators committed to representing consumers in complex litigation, MDL proceedings and class action cases throughout the country. It has achieved many remarkable results in class litigation, including the settlement of *In re Black Farmers Discrimination Litigation*, no. 08-0511 (D.C. Oct. 27, 2017), where one of its partners served as co-lead. The case resulted in a settlement with the United States Government in the amount of \$1.2 billion for African American farmers who had been systematically discriminated against on the basis of race, in violation of the Fifth Amendment to the United States Constitution, the Equal Credit Opportunity Act, Title VI of the Civil Rights Act, and the Administrative Procedure Act. The Class Action section is a part of Morgan & Morgan's Complex Litigation group, has assembled a talented, ethnically diverse team of lawyers. Aside from the lawyers listed below, its team of lawyers is assisted by 75 lawyers in the shared legal services section of the Complex Litigation Group. These lawyers are dedicated to document review, deposition preparations and deposition summaries. It is also assisted by a separate section of 8 lawyers, comprised of former federal law clerks at the District and Circuit level, who assist the Class Action section with research and writing support.

John A. Yanchunis leads the class action section of the law firm. His practice—which began after completing a two-year clerkship with United States District Judge Carl O. Bue, Jr., S. D. Tex.—has concentrated on complex litigation and spans over 43 years, including consumer class actions for more than two-thirds of that time. As a result of his extensive experience in class litigation, including privacy and data-breach litigation, he regularly lectures nationally and internationally at seminars and symposiums regarding class litigation and privacy litigation. He is a member of The State Bar of Texas and The Florida Bar.

He has served as lead, co-lead, and class counsel in numerous national class actions, including multi-district litigation, involving a wide range of subjects affecting consumers, including antitrust, defective products, life insurance, annuities, and deceptive and unfair acts and practices. In 2014, he was recognized by the National Law Journal as a trailblazer in the area of privacy litigation, and in 2019, 2020 and 2023, he was recognized by LAW 360 as one of a very small number of MVPs in the United States in the area of privacy and cyber security litigation. For his work in the area of privacy litigation, he was awarded lawyer of the year in the state of Florida by The Daily Business Review. In 2023, he was also recognized by LAW 360 as a Titan of the Plaintiffs' Bar.

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

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

Mr. Yanchunis began his work in privacy litigation in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based on the placement of cookies on hard drives of internet users. Beginning in 2003, he served as co-Lead Counsel in the successful prosecution and settlement of privacy class action cases involving the protection of privacy rights of more than 200 million consumers under the Driver's Protection Privacy Act (DPPA) against the world's largest data and information brokers, including Experian, R.L. Polk, Acxiom, and Reed Elsevier (which owns Lexis/Nexis). See *Fresco v. Automotive Directions, Inc.*, No. 03-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*, No. 07-

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

He has been appointed and served in leadership positions a number of multidistrict litigation in the area of privacy and data breaches: *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.) (settlement for \$190,000,000 preliminarily approved) *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) (“Yahoo”) (Lead Counsel) (Court approved \$117,500,000.00 common fund settlement for approximately 194 million US residents and 270,000 Israeli citizens); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (co-Lead Counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of \$29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs’ Steering Committee) (final judgment entered approving \$380.5 million fund for 145 million consumers); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.) (“OPM”) (member of the Executive Committee) (motion for preliminary approval of a \$60,000,000 common fund); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers).

His court-appointed leadership experience in non-MDL, data breach class actions extends to dozens of cases which he has litigated and settled, and includes one of the few contested certifications in a data breach case : *Schmidt, et al., v. Facebook, Inc.*, No. 3:18-cv-05982 (N.D. Cal.) (Co-Lead Counsel) (“Facebook”) (class certified for 8 million residents , subsequently settlement of the class was approved by the court), and a contested certification in *Brown, et al., v. Google, LLC*, 4:20-cv-03664-YGR (N.D. Cal.). The case against Google is set for trial at the end of January 2024.

His experience in these major data breach matters extends far beyond simply briefing threshold issues and negotiating settlements. Rather, he has personally deposed dozens of corporate representatives, software engineers, cyber professionals and CISOs in major data breach cases such as Capital One, Yahoo, Kimpton, and Facebook. In addition, he has defended experts used in these cases and also deposed defense liability and damage experts.

Presently he leads his firm’s efforts in two major class cases pending against Google for data misuse.

As result of his experience in the area of class litigation and ethics, he has served as an expert for The Florida Bar on ethical issues arising in class action litigation. He was also appointed by The Florida Supreme Court to enforce one of its orders for indirect criminal contempt, which led to the incarceration of the respondent.

He is a frequent lecturer on privacy and class litigation nationally and internationally, including at international conferences, having presented at the University of Haifa's 2019 Class Action Conference, in Haifa, Israel, attended by lawyers, judges and law professors from around the world. In he lectured on data privacy in Mexico, the United Kingdom and the Netherlands.

He has served in a number of leadership positions in The Florida Bar, having been elected to two terms in The Young Lawyers Division of The Florida Bar, to two terms to The Board of Governors of The Florida Bar, and he was appointed by The Florida Supreme Court to serve a 5 year term as a Member of The Florida Board of Bar Examiners , and today he continues to serve as an emeritus member . He has been a member of numerous committees of The Florida Bar , and been appointed chair of many of them . He

While at the University of Florida Mr. Yanchunis was a member of Florida Blue Key and Omicron Delta Kappa. He received his Juris Doctor degree from the South Texas College of Law in 1980, where he graduated magna cum laude. During law school, Mr. Yanchunis was a member of the Order of the Lytae, Associate Editor-in-Chief and Technical Editor of the South Texas Law Journal.

Michael F. Ram. Mr. Ram is a consumer class action lawyer with 40 years of experience. He graduated cum laude from Harvard Law School in 1982. He has co-tried several class action trials and frequently lectures on class trials. In 1992 he was a co-recipient of the Trial Lawyer of the Year Award given by Trial Lawyers for Public Justice for *National Association of Radiation Survivors v. Walters* No. 83-c-1861 (N.D. Cal.) (tried to class-wide judgment on remand from Supreme Court).

From 1993 through 1997, Mr. Ram was a partner with Lief, Cabraser, Heimann and Bernstein where he represented plaintiffs in several major class actions, including: *Cox v. Shell*, Civ. No 18,844 (Obion County Chancery Court, Tenn.) national class of six million owners of property with defective polybutylene plumbing systems; *In re Louisiana-Pacific Inner-Seal Litigation*, No. 95-cv-879 (D. Oregon) (co-lead counsel) national class of homeowners with defective siding; *ABS Pipe Litigation*, Cal. Judicial Council Coordination Proceeding No. 3126 (Contra Costa County) national class of homeowners.

In 1997, Mr. Ram founded Levy, Ram & Olson which became Ram & Olson and then Ram,

Olson, Cereghino & Kopczynski. He was co-lead counsel in many consumer class actions including a national class of half a million owners of dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. 2008). He was co-lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company*, No. 03-cv-2628 (N.D. Cal.), a class action involving defective intake manifolds that generated four published opinions, including one by the Ninth Circuit, 402 F.3d at 950, and settled one court day before the class trial. He was also co-counsel for plaintiffs in a number of other consumer class actions, including: *In re General Motors Corp. Product Liability Lit.* MDL No. 1896 (W.D. Wash.) (defective speedometers); *Richison v. American Cemwood Corp.*, San Joaquin Superior Court Case No. 005532 (defective Cemwood Shakes); *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No. 995787 (defective hardboard siding); *Naef v. Masonite*, Mobile County, Alabama Circuit Court Case No. CV-94-4033 (defective hardboard siding on their homes); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998) (approving class action settlement); *McAdams v. Monier, Inc.* (2010) 182 Cal. App. 4th 174 (reversing denial of class certification in consumer class action involving roof tiles); *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-SEA) (defective siding); *Rosenberg v. U-Haul* (Santa Cruz Superior Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct; tried successfully to judgment); *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal. 2011) (international class action settlement for false and deceptive conduct); *Whitaker v. Health Net of California, Inc., and International Business Machines Corp.*, No. 2:11-cv-0910 KJM DAD (E.D. Cal.) (electronic privacy class action under the California Confidentiality of Medical Information Act); and *In re Kitec Plumbing System Products Liab. Litigation MDL No 2098*, N.D. Texas, No. 09-MD-2098 (MDL class action involving claims concerning defective plumbing systems).

From 2017 to 2020, Mr. Ram was a partner at Robins Kaplan LLP. In August, 2020, Mr. Ram joined Morgan & Morgan to open a San Francisco office for them. He is currently co-lead counsel in numerous consumer class actions, including *Gold v. Lumber Liquidators*, N.D. Cal. No. 14-cv-05373-RS, a certified multistate class action involving bamboo floors, and *Fowler v. Wells Fargo*, N.D. Cal. No. 3:17-cv-02092-HSG, a class action involving interest charges that settled for \$30 million. He is currently serving on the Plaintiffs' Steering Committee *In re Philips Recalled CPAP, Bi-Level Pap, And Mechanical Ventilator Products Litigation*, MDL No. 3014, where he is co-chair of the Law and Briefing Committee. In addition, Mr. Ram is also currently serving on the Plaintiffs' Expert Discovery Committee *In re Kia Hyundai Vehicle Theft Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 3052.

Jean Sutton Martin is one of the lead attorneys in the Class Action Department of Morgan & Morgan, devoting her practice to data privacy, consumer protection, and defective products class actions. In addition to consumer class actions, Ms. Martin has practiced in the areas of mass tort and catastrophic personal injury, starting mass torts practice groups at two plaintiffs' firms. Prior to joining Morgan and Morgan, Ms. Martin ran her own law firm in North Carolina concentrating

on consumer class actions and mass tort litigation.

Ms. Martin received her Juris Doctor degree from Wake Forest University School of Law, where she served as Editor-in-Chief of the *Wake Forest Law Review*. Ms. Martin graduated from Wake Forest University with a Bachelor of Science in Mathematical Economics and earned a Master of International Business from the University of South Carolina. She also has served as an adjunct professor at her alma mater, Wake Forest University School of Law. She obtained eDiscovery certification from the eDiscovery Training Academy at Georgetown Law Center in 2017.

Ms. Martin has been honored with the prestigious “AV” rating by Martindale-Hubbell. In 2016, Ms. Martin was selected by her peers as the foremost Litigation attorney in the State of North Carolina for *Business North Carolina Magazine’s Legal Elite*, gaining membership in the *Legal Elite* Hall of Fame. In 2022, she was recognized by Law360 as an MVP in the area of cybersecurity and data privacy. She was named as one of National Law Journal’s Class Action/ Mass Tort Litigation Trailblazers of 2023.

Ms. Martin concentrates her practice on complex litigation, including consumer protection, data privacy, and defective products class action. Ms. Martin concentrates her practice on complex litigation, including consumer protection, data privacy, and defective products class action. She presently serves by appointment as interim co-lead counsel in *In re HCA Healthcare Data Security Litigation*, No. 3:23-cv-00684 (M.D. Tenn.), *Combs, et al. v. Warner Music Group*, Case No. 1:20-cv-07473-PGG (S.D.N.Y.) and *Johnson, et al. v. Yuma Regional Medical Center*, 2:22-cv-01061-SMB (D. Ariz.). She also serves as a member of the Plaintiffs’ Steering Committee for the cases proceeding against LabCorp, Inc. in *In re: American Medical Collection Agency Data Breach Litigation*, 19-md-2904 (D. N.J.) and a steering committee member *In re: Allergan Biocell Textured Breast Implant Products Liability Litigation*, No. 19-md-2921 (D. N.J.).

In a case in which she serves as interim co-lead counsel, Ms. Martin argued the motion for class certification which resulted in the first order in the country granting Rule 23(b)(3) certification in a consumer payment card data breach. She also argued the appeal of that decision. The Eleventh Circuit found standing for Ms. Martin’s client and embraced the presented damages model, remanding the case for further predominance inquiry given the District Court’s modification of the class definition. *In re Brinker Data Incident Litigation*, No. 3:18-cv-686-TJC-MCR, 2021 WL 1405508 (M.D. Fla. Apr. 14, 2021) *vacated in part sub nom. Green-Cooper v. Brinker International, Inc.*, 73 F.4th 883 (11 Cir. 2023).

She has served in leadership positions in many consumer class actions and consolidated proceedings in federal courts around the country, including *inter alia: In Re: Ambry Genetics Data Breach Litigation*, Case No. 8:20-cv-00791-CJC (C.D. Cal.), (settlement valued in excess of \$20 million for a class of approximately 230,000 patients); *Desue, et al. v. 20/20 Eye Care Network, Inc. et al.*, 21-cv-61275 (S.D. Fla.) (Chair of the Plaintiffs’ Executive Committee) (settlement on

behalf of more than 4 million class members, including minors); *In re Morgan Stanley Data Security Litigation*, 1:20-cv-05914 (S.D.N.Y.) (\$68 million settlement for 15 million class members); *Aguallo, et al. v. Kemper Corp., et al.*, Case No.: 1:21-cv-01883 (N.D. Ill.) (data breach settlement valued at over \$17.5 million) (co-lead counsel); *Gordon, et al. v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415 (D. Colo.) (data breach) (co-lead counsel); *Linnins v. HAECO Americas, Inc., et al.*, No. 16-cv-486 (M.D.N.C.) (employee data disclosure) (co-lead counsel); *Torres v. Wendy's International, LLC*, No. 6:16-cv-210 (M.D. Fla.) (data breach) (class counsel); *Fuentes, et al. v. UniRush, LLC, et al.*, No. 1:15-cv-08372 (S.D.N.Y.) (disruption in servicing of financial accounts) (co-lead counsel); *Lewis, et al., v. Green Dot Corp., et al.*, No. 2:16-cv-03557 (C.D. Cal.) (disruption in servicing of financial accounts) (class counsel); *Brady, et al. v. Due North Holdings, LLC, et al.*, No. 1:17-cv-01313 (S.D. Ind.) (employee data disclosure) (class counsel); *Foreman v. Solera Holdings, Inc.*, No. 6:17-cv-02002 (M.D. Fla.) (employee data disclosure) (class counsel); *In Re: Outer Banks Power Outage Litigation*, No. 4:17-cv-141 (E.D.N.C.) (extended island power outage due to defective construction practices) (class counsel); and, *McCoy v. North State Aviation, LLC, et al.*, No. 17-cv-346 (M.D.N.C.) (WARN Act violations) (class counsel).

Ms. Martin has been a presenter on a variety of topics related to class actions including: *Fantasy Gaming Webinar: FanDuel and DraftKings Litigation*, AAJ (December 2015); *Thinking Outside the Black Box: Drug Cases in the Class Context*, Mass Torts Made Perfect (October 2019); *Mass Torts and MDLs*, Western Alliance Class Action Forum (March 2020); *Consumer Class Actions*, Western Alliance Class Action Forum (March 2022); *How to Maximize Efficiency in Document Production and Review*, Mass Torts Made Perfect (April 2022); *Class Action Takeover: The Rise of Class Actions within MDLs*, HarrisMartin (July 2023).

Beyond her legal work, Ms. Martin organized the first Class of Our Own women's summit which was held in Nashville, Tennessee in May 2023. The invitation-only summit for female class action attorneys featured two days of legal panels while also promoting female empowerment. More than 100 women from multiple disciplines from across the country attended the event. Plans are underway for 2024 with the goal to make this summit an annual event.

Before entering law school, Ms. Martin worked with the sales finance team of Digital Equipment Company in Munich, Germany developing sales forecasts and pricing models for the company's expansion into the Eastern European market after the fall of the Berlin wall. She also worked as a practice management consultant for a physician consulting group and as a marketing manager for an international candy manufacturer where her responsibilities included product development, brand licensing, market research, and sales analysis.

Ms. Martin is a member of the North Carolina bar, having been admitted in 1998. She is also admitted to practice before the United States Supreme Court, the United States Court of Federal Claims, the United States Court of Appeals for the Fourth Circuit, the Western, Middle, and Eastern Districts of North Carolina, and the United States District Court of Colorado.

Marie Noel Appel. Ms. Appel has dedicated her career to representing consumers, primarily in class action cases, involving claims under consumer protection laws and other statutory and common law claims.

For the first fifteen years of her career, Ms. Appel litigated class claims on behalf of consumers, including actively participating in the following cases: *Lussier v. The Lucas Dealership Group*, No. CGC-95-391224 (San Mateo Super. Ct.) (unfair business practices suit for automobile repair overcharges resulting in confidential settlement after three weeks of trial in 1998); *Pang v. Jani King of Calif., Inc.*, No. CGC-98-396258 (San Mateo Super. Ct.) (class action unfair business practice suit alleging improper franchise practices settled in 1999 on appeal); *Capers v. Pac. Bell Internet Serv.*, No. CGC-01-318733 (San Francisco Sup. Ct.) (unfair business practice suit for improper DSL billing practices resulting in refunds of more than \$1.6 million to 20,000 class members and distribution of more than \$40,000 to charitable organizations in 2004); *Clark v. Santa Barbara Bank & Trust*, No. CGC-04-427959 (San Francisco Super. Ct.) (unfair business practices for improper debt collection practices resulting in refunds of more than \$2 million and distribution of more than \$200,000 in cy pres relief in 2007); *Dubray v. City of Dublin*, No. 2002057128 (Alameda County Super. Ct.) (class action against the City of Dublin for illegal governmental cost collection practices); *Donovan v. RRL Corp.*, 26 Cal. 4th 261 (2001) (one of amicus counsel for National Association of Consumer Advocates regarding whether automobile price advertisement was a contract offer); *Buick v. World Sav. Bank*, No 2:07-CV-01447 (E.D. Cal.) (individual Truth in Lending action regarding home equity loan which settled in 2011); and *Briggs v United States*, No. CV-07-5760 WHA (N.D. Cal.) (statutory violations resulting in \$7.4 million settlement in 2009 on behalf of a nationwide class of veterans whose tax refunds and benefits the government withheld to recover time-barred debts to the Army & Air Force Exchange Service).

From 2012 to 2019, Ms. Appel left private practice to become the Supervising Attorney of the Consumer Project and the Medical-Legal Project at the Justice & Diversity Center of the Bar Association of San Francisco which provides free legal services to low-income persons. In that position, Ms. Appel trained and supervised volunteer attorneys assisting clients facing debt collection lawsuits, and provided a range of direct legal services to clients, primarily patients at low-income medical clinics, as well as collaborating with, and training, medical interns, residents, nurses, and staff regarding legal issues impacting patient health outcomes. Ms. Appel also presented on topics relating to providing pro bono services to consumers, including, *Disaster-Related Consumer Issues Including Consumer Protection Laws and Debtors' Rights and Responsibilities*, *Providing Legal Assistance in Aftermath of Disaster*, Practising Law Institute (September 2015); *Successful Pro Bono Based Projects to Assist Self-Represented Litigants: Partnering with Bar Associations, Small & Solo Practitioners, New Attorneys, Law Schools, and*

Courts, Self-Represented Litigation Network Conference (February 2017); Successful Pro-Bono Based Projects to Assist Self-Represented Litigants, Self-Represented Litigation Network Conference (February 2018), and Helping Clients Facing Collection Actions For Covid-19 Rental Debt, Tenants Together, Tenant Lawyer Network (January 2022).

In April 2019, Ms. Appel returned to private practice as Counsel at Robins Kaplan, LLP, then joined Morgan & Morgan in August 2020 where she again focuses on class action consumer litigation including the following litigations: *Gold v. Lumber Liquidators*, No. 14-cv-05373-RS (N.D. Cal.) (settlement approval and distribution of a certified multistate class action involving bamboo floors); *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Prod. Litig.*, MDL No. 3014 (Medical Monitoring Working Group); and *Weston v. Subaru of America, Inc.*, No. 1:20-cv-05876-CPO-SAK (D.N.J.) (informal Plaintiffs' Steering Committee).

In addition to her legal practice, Ms. Appel also has served as an Adjunct Professor at Golden Gate University School of Law in San Francisco where she has taught legal research and writing, and taught and supervised students at the Consumer Rights Clinic, in which students performed legal work at the Justice & Diversity Center's Consumer Debt Defense and Education Clinics.

Ms. Appel has a long history of pro bono involvement and currently is a regular volunteer at the Community Legal Assistance Saturday Program, a monthly free legal clinic sponsored by the Alameda County Bar Association. From 1997 to 2012, Ms. Appel provided pro bono representation for numerous low-income consumers facing debt collection lawsuits, and volunteered regularly at free legal clinics through the Justice & Diversity Center in San Francisco which, on multiple years, designated her as one of the Outstanding Volunteers in Public Service.

Ms. Appel earned a B.A. in French from San Francisco State University in 1992, and a Juris Doctor from University of San Francisco School of Law in 1996 where she was an Associate Literary Editor of the *USF Maritime Law Journal*.

Ms. Appel is admitted to the State Bar of California and to United States District Courts in the Central District of California, the Eastern District of California, the Northern District of California, the Southern District of California, the Northern District of Illinois, the Western District of Michigan, and the Ninth Circuit Court of Appeals.

Kenya Reddy. Ms. Reddy represents consumers in class action litigation. She graduated from Duke University in 1997 with a degree in political science. In 2000, she received her law degree from the University of Virginia School of Law. Prior to joining Morgan & Morgan, Ms. Reddy was a shareholder at Carlton Fields, P.A., where her primary areas of practice were

antitrust, complex civil litigation, class action defense, and business litigation. She also has experience in including labor and employment, products litigation, ERISA and employee benefits law, insurance, healthcare, and securities litigation.

Ms. Reddy has served as a law clerk for the Honorable Charles R. Wilson, United States Circuit Court Judge, Court of Appeals for the Eleventh Circuit, the Honorable Anne C. Conway, former Chief Judge of the United States District Court for the Middle District of Florida, the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida, and the Honorable Karla R. Spaulding, United States Magistrate Judge, Middle District of Florida.

Ms. Reddy was a guest speaker in January 2019 at HarrisMartin's Marriott Data Breach Litigation Conference on the topic of standing in data breach cases. In October 2019, she presented on the topic of third-party litigation funding at the Mass Torts Made Perfect Conference.

Ms. Reddy is admitted to practice in the Northern, Middle, and Southern Districts of Florida.

Ryan J. McGee. Mr. McGee joined Morgan & Morgan's Complex Litigation Group in March 2018, and has since extensively practiced in the areas of privacy and consumer protection class action litigation. His work since 2018 resulted in Law360 recognizing him as one of only three Rising Stars in the area of cybersecurity and privacy for 2023.

He has substantially supported the following representative litigations resulting in the recovery of more than half a billion dollars for consumers: *Rodriguez v. Google LLC*, No. 3:20-cv-04688-RS (N.D. Cal.); *Brown v. Google LLC*, No. 4:20-cv-03664-YGR (N.D. Cal.); *In re Morgan Stanley Data Security Litigation*, No. 20-cv-5914-AT (S.D.N.Y.); *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.); *In Re: Ambry Genetics Data Breach Litigation*, No. 20-cv-00791 (C.D. Cal.); *Pfeiffer et al. v. RadNet, Inc.*, No. 2:20-cv-09553-RGK (C.D. Cal.); *Ford et al. v. [24]7.ai, Inc.*, No. 5:18-cv-02770-BLF (N.D. Cal.); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 16-md-02752-LHK (N.D. Cal.); *In re Equifax, Inc. Customer Data Security Breach Litigation*, No. 1:17-md-02800 (N.D. Ga.); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.); *Henderson v. Kalispell Regional Healthcare*, No. CDV-19-0761 (Montana Eighth Judicial Court – Cascade County); *Morrow v. Quest*, No. 2:17-cv-0948 (CCC) (JBC) (D.N.J.); *In re Google Plus Profile Litigation*, No. 5:18-cv-06164 EJD (N.D. Cal.); *Stoll et al. v. Musculoskeletal Institute, Chartered d/b/a Florida Orthopaedic Institute*, No. 8:20-cv-01798-CEH (M.D. Fla.); and *Kuss v. American HomePatient, Inc., et al.*, No. 8:18-cv-02348 (M.D. Fla.).

His experience in privacy litigation extends well beyond drafting pleadings, briefing legal

disputes, and negotiating settlements. He has personally deposed dozens of corporate representatives, software engineers, and cyber professionals in major privacy cases such as *Brown v. Google*, *Capital One*, and *Facebook*. He has also deposed defense liability and damages experts in these (and other) cases, and defended experts in those fields at deposition and in *Daubert* hearings. Mr. McGee cross-examined two (of four) technical witnesses during the hearing that resulted in the successful pursuit of multiple sanctions against Google.

Ryan studied business economics and history at the University of Florida, where he was a teaching assistant for technology classes in the business school, and received his law degree from Stetson University College of Law, where he was an editor on the *Stetson Law Review*, a research assistant for antitrust and consumer protection laws, and a teaching assistant for Stetson's trial advocacy program. He began his legal career as a state-appointed prosecutor, where he tried over 50 jury trials to verdict, mostly felonies, as well as a special prosecutor appointed to investigate police officers' deadly use-of-force and corruption within various law enforcement agencies. Ryan also served as a law clerk for two years for the Honorable Elizabeth A. Kovachevich, the former Chief United States District Judge, Middle District of Florida. Before joining Morgan & Morgan, Ryan's practice involved complex business disputes, antitrust, trade secret, data security, and class action investigations and defense-side litigation in state and federal courts across the country.

Ryan was admitted to the Florida Bar in 2009 and is also admitted to practice in the Northern, Middle, and Southern Districts of Florida; the District of Colorado; and the Ninth Circuit Court of Appeals.

Patrick Barthle. Mr. Barthle is the second-longest tenured attorney in the Class Action Department of Morgan & Morgan. He was born and raised in Dade City, Florida. He attended the University of Florida where he was admitted to the Honors Program and graduated, *cum laude*, with a double major in History and Criminology in 2009. While at UF, Patrick was inducted into the Phi Beta Kappa Honor Society and served as President of the Catholic Student Center. Patrick attended Washington and Lee University School of Law, graduating *summa cum laude* in 2012; where he was a Lead Articles Editor for the Wash. & Lee Law Review, a member of the Order of the Coif and the Phi Delta Phi Legal Honor Society, and President of the W&L Law Families organization.

Before joining Morgan & Morgan in 2015, Patrick worked at one of the country's largest law firms, Greenberg Traurig, LLP, and then served as a judicial law clerk for two years to the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida. Patrick has extensive privacy and consumer fraud class action experiencing, having actively participated in the following litigations: *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.); *In re: U.S. Office of Personnel Management Data Security Breach*

Litigation, 1:15-mc-01394-ABJ (D.C.); *Torres v. Wendy's International, LLC*, No. 6:16-cv-210 (M.D. Fla.); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.); *In re The Home Depot, Inc. Customer Data Security Data Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, 16-md-02752-LHK (N.D. Cal.); and *Finerman v. Marriott Ownership Resorts, Inc.*, Case No.: 3:14-cv-1154-J-32MCR (M.D. Fla.).

Patrick has deep substantive experience in data breach cases. He has deposed multiple C-suite-level executives, prepared and examined expert witnesses, as well as briefed and argued motions for class certification and summary judgment in any number of data breach cases. For example, in *In re: Yahoo! Inc. Customer Data Security Breach Litigation*, Case No. 16-md-2752, (N.D. Cal.), a data breach class action involving approximately 3 billion Yahoo user accounts, Patrick was deeply involved in discovery, including with the depositions of multiple Chief Information Security Officers (“CISO”) and other cybersecurity related witness, including the Chief Information Officer (“CIO”); as well as assisting with the reports, and defending the depositions, of Plaintiffs’ cybersecurity and identity theft experts. Likewise, in the *In re Capital One Customer Data Security Breach Litigation*, Case No.: 1:19-md-2915 (E.D. Va.) case, Patrick was heavily involved in all aspects of discovery including drafting and arguing myriad motions to compel and the taking of various depositions, including multiple corporate representative witnesses for both Capital One and Amazon Web Services, as well as arguing and briefing summary judgment and class certification.

Patrick has been appointed as Co-Lead Counsel in multiple pending data breach class actions, including *Hernandez et al. v. Advance America, Cash Advance Centers, Inc. et al*, Case No. 7:23-cv-4256 (D. S.C.), and *In re Great Expressions Data Security Incident Litigation*, Case No. 2:23-cv-11185 (E.D. Mich.).

Apart from data privacy cases, Patrick has been appointed as Class Counsel in other consumer class action cases, including in *Swaney v. Regions*, Case No. 2:13-cv-00544-JHE (N.D. Ala.) (TCPA class action, Final Approval entered), *Peterson v. Apria Healthcare Group, Inc.*, Case No. 6:19-cv-00856 (M.D. Fla.) (TCPA class action, Final Approval entered), and *Guidry v. Penn Credit*, Case No.: 6:19-cv-1936-Orl41LRH (M.D. Fla.) (TCPA class action, Final Approval entered); and in *Richards et al. v. Chime Financial, Inc., et al.*, Case No. 4:19-cv-06864 (N.D. Cal.), a case involving a payment disruption for certain payment card users.

Patrick is also no stranger to contested class certifications, having certified nationwide and multi-state classes in cases such as *Still v. Selene Finance, LP*, Case No. CJ-2013-51 (Okla. Dist. Ct, Nowata County) (multi-state certified class action concerning property inspections fees related to HUD-backed mortgages); and *Nolen et al. v. Fairshare Vacation Owners Association*, Case No.

6:20-cv-330-PGB-EJK (M.D. Fla.) (nationwide class certified concerning alleged breaches of fiduciary duties involving a Wyndham timeshare program).

Patrick was selected as a Florida Super Lawyer Rising Star in 2019, 2020, and 2021 in the field of Class Actions. He is also active in speaking on privacy and class action topics, having spoken in June 2018, October 2022, and March 2023 at the NetDiligence Cyber Risk Summit on various privacy related topics; in November 2018 at the American Association for Justice's Advanced 30(b)(6) Seminar, on the topic of 30(b)(6) Depositions in Data Breach Cases; in January 2019 at HarrisMartin's Marriott Data Breach Litigation Conference on the topic of damage models and settlements in data breach cases; and in October 2019 at the Mass Torts Made Perfect conference on Rule 23(c)(4) classes.

Mr. Barthle was admitted to the Florida Bar in 2012 and is also admitted to practice in the Middle District of Florida, the Southern District of Florida, the District of Colorado, the Northern District of Illinois, the Eastern District of Michigan, the Northern District of Oklahoma, the Southern District of Texas, and the Eleventh Circuit Court of Appeals.

Ron Podolny. Ron Podolny joined our Complex Litigation Group after practicing for 15 years in Canada, 10 of which were dedicated exclusively to representing the plaintiffs in class actions and mass torts. At Morgan & Morgan, his practice is focused on representing the plaintiffs in class actions arising out of data breaches, misleading advertising, defective consumer and pharmaceutical products and other matters.

Ron has served as an adjunct professor at the University of Toronto, Faculty of Law and Osgoode Hall Law School, York University. He speaks frequently in professional conferences on matters relating to class actions and commercial litigation. In particular, Ron has presented repeatedly on cross-border class actions at the American Association for Justice conferences, across the U.S.

Ron has authored articles on a variety of topics in class actions and commercial litigation in leading industry and academic publications. His articles have been cited with approval by the courts, including the Supreme Court of Canada. He has been interviewed on legal matters in television, radio and print media.

In 2018, Ron was the recipient of the Precedent Setter Award, which recognizes lawyers called to the bar in the last 10 years who have shown excellence and leadership in their practice and their community.

In 2019, Ron was the recipient of the “Lexpert Rising Stars Award: Leading Lawyers Under 40.”

In 2022, Ron was awarded the Osgoode Hall Law School Faculty Teaching and Service Award for his contribution to legal education as an Adjunct Professor.

In 2023, Ron was recognized by Best Lawyers™ in the category of Securities Law. This prestigious recognition is awarded on the basis of an exhaustive evaluation process of lawyers’ professional expertise, in the form of a national peer-review survey.

In 2024, Ron was recognized as Repeatedly Recommended (Class Actions) in the Canadian Legal Lexpert Directory.

Ron is called to the bars of New York and Ontario, and practices in the Tampa office.

Francesca Kester Burne. Ms. Burne was born and raised in Scranton, Pennsylvania. She attended The Pennsylvania State University’s Dickinson School of Law, where she received her Juris Doctor degree in 2017. While at Dickinson, Ms. Burne competed in the American Bar Association’s National Appellate Advocacy Competition, where she was awarded the highest honor for her legal brief writing, and the Texas Young Lawyer’s National Trial Competition, where she finished as a regional finalist. Ms. Burne also served as Executive Chair of the Dickinson Law Moot Court Board, Founder of the Dickinson Law partnership with Big Brothers Big Sisters, and Student Director of the Bethesda Mission Men’s Shelter legal clinic.

Ms. Burne completed an externship with United States Magistrate Judge Martin C. Carlson while in law school. After graduation, she served for two years as a law clerk to the Honorable James M. Munley in the United States District Court for the Middle District of Pennsylvania. Ms. Burne now focuses her class action practice on complex litigation, including consumer protection, data privacy, and defective products class actions.

She has been honored with the D. Arthur Magaziner Human Services Award for outstanding academic achievement and service to others and the Pennsylvania Bar Association’s Joseph T. McDonald Memorial Award for excellence in trial advocacy.

Ms. Burne is admitted to practice law in both Pennsylvania and Florida as well as various federal courts throughout the country, to include the Southern District of Florida.

Ross Berlin. Ross Berlin is a member of the Complex Litigation Group. Mr. Berlin earned his law degree with honors from the Northwestern University Pritzker School of Law. After law

school, Mr. Berlin completed two judicial clerkships, first for the Honorable Kevin G. Ross of the Minnesota Court of Appeals and then for Judge Paul C. Huck of the United States District Court for the Southern District of Florida. Following his clerkships, Mr. Berlin returned to his hometown of West Palm Beach, Florida, to continue his public service as an appellate public defender, where he represented indigent defendants on appeal from their criminal convictions. Mr. Berlin's appellate-litigation and clerkship experience attracted one of the largest law firms in the world, and Mr. Berlin entered private practice. In that role, Mr. Berlin represented multi-billion-dollar corporations in both trial and appellate-level litigation in federal and state courts in high-stakes matters spanning the entire United States and the world. Mr. Berlin's passion for protecting the most vulnerable in society led him to join Morgan & Morgan's Complex Litigation team, where he now represents the people in litigation against the world's most powerful corporations.

Antonio Arzola, Jr. Mr. Arzola was born and raised in Miami, Florida to first-generation Cuban-American parents. In 2018, Antonio obtained a Bachelor of Science degree in Criminal Justice from Florida International University. After graduating, Antonio worked as a North American Language and Culture Assistant in a primary school in Barxeta, Spain, where he taught English to primary school Spaniard students for a year. During his teaching assistantship, Antonio obtained a Bachelor of Arts degree in Portuguese from Florida International University in 2019. In 2022, he obtained his Juris Doctor degree, *cum laude*, from Florida International University. While at Florida International University College of Law, he received the “Book Award” for achieving the highest grade in his Legal Writing III course. Also, he represented Florida International University in the 2022 Moot Madrid International Arbitration Competition, where he conducted oral arguments in Spanish in mock arbitration proceedings in Madrid, Spain. Before joining Morgan & Morgan, Antonio served as a judicial law clerk to the Honorable Federico A. Moreno, United States District Judge, Southern District of Florida. Antonio is fluent in English, Spanish, and Portuguese and is an avid runner. Antonio was admitted to the Florida Bar in 2022 and is a Certified Information Privacy Professional (United States).

Riya Sharma. Ms. Sharma is a dual-qualified attorney admitted to the Texas Bar and the New Delhi Bar, licensed to practice throughout India. After her Juris Doctor/B.A LL.B. from the Jindal Global Law School, she earned her LL.M. from the University of California, Berkeley, School of Law, where she graduated with High Honors in Information Privacy Law, Legal Research and Writing, Contract Law, Fundamentals of U.S. Law, and Legal Ethics and Compliance. She graduated from Berkeley as the highest performer in Contract Law. At Berkeley, she furthered her commitment to legal advocacy and served as a Pro-Bono Student Advocate with the Workers’ and Tenants’ Rights Clinic and contributed as a member of the Berkely Center for Law and Technology and the Privacy Lab, and also worked towards

advancing the rights of women in Technology Law. Prior to obtaining her Masters in Law, Ms. Sharma worked as a Judicial Law Clerk to Justice Abdul S. Nazeer, a Judge of the Supreme Court of India, handling complex federal matters. Alongside her judicial clerkship, she collaborated with UNICEF to provide e-education to underprivileged children during the COVID-19 pandemic. Fluent in both English and Hindi, Ms. Sharma is also certified by the World Intellectual Property Organization for coursework in U.S Intellectual Property.

Christopher Pollack. Chris Pollack was born and raised in Florida. Mr. Pollack studied finance at the University of Central Florida, and then earned his law degree from the University of Michigan Law School. While in law school, Mr. Pollack worked on the Civil Rights Litigation Clearinghouse, and he earned Certificates of Merit in both Evidence and Jurisdiction & Choice of Law.

Upon graduating, Mr. Pollack spent the first several years of his career as a judicial clerk, first spending 20 months with the Honorable Jeffrey J. Helmick in the U.S. District Court for the Northern District of Ohio, and then a year with the Honorable Robin S. Rosenbaum in the U.S. Court of Appeals for the Eleventh Circuit. Prior to joining Morgan & Morgan's Complex Litigation Group, Mr. Pollack worked for law firms in D.C. and Michigan, representing businesses across the country and gaining experience that he now uses to advocate for consumers in class action litigation.

Mr. Pollack is admitted to practice in Illinois, D.C., and Michigan.

Abraham Barkhordar, Law Clerk. Abraham Barkhordar was born and raised in Los Angeles, California. He attended Santa Monica college where he played on the school water polo team before transferring to UCLA where he was admitted to the Honors Program and graduated, summa cum laude, with a major in History. While at UCLA, Abraham volunteered with Americorps' Justicecorps program and also volunteered at a local immigration law firm.

Thereafter, Mr. Barkhordar attended Harvard Law School where he co-founded and served as innagural co-president of the Harvard Plaintiffs' law association—the first law student organization of its kind in the country. Since graduating from Harvard, Mr. Barkhordar has joined the San Francisco office of Morgan & Morgan's Complex Litigation Group where he focuses on consumer class action litigation.

EXHIBIT C

1 George Haines, Esq.
Nevada Bar No. 9411
2 Gerardo Avalos, Esq.
Nevada Bar No. 15171
3 **FREEDOM LAW FIRM**
8985 S. Eastern Ave., Suite 100
4 Las Vegas, Nevada 89123
(702) 880-5554
(702) 385-5518 (fax)
5 Ghaines@freedomlegalteam.com
6 *Attorneys for Plaintiffs and the Settlement Class*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 SARA SANGUINETTI, RAYMOND D.
10 SPEIGHT, DAVID DIETZEL, PATRICIA
11 SAAVEDRA, AND NINA S. KUHLMANN,
individually and on behalf of all others
12 similarly situated,

13 Plaintiffs,

14 vs.

15 NEVADA RESTAURANT SERVICES,
INC.,

16
17 Defendant.

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-EJY

**DECLARATION OF GEORGE HAINES IN
SUPPORT OF MOTION FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE AWARDS**

1 I, George Haines, being competent to testify, make the following declaration:

2 1. I have been licensed to practice law in the state of Nevada since 2005. I submit this
3 declaration in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service awards.
4 Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and
5 could and would competently testify to them if called upon to do so.

6
7 2. Pursuant to this Court's Preliminary Approval Order (ECF 114), I was appointed
8 Settlement Class Counsel along with M. Anderson Berry and Gary Haroutunian of Clayco C.
9 Arnold; David Lietz and Gary Klinger of Milberg Coleman Bryson Phillips Grossman PLLC; Jean
10 S. Martin of Morgan & Morgan; Michael Kind of Kind Law; and David Wise and Joseph Langone
11 of Wise Law Firm, PLC.

12
13 3. I am the owner and founder of Freedom Law Firm (f/k/a Haines & Krieger). The
14 firm employs two attorneys, myself and Gerardo Avalos, practicing in the areas of class action
15 litigation, consumer bankruptcy and consumer litigation under the Deceptive Trade Practices Act,
16 Fair Debt Collections Practices Act, Fair Credit Reporting Act, Telephone Consumer Protection
17 Act and other State consumer statutes and Fair Credit Reporting Act. Attached hereto as **Exhibit A**
18 is the firm resume of the Freedom Law Firm.

19
20 4. I have represented thousands of clients in consumer bankruptcy and consumer
21 litigation cases under the Deceptive Trade Practices Act, Fair Debt Collections Practices Act, Fair
22 Credit Reporting Act, Telephone Consumer Protection Act and other State consumer statutes, as
23 well as class action litigation.

24
25 5. Gerardo Avalos is a senior associate at Freedom Law Firm and practices in the areas
26 of bankruptcy and consumer litigation. He has been licensed to practice law in the State of Nevada
27 since 2019.

FREEDOM LAW FIRM'S WORK

1
2 6. Class Counsel's tireless efforts in this case over the course of this matter have
3 resulted in a Class Settlement providing substantial benefit for Settlement Class Members. I assert
4 that the attorneys' fees sought in the motion for attorneys' fees are reasonable and seek fair and
5 reasonable compensation for undertaking this case on a contingency basis, and for obtaining the
6 relief for Plaintiffs and the Settlement Class. Throughout this action, Class Counsel have been
7 challenged by highly experienced and skilled defense counsel who had the ability to deploy
8 substantial resources on behalf of their client.
9

10 7. My work on this matter includes: investigating the issues that arose because of the
11 Nevada Restaurant Services, Inc. ("NRS") Data Incident, interviewing potential clients, evaluating
12 the potential class representatives, reviewing and revising the Complaint; conducting legal research;
13 communicating with co-counsel and strategizing case proceedings; drafting and filing the First
14 Amended Complaint; reviewing additional Plaintiffs that reside in California; speaking extensively
15 with Defendant regarding a joint discovery plan and drafting a discovery plan; drafting and revising
16 the Opposition to Motion to Stay Discovery; conducting informal discovery regarding the Data
17 Incident; preparing for and participating in a formal mediation presided over by Bruce Friedman,
18 Esq. of JAMS; drafting, revising, and serving Discovery responses; drafted and revised Meet &
19 Confer correspondence; reviewing the settlement term sheet and the settlement agreement;
20 communicating with defense counsel; updating and handling questions from our class
21 representatives; and finalizing and filing the Motion for Preliminary Approval. I conferred with
22 Gerardo Avalos and office staff about this class action case to ensure organization and clear
23 communication throughout.
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1 8. The Court entered an Order Granting Preliminary Approval of Class Action
2 Settlement on May 28, 2024 (ECF 114).

3 9. Gerardo Avalos assisted me in this matter with respect to drafting the complaint,
4 motions and associated legal research.

5 10. The hourly rates of the professionals at the Freedom Law Firm reflect our
6 experience. My hourly rate of \$695/hour and Mr. Avalos' hourly rate of \$495 are within the lower
7 end of the range of hourly rates are customarily rates charged by the Freedom Law Firm.
8

9 11. The lawyers and other professional staff of the Freedom Law Firm maintain and
10 record their respective time and the specific services they perform contemporaneously in a
11 computerized system. Based upon the records in this system, the Freedom Law Firm has spent in
12 excess of 177.65 hours litigating this action as of August 9, 2024, amounting to a lodestar of
13 \$106,845.75. This time includes the assistance detailed above by me and Mr. Avalos.
14

15 12. I assert that the attorneys' fees sought for the Freedom Law Firm personnel in the
16 motion for attorneys' fees are reasonable, and my firm seeks fair and reasonable compensation for
17 undertaking this case on a contingency basis and for obtaining the relief for Plaintiffs and the
18 Settlement Class.
19

20 **SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

21 13. The Settlement Agreement calls for reasonable service award to Plaintiffs in the
22 amount of \$2,500 each, subject to approval of the Court. The Service Award is meant to recognize
23 Plaintiffs for their efforts on behalf of the Class, including assisting in the answering investigation
24 of the case, maintaining contact with counsel, reviewing the pleadings, counsel's many questions,
25 communicating with counsel during the settlement negotiations, and reviewing the terms of the
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1 Settlement Agreement. Plaintiffs were not promised a service award, nor did they condition their
2 representation on the expectation of any service or incentive award.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct. Executed this 9th day of August 2024, at Las Vegas, Nevada.

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7 /s/ George Haines
8 George Haines, Esq.
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EXHIBIT A



George Haines, Esq.
*Licensed to practice in NV, NY and
NJ.

Gerardo Avalos, Esq.
*Licensed to practice in NV

Firm Resume

About Our Firm

George Haines is the owner and founder of Freedom Law Firm (f/k/a as Haines & Krieger). Haines & Krieger, LLC was started in 2005 and changed its name to Freedom Law Firm (“FLF”) in 2020. FLF is considered one of the preeminent consumer bankruptcy and litigation firms in Nevada having successfully represented over twenty-four thousand consumers in either chapter 7 or chapter 13 bankruptcies. FLF has litigated hundreds of adversaries and motions for sanction cases in bankruptcy court. In addition, FLF has successfully litigated EFTA, FDCPA, FCRA, TCPA, NRS 598, and NRS 604A, cases as well as class action litigation. FLF has an excellent reputation in the Southern Nevada bankruptcy community and has reputation for successful prosecution of consumer actions.

Mr. Haines received his law degree from Seton Hall Law School in New Jersey in 1999 and is admitted to practice law before the courts of the State of Nevada and the United States District Court for the District of Nevada. Mr. Haines is also admitted to practice law in New Jersey and New York and has litigated consumer cases in New Jersey, New York and California (on a pro hac vice). Mr. Haines has handled numerous consumer-related issues, including taking cases through Legal Aid of Southern Nevada.

Gerardo Avalos is a senior associate with FLF. Gerardo started his undergrad with Strayer University in Washington DC, while proudly serving in the United States Marine Corps and majored in Homeland Security and Emergency Management. He left active service with an honorable discharge as a combat veteran and turned his sights on Law School after completing his undergrad. Gerardo graduated from William S. Boyd Law School

with his J.D. in 2019. During his time as a law student he was a member of multiple student organizations including the student chapter of the Animal Legal Defense Fund and the Latin/Hispanic Law Student Association. He was also an officer and student representative for the student chapter of the Federalist Society. He volunteered his time at the Legal Aid Center of Southern Nevada as a Criminal Record Sealing Class instructor and at the UNLV Immigration Clinic including travel to the USCIS Asylum Office in Anaheim California to assist low income immigrants to Nevada with their asylum applications and interviews. Currently, Gerardo is a volunteer attorney for Legal Aid Center's Children's Attorney Project where he represents children in abuse and neglect cases. He is also a member of the National Association of Consumer Advocates and an Advocate Attorneys Consumer Protection Fellow.

As a senior associate at FLF, Gerardo Focuses on bankruptcy and consumer protection litigation as well as consumer class action and mass arbitration cases. He manages a caseload involving consumer statutes such as the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, the Fair Credit Reporting Act, the Real Estate Settlement Procedures Act, the Truth in Lending Act, the Equal Credit Opportunity Act, the Electronic Funds Transfer Act, and relevant state consumer protection statutes.

Case Profiles

FLF has served as counsel in the following actions in which individual sought or are seeking to certify class actions claims:

- a. Patricia Nave v. Select Portfolio Servicing, Inc., 2:15-cv-01317-JCM-VCF, U.S. District Court, Nevada (TCPA Class action);
- b. Ronald Grider v. Clark County Collection Service, LLC, et. Al., No.2:13-cv-1731-KJD-CWH, U.S. District Court, Nevada (class action settlement regarding TCPA);
- c. Juan Rodriguez v. AT&T Wireless, 2:14-cv-01537-GMN-GWF, U.S. District Court, Nevada (Fair Credit Reporting Act Class action regarding "impermissible" credit pulls);
- d. Greg Urgin v. HP Located and Service One, U.S. District Court, Nevada, 2:13-cv-01506-JCM-VCF (TCPA claims, case is subject to confidential settlement agreement);
- e. Tim Toth v. Steller Recovery, Inc., U.S. District Court, Nevada, 2:13-cv-01276-LDG-GWF (TCPA claims; case is subject to a confidential settlement agreement)

- f. Christina Fennell v. Navient, 2:22-cv-01013-CDS-NJK, U.S. District Court, Nevada (pending 11 U.S.C. 524 and FCRA class action. Currently, the case is arbitration to determine arbitrability of discharge violation)-;
- g. Amanda Davis v. KeyBank Trust et al., 2:22001645-JAD-EJY, U.S. District Court, Nevada (pending individual settlement in U.S, Bankruptcy Court regarding 11 U.S.C. 524 claims);
- h. Marina Cardenas, et al. v. Super Care, Inc., Case No. 22STCV16267 (Superior Court of the State of California for the County of Los Angeles – data breach class action settlement).
- i. David Dugan, et al. v. Nationstar Mortgage, LLC, and ACI Worldwide Corp., 1:21-CV-00341, (U.S. District Court, Middle District of North Carolina - class action settlement regarding FDCPA and North Carolina Debt Collection Act);
- j. Kseniya Godun, et al. v. Just Answer, LLC, 22-cv-060510-JD, U.S. District Court, Northern District of California (pending automated renewal class action. Currently, Defendant has appealed Judge Donato’s decision to the Ninth Circuit - 3:22-cv-06051-JD);
- k. Cassandra Valerie Beaman, at al. v. Bank of America, N.A., 2:21-cv-20561-BRM-LDW, U.S. District Court of New Jersey – pending EFTA and 14th Amendment class action);
- l. Richard Klein, et al. v. NCT et al., 2:22-cv-01382-RFB-BNW, U.S. District Court, Nevada (pending FDCPA and FCRA class action. The 11 USC 524 claims were referred to the U.S. Bankruptcy Court);
- m. Theresa Stone v. Equifax, 2:24-cv-00195-GMN-EJY, U.S. District Court, Nevada (pending FCRA class action);

EXHIBIT D

1 David Hilton Wise, Esq.
2 Nevada Bar No. 11014
3 WISE LAW FIRM, PLC
4 421 Court Street
5 Reno, Nevada, 89501
6 (775) 329-1766
7 (703) 934-6377
8 dwise@wiselaw.pro
9 *Attorneys for Plaintiff*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 SARA SANGUINETTI, RAYMOND D.
10 SPEIGHT, DAVID DIETZEL, PATRICIA
11 SAAVEDRA, AND NINA S. KUHLMANN,
12 individually and on behalf of all others similarly
13 situated,

13 Plaintiffs,

14 v.

15 NEVADA RESTAURANT SERVICES, INC.,

16 Defendant.

CASE NO. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-EJY

**DECLARATION OF DAVID HILTON WISE
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS**

17
18
19 I, David Hilton Wise, being competent to testify, make the following declaration:

20 1. I have been practicing law since 1989, and licensed as an attorney in California, Virginia,
21 Maryland, Nevada, and the District of Columbia. I am also a licensed Professional Engineer in the State
22 of California. I am the founding member of Wise Law Firm, PLC, and I was previously a principal and
23 founding member of the law firm of Wise & Donahue, PLC. I submit this declaration in support of
24 Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service awards based on my personal knowledge
25 of the facts set forth in this declaration.
26
27
28

1 2. Pursuant to this Court’s Preliminary Approval Order in this matter (ECF 114), I was
2 appointed Settlement Class Counsel along with my co-counsel, Joseph Langone, of counsel to Wise law
3 Firm, PLC, David Lietz and Gary Klinger of Milberg Coleman Bryson Phillips Grossman PLLC, M.
4 Anderson Berry and Gregory Haroutunian of Clayco C. Arnold, A Professional Corporation, Jean S.
5 Martin of Morgan & Morgan, George Haines and Gerardo Avalos of Freedom Law Firm, and Michael
6 Kind of Kind Law.

7 3. I originally filed the complaint on September 27, 2021 on behalf of Plaintiff Raymond D.
8 Speight against Defendant Nevada Restaurant Services, Inc., in *Speight v. Nevada Restaurant Services,*
9 *Inc.*, 2:21-cv-01780 (ECF1). That case was later consolidated with the 2:21-cv-01768-RFB-DJA on
10 November 4, 2021. Since the original filing of the Speight complaint, I have assisted my co-counsel with
11 all aspects of the case. The Court entered an Order Granting Preliminary Approval of Class Action
12 Settlement on May 28, 2024 (ECF 114).

13 4. Wise Law Firm, PLC, handles complex civil litigation cases in state and federal courts
14 throughout the nation. Wise Law Firm has a reputation for excellence. I have an AV Martindale-Hubble
15 rating for legal services, which is the highest rating granted to attorneys under the Martindale-Hubbell
16 system.

17 5. I have been engaged in complex construction defect, consumer protection, and construction
18 contract litigation for over 35 years, and have been actively involved in multiple class action cases for
19 approximately the past two decades.

20 6. I am a member in good standing in the state and federal bars in Virginia, Maryland, District
21 of Columbia, California, and Nevada, and I have been admitted *pro hac vice* to handle complex litigation
22 cases in other jurisdictions as well, including Florida, Idaho, North Carolina, Pennsylvania, and Utah. I
23 have extensive case experience in MDL matters as well.

1 7. I graduated in 1985 with a B.S. in Civil Engineering from the University of Nevada, Reno,
2 and then went to evening law school while working full time as a civil engineer in San Diego, California.
3 While in law school, I obtained by Professional Engineer license in California. I graduated in 1989 with
4 a Juris Doctor from the University of San Diego School of Law. I now have two law offices, one located
5 in Fairfax, Virginia and the other in Reno, Nevada.

6 8. Attached as **Exhibit A** is a copy of the firm resume which describe in more detail the
7 qualifications, licenses, and legal experience of David Hilton Wise and Joseph Langone.

8 9. I was assisted in this case by two attorneys with my firm, Joseph Langone, who is currently
9 of counsel to my firm, and Dylan Graham, a second-year lawyer. The current hourly rates for attorneys
10 with my firm range from \$550/hr. to \$250/hr., depending upon the years of experience. My firm's
11 paralegal hourly rate is \$150/hr. All of the hourly rates are fair and reasonable and customary for law
12 firms of my size.

13 10. The lawyers and paralegals of Wise Law Firm maintain and record their respective time
14 and the specific services they perform contemporaneously in Clio, a time and billing software for lawyers.
15 We bill our time as it is accrued and are mindful to avoid duplicative efforts. Based upon the records in
16 this system, Wise Law Firm has spent in excess of 47.2 hours as of August 8, 2024, amounting to a lodestar
17 of \$15,170.00. I checked for accuracy the time that was recorded in Clio and believe the time charged in
18 this case is both reasonable and accurate.

19 11. In addition, Wise Law Firm's costs and expenses in this case totals \$1,402.00. This total
20 includes the original complaint filing fee of \$402.00 on September 27, 2021, for the *Speight* complaint
21 and four pro hac vice applications of \$250.00 each on October 1, 2021 for four of my co-counsel, David
22 Lietz, Gary Klinger, M. Anderson Berry, and Joseph Langone.

EXHIBIT A

**EXHIBIT A to Declaration of David Hilton Wise in Support of
Plaintiffs' Motion For Attorneys' Fees, Expenses, and Service Awards**



WISE LAW FIRM, PLC

Attorney Profiles

David Hilton Wise

Partner

dwise@wiselaw.pro

(703) 934-6377

David Hilton Wise is the firm's founder. As a licensed professional engineer and trial lawyer, Mr. Wise concentrates his practice in the areas of construction law, construction defects, and toxic tort litigation. As a construction lawyer, he has successfully handled complex, construction disputes throughout the United States in both state and federal courts, on both private and public construction projects as well as residential construction projects. He had successfully tried cases involving construction defects, toxic mold, sick building claims, defective design, impact and delay claims, performance and payment bond claims, and other construction contract disputes for the past 35 years. Utilizing his background as a professional civil engineer, Mr. Wise is able to quickly evaluate and address the many technical and complex issues that arise in construction disputes. Mr. Wise has also been involved in multiple class actions and MDL cases over the past two decades involving defective construction products and other consumer related claims. He has represented homeowners, condominium associations, general contractors, construction managers, subcontractors, suppliers, sureties, and indemnitors in a wide variety of construction-related disputes.

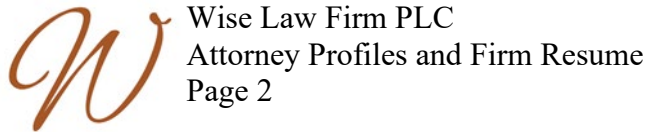
PRACTICE AREAS: Construction and Design Law, Construction Claims and Litigation, Construction Defects, Defective Design, Toxic Mold, Sick Buildings, Class Actions, and Trial Practice.

EDUCATION:

- University of San Diego School of Law, Juris Doctor, 1989
- University of Nevada, Reno, B.S. in Civil Engineering, 1985 (member - Tau Beta Pi)

ADMITTED TO BARS:

- Virginia (1989), California (1990), District of Columbia (1991), Maryland (2003), and Nevada (2008)
- U.S. Court of Appeals for the Fourth Circuit (1990), Federal Circuit (1990), and District of Columbia Circuit (2000)
- U.S. District Court for the Eastern District of Virginia (1990), Western District of Virginia (2002), District of Columbia (1991), Central District of California (1998), and District of Maryland (2005)
- U.S. Bankruptcy Court for the Eastern District of Virginia (1990)



- U.S. Court of Federal Claims (1994)

PROFESSIONAL LICENSE: Professional Civil Engineer, California (1989)

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS:

- District of Columbia Bar
- California State Bar
- Maryland State Bar
- Virginia State Bar (member, Construction Law Section)
- Nevada State Bar (member, Construction Law Section)
- American Bar Association (member, Forum Committee on Construction Industry, and Litigation Section)
- Virginia Trial Lawyers Association
- American Association of Justice

AUTHOR:

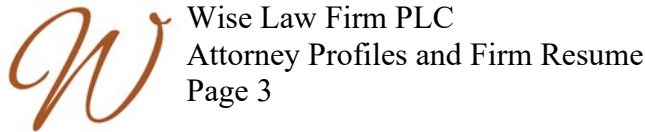
- “Construction Defects, Sick Building and Toxic Mold Claims,” Virginia Construction Law Handbook, Chapter 25, Virginia CLE (2019)
- “Economic Loss Rule,” Construction Briefings, 2nd Series No. 95-7, Federal Publications

SEMINARS AND RELATED PUBLICATIONS:

- Speaker, EIFS Litigation, (VSB Construction Law and Public Contracts Conference, Charlottesville, Va., Nov 3, 2001)
- Speaker, Advances in Environment Mold Issues in Virginia (Arlington, Va., June 25, 2003)
- Speaker, Toxic Mold & Synthetic Stucco (EIFS) (VTLA Product Liability Conference, Williamsburg, Va., Oct. 16, 2003)
- Speaker, Advances in Environment Mold Issues in Virginia (Fairfax County, Va., Feb. 19, 2004)
- Speaker, Best Practices for Construction Defect Litigation, (VSB Construction Law and Public Contracts Conference, Charlottesville, Va., Nov 7, 2014)
- Speaker, State of the Art in Mold, Wet Buildings & CIRS, “I want you to be a Dynamic Expert” and “Cross Examination of a Hostile Expert” (Phoenix, AZ, November 14, 2015)

REPORTED CASES:

- Solomon Forex, Inc. v. Tauber, 795 F.Supp. 768 (E.D.Va. 1992).
- United States v. Wills, 99 F.3d 1132 (4th Cir. 1996)
- Unistrut Space Frame System, Inc. v. Atlantic Plate & Window Glass Co., Inc. 16 F.Supp.2d (D.D.C. 1996)
- Beta Construction Co. v United States, 39 Fed. Cl. 722 (1997), *rev'd*, 185 F.3d 884 (Fed. Cir. 1999)
- Moskowitz v. Renaissance at Windsong Creek, Inc., 52 Va. Cir. 459 (Fairfax County 2000)
- Berger v. Pulte Home Corporation, 55 Va. Cir. 36 (Fairfax County 2001)
- Jazayerli v. Renaissance Housing Corp. 55 Va. Cir. 49 (Fairfax County 2001)
- Speier v. Renaissance at Victoria Farms, LLC, 58 Va. Cir. 90 (Fairfax County 2001)



- Glass v. Trafalgar House Property, Inc., 58 Va. Cir. 437 (Loudoun County 2002)
- Hansen v. Stanley Martin Companies, Inc., 266 Va. 345, 585 S.E.2d 567 (2003)
- Anderson v. USAA Casualty Insurance Co., 218 F.R.D. 307 (D.D.C. 2003)
- Anderson v. USAA Casualty Insurance Co., 221 F.R.D. 250 (D.D.C. 2004)
- LBL Skysystems (USA), Inc. v. APG America, Inc., 319 F.Supp.2d 515 (E.D.Pa. 2004)
- Davis v. Holsten, 270 Va. 389, 621 S.E.2d 101 (2005)
- French v. Assurance Company of America, 448 F.3d 693 (4th Cir. 2006)
- LBL Skysystems (USA), Inc. v. APG America, Inc., 514 F.Supp.2d 704 (E.D.Pa. 2007)
- Costello Construction of Maryland, Inc. v. J. D. Long Masonry, Inc., 236 Fed. Appx. 877 (4th Cir. 2007)
- 2200 M Street, LLC v. Mackell, 940 A.2d 143 (D.C. 2007)
- Meng v. The Drees Company, 77 Va. Cir. 442 (Loudoun County 2009)
- Zellars v. NexTech Northeast, LLC, 895 F.Supp.2d 734 (E.D.Va. 2012)
- ADC Builders v. Seabright Condominium Association, 213 Md. App. 717 (unreported opinion), *cert. denied*, 436 Md. 327 (2013)
- Spencer v. Islamic Republic of Iran, 71 F.Supp.3d 23 (D.D.C. 2014)
- Federico v. Lincoln Military Housing, LLC, 127 Fed.Supp.3d 623 (E.D.Va. 2015)
- Day v. Robbins, 179 Fed.Supp.3d 538 (D.Md. 2016)
- Tingler v. Graystone Homes, Inc., 298 Va. 63, 834 S.E.2d 244 (2019)

LEGAL RATING: A-V Martindale-Hubbell rating

ADDITIONAL HONORS:

Selected as one of Washington's Top Lawyers by the *Washingtonian* Magazine (Dec. 2004)

ADDITIONAL INFORMATION: Eagle Scout

Wise Law Firm PLC
Attorney Profiles and Firm Resume
Page 4

Joseph M. Langone

Of Counsel

Joseph Langone is of counsel to the firm. Mr. Langone has been practicing law for twenty-six years and has been in the Northern Virginia Area since 1999. Mr. Langone was employed in the financial service and insurance industries before his legal career. After graduation from law school, Mr. Langone had a successful career as a prosecutor in the state of Florida and the Commonwealth of Virginia. Mr. Langone's areas of practice have included contract and insurance disputes, business and construction law, commercial litigation, bankruptcy law, and personal injury including toxic mold, and wrongful death. Mr. Langone has extensive civil litigation and trial experience in state and federal courts in VA, DC and MD and has performed a broad spectrum of litigation including intense document review for legal sufficiency, discovery, and depositions and trial. Mr. Langone has provided legal support to many businesses in the area and acted as their general counsel in managing litigation. Mr. Langone has served in the United States Coast Guard, Auxiliary as a legal assistance attorney and as a Staff Judge Advocate in the Virginia State Guard, commonly known as the Virginia Defense Force.

Professional Activities

- District of Columbia Bar
- Florida State Bar
- Maryland State Bar
- Virginia State Bar
- Massachusetts State Bar

Education

- Nova Southeastern University, Juris Doctor, 1994
- Northeastern University, 1989, cum laude
- Nova Southeastern University, 2018, Graduate Certificate, Halmos College Oceanography
- United States Coast Guard Academy, 2011 (1-11), Direct Commission Officer School

Publications

- “When a Tenant Files for Bankruptcy: How to Limit Your Losses”, Condo Media, The Official Publication of CAI-New England, 1999

Areas of Practice

- Contract and Insurance Disputes
- Business and Commercial Litigation
- Civil Litigation
- Personal Injury
- Financial Disputes
- Construction Litigation
- Toxic Mold
- Bankruptcy

Bar & Court Admissions

- Virginia, 1999

Wise Law Firm PLC
Attorney Profiles and Firm Resume
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- Florida, 1995
- District of Columbia, 1997
- Maryland, 2002
- Massachusetts, 1995
- U.S. Court of Appeals for the Fourth Circuit, 2010
- U.S. District Court, Eastern District of Virginia, 2001
- U.S. District Court, Western District of Virginia, 2005
- U.S. District Court, District of Columbia, 2002
- U.S. District Court, District of Maryland, 2002
- U.S. Bankruptcy Court for the Eastern District of Virginia, 2001

EXHIBIT E

1 Michael Kind, Esq.
 2 Nevada Bar No.: 13903
 3 **KIND LAW**
 4 8860 South Maryland Parkway, Suite 106
 5 Las Vegas, Nevada 89123
 6 (702) 337-2322
 7 (702) 329-5881 (fax)
 8 mk@kindlaw.com
 9 *Counsel for Plaintiff Sara Sanguinetti*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

11 Sara Sanguinetti, Raymond D. Speight,
 12 David Dietzel, Patricia Saavedra, and
 13 Nina S. Kuhlmann, individually and on
 14 behalf of all others similarly situated,

15 Plaintiffs,

16 v.

17 Nevada Restaurant Services, Inc.,

18 Defendant.

Case No.: 2:21-cv-01768-RFB-DJA

**Declaration of Michael Kind in
 support of motion for attorney’s fees
 and expenses**

- 19
- 20 1. I, Michael Kind, hereby declare under penalty of perjury, and pursuant to the
 - 21 laws of the State of Nevada, that the following is true and correct.
 - 22 2. I am co-counsel of record for the plaintiff in the above-captioned action. I am a
 - 23 member in good standing of the State Bar of Nevada. I am also licensed to
 - 24 practice in this Court and have handled numerous consumer cases in state and
 - 25 federal court. Except as otherwise noted, I have personal knowledge of the facts
 - 26 set forth in this declaration, and could testify competently to them if called upon
 - 27 to do so.

1 3. Since my admission to the State Bar of Nevada in 2015, I have been engaged
2 exclusively in the area of consumer rights litigation, primarily in the area of
3 helping clients with debt collection issues and deceptive trade practices,
4 including under NRS 598. I have worked almost exclusively in consumer
5 litigation, often involving elder abuse, the FDCPA, FCRA, TCPA, NRS 598,
6 and NRS 604A, and similar federal and Nevada consumer statutes, as well as
7 class action litigation.

8 4. I am the founding attorney of Kind Law which has an outstanding reputation in
9 Las Vegas for consumer protection litigation. I have extensive experience in
10 consumer class actions and other complex litigation, including numerous
11 deceptive trade practices cases. My firm has a reputation for aggressive,
12 successful prosecution of consumer actions.

13 5. I am writing this declaration in support of the motion for attorneys' fees and
14 costs in this case.

15 6. Based on my experience, and for all the reasons detailed herein, I believe that
16 the requested attorneys' fees and costs is fair and reasonable.

17 **Counsel's Experience**

18 7. I received my law degree from Cornell Law School in New York in 2015.

19 8. I am admitted to practice law before the courts of the State of Nevada, the
20 United States District Court for the District of Nevada and the Ninth Circuit
21 Court of Appeals.

22 9. I am also admitted to practice law in New York.

23 10. I have also litigated consumer cases in Illinois, Texas and California on a pro
24 hac vice.

25 11. I have been engaged exclusively in the area of consumer rights litigation. I have
26 volunteered hundreds of hours on pro bono cases, for clients with consumer-
27 related issues, including by taking cases through Legal Aid of Southern Nevada
and volunteering with its Ask-A-Lawyer programs.

- 1 12. In September 2021, I participated in the Partners In Pro Bono program in a
2 consumer protection case, in partnership with the Legal Aid of Southern
3 Nevada and Boyd Law School.
- 4 13. I presented at Mass Arb Con on litigating consumer cases in private arbitration
5 in September 2021, March 2022, September 2022, March 2023 and September
6 2023.
- 7 14. I was named as one of the “5 Best Consumer Protection Attorneys in Las Vegas,
8 NV” by Kev’s Best in 2023 and 2024.
- 9 15. I was awarded the Rising Star distinction for 2021, 2022, 2023, and 2024 by
10 Super Lawyers, and named, “Top rated Consumer Law attorney in Las Vegas.”
- 11 16. I was selected to the Super Lawyers 2021, 2022, 2023, and 2024 Mountain
12 States Rising Stars lists.
- 13 17. I was nominated to be included in the 2023 and 2024 Marquis Publications’
14 “Who's Who in America.”
- 15 18. I was listed as one of the three top consumer lawyers in Las Vegas by Three
16 Best Rated in 2018, 2019, 2020, 2021, 2022, 2023 and 2024.
- 17 19. I am the 2020 winner of Top Lawyer for Consumer Protection by Vegas Inc.
- 18 20. I was awarded the 2020 100 Hours Club award through Legal Aid of Southern
19 Nevada.
- 20 21. I was nominated for the CBRB Best Businesses In America 2021 accreditation.
- 21 22. I was nominated for the 2017, 2019, and 2020 Top 100 Lawyers in Las Vegas
22 by My Vegas magazine.
- 23 23. I was nominated for a 2020 Premier Lawyers of America membership.
- 24 24. I was awarded the 2018 Vince Consul Memorial Pro Bono Award through the
25 Legal Aid Center of Southern Nevada for helping low-income Nevadans and
26 veterans with consumer-related legal issues.
- 27 25. I have been approved as class counsel in the following consumer cases:

- a. *Smith v. One Nev. Credit Union*, No. 2:16-cv-02156-GMN-NJK (D. Nev.) (final approval granted March 5, 2019);
- b. *Khoury v. Wynn Resorts, Ltd*, No. A-18-773073-C (8th Jud. Dist. Nev.) (final approval granted April 15, 2019);
- c. *Harris, et al v. Treasure Island*, No. A-18-773073-C (8th Jud. Dist. Nev.) (final approval granted May 23, 2019); and
- d. *Chitwood, et al v. Circa Resorts, LLC* (A-23-882231-C) (8th Jud. Dist. Nev.).

26. I am also on the class counsel’s executive committee in *In re LastPass Data Security Incident Litigation* (1:22-cv-12407-PBS) (D. MA.).

27. I successfully represented hundreds of clients, obtaining a unique mass-arbitration ruling in *In re Tiktok, Inc., Consumer Priv. Litig.*, 617 F. Supp. 3d 904, 933 (N.D. Ill. 2022).

28. I recently argued before Judge Anne Traum on behalf of over 200 clients in a complex consumer protection consolidated action pending in the United States District Court, District of Nevada in *Yip et al., v. Bank of America, N.A.*, No. 2:21-cv-01254-ART-EJY (D. Nev).

29. I successfully represented my client in *Gonzalez v. Allied Collection Services, Inc.*, No. 2:16-cv-02909-MMD-VCF (D. Nev. Nov. 2019) (summary judgment awarded; jury trial on damages).

30. I successfully briefed a heavily litigated FCRA issue in *Riecki v. Bank of America, et al*, No. 2:15-cv-2312-GMN-VCF (D. Nev.).

31. I assisted in briefing the appellate briefs before the Ninth Circuit in *Riecki v. Bayview Financial Loan Servicing, et al*, No. 16-16438 (on appeal from No. 2:15-cv-02427-JCM-GWF (D. Nev.)), an individual consumer case.

- 1 32. I have also litigated numerous consumer cases in Nevada state court. For
2 example, I successfully brought a complex Anti-SLAPP motion on behalf of
3 consumers in *Mehadi, et al, v. Las Vegas Luxury Motor Co.*, No. A-16-739077-
4 C (E.J.D.C. May 9, 2017).
- 5 33. On June 15, 2017, I argued before the Ninth Circuit Court of Appeals in
6 *Elghasen v. RBS Computer, Inc., et al*, No, 15-16283 (9th Cir.) in an FCRA
7 consumer case involving issues of personal jurisdiction.
- 8 34. I argued before the Ninth Circuit on March 12, 2020, in the case *Gonzalez v.*
9 *Allied Collection Services, Inc.*, No. 19-16813 (affirming summary judgment,
10 remanding on issue of amount of fees).
- 11 35. I have litigated numerous consumer-related cases in Nevada. *E.g.*, *Whitlock-*
12 *Allouche v. PlusFour, Inc.*, No. 2:17-cv-01656-RFB-VCF, 2018 U.S. Dist.
13 LEXIS 151647 (D. Nev. Sep. 6, 2018) (surviving summary judgment in heavily
14 litigated consumer case); *Bobo v. Clark Cty. Collection Serv., LLC*, No. 2:16-
15 cv-02911-APG-CWH, 2018 U.S. Dist. LEXIS 48007 (D. Nev. Mar. 23, 2018)
16 (surviving summary judgment in heavily litigated FDCPA case).
- 17 36. I successfully briefed consumer-related FDCPA issues in *Bright v. Bergstrom*
18 *Law, Ltd.*, No. 2:17-cv-01971-JAD-VCF, 2018 U.S. Dist. LEXIS 119800 (D.
19 Nev. July 18, 2018) (granting Plaintiff's motion for summary judgment).
- 20 37. I successfully represented my client in obtaining a \$467,000.00 default
21 judgment in the consumer-protection case *McLemore v. Fast & Fair Buyer,*
22 *LLC*, No. A-19-804048-C (8th Jud. Dist. Nev.).
- 23 38. The results of the cases mentioned herein are a direct result of the diligence and
24 tenacity shown by both me and my law firm in successfully prosecuting
25 complex consumer cases and class actions.
26
27

Reasonableness of Hourly Rate

39. In the past, I have been approved in the following cases for \$425 per hour: *McLemore v. Fast & Fair Buyer, LLC*, No. A-19-804048-C (8th Jud. Dist. Nev. Sep. 27, 2021); *Grill v. DTFR LLC*, No. A-20-820319-C (8th Jud. Dist. Nev., Sep. 10, 2021); *Diaz v. Auto Center of Las Vegas, et al*, No. A-20-813306-C (8th Jud. Dist. Nev., Mar 9, 2022); *Lindsay Lanouette, Diana Ekins, and Kevin Dorman vs National Concealed Academy*, No. A-21-836086-C (8th Jud. Dist. Nev., June 23, 2022); *Eddington v. Coast to Coast Financial Solutions, Inc., et al*, No. 2:2020-cv-01999 (D. Nev July 8, 2022) (approving \$425 per hour as reasonable for “Michael Kind, as founding attorney of the law firm Kind Law and with extensive experience in consumer finance litigation”).

40. I was recently awarded \$475 per hour in *Macklin, et al, v. Southern Capital Finance Group, LLC, et al* (A-22-855007-C).

41. I was recently awarded \$475 per hour in *Graciano v. Chrysler Capital Corporation* (2:22-cv-01396) (D. Nev. July 31, 2023).

42. I was recently awarded \$505 per hour in *Absolute Resolutions Investment, LLC v. Andrew Ratner* (21CH000802).

43. I was recently awarded \$505 per hour in *Tang v. Security Credit Systems, Inc., et al.* (2:22-cv-01800-APG-BNW) (D. Nev. Sept. 22, 2023) (stating “that rate is reasonable and within the prevailing rates for the Las Vegas legal market).

44. I believe that my experience and years in practice are sufficient to justify my hourly billing rate in this case.

45. No fees for work of support staff or paralegals are being requested.

46. Therefore, my experience taken with the current legal market rates and previous orders are sufficient to justify my hourly rate in this action.

Attorney’s Fees and Costs Incurred

47. My firm incurred costs of \$402.00.

48. I worked at least 58.1 hours on this case.

1 49. Matthew Tripp-Cox, with my firm, worked at least 22.3 hours on this case.

2 50. The fees for legal services requested in this case are thus \$51,713.50

3 51. I have also reduced the total demand by not requesting additional fees for staff
4 and paralegals who worked on this case in an effort to further establish the
5 reasonableness of Plaintiffs' position.

6 **Exhibits**

7 52. Attached hereto as **Exhibit 1** is Kind Law's firm resume.

8 I declare under penalty of perjury under the laws of the United States of
9 America and the State of Nevada that the foregoing is true and correct to the
10 best of my knowledge.

11
12 Dated: 12 August 2024.

13 **KIND LAW**

14 /s/ Michael Kind
15 Michael Kind, Esq.
16 8860 South Maryland Parkway, Suite 106
17 Las Vegas, Nevada 89123
18 *Counsel for Plaintiff*

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EXHIBIT 1



8860 South Maryland Parkway, Suite 106
Las Vegas, Nevada 89123
P: (702) 337-2322 | T: (844) 399-KIND (5463)
<https://kindlaw.com>

Firm Resume

About Our Firm

Michael Kind is the founder of Kind Law, which has an outstanding reputation in Las Vegas for consumer protection litigation. Since his admission to the State Bar of Nevada in 2015, Mr. Kind has engaged almost exclusively in the area of consumer rights litigation, including the FDCPA, FCRA, TCPA, NRS 598, NRS 604A and similar federal and Nevada consumer and privacy statutes, as well as class action litigation and arbitrations. Kind Law has a reputation for aggressive, successful prosecution of consumer actions.

Mr. Kind received his law degree from Cornell Law School in New York in 2015 and is admitted to practice law before the courts of the State of Nevada, the United States District Court for the District of Nevada and the Ninth Circuit Court of Appeals. Mr. Kind is also admitted to practice law in New York and has litigated consumer cases in Texas and California on a pro hac vice. Mr. Kind has handled numerous consumer-related issues, including taking cases through Legal Aid of Southern Nevada and volunteering with its Ask-A-Lawyer programs. In September 2021, Mr. Kind participated in the Partners In Pro Bono program in a consumer protection case, in partnership with the Legal Aid of Southern Nevada and Boyd Law School. Mr. Kind presented at Mass Arb Con on litigating consumer cases in private arbitration in September 2021, March 2022, September 2022, March 2023 and September 2023.

Mr. Kind has received numerous awards for his work. He was awarded the Rising Star distinction for 2021 by Super Lawyers and named "Top Rated Consumer Law Attorney in Las Vegas." He was selected to the Super Lawyers 2021, 2022, 2023, and 2024 Mountain States Rising Stars lists. He was listed as one of the three top consumer lawyers in Las Vegas by Three Best Rated in 2018, 2019, 2020, 2021, 2022, 2023, and 2024. He was the 2020 winner of Top Lawyer for Consumer

Protection by Vegas Inc. He was named as one of the “5 Best Consumer Protection Attorneys in Las Vegas, NV” by Kev’s Best in 2023 and 2024. He was awarded the 2020 100 Hours Club award through Legal Aid of Southern Nevada. He was nominated for the CBRB Best Businesses In America 2021 accreditation. He was nominated for the 2017, 2019, and 2020 Top 100 Lawyers in Las Vegas by My Vegas magazine. He was nominated for a 2020 Premier Lawyers of America membership. He was awarded the 2018 Vince Consul Memorial Pro Bono Award through the Legal Aid Center of Southern Nevada for helping low-income Nevadans and veterans with consumer-related legal issues.

Case Profiles:

Mr. Kind has been approved as class counsel in the following cases:

- a. *Smith v. One Nev. Credit Union, No. 2:16-cv-02156-GMN-NJK (D. Nev.) (final approval granted March 5, 2019);*
- b. *Khoury v. Wynn Resorts, Ltd, No. A-18-773073-C (8th Jud. Dist. Nev.) (final approval granted April 15, 2019); and*
- c. *Harris, et al v. Treasure Island, No. A-18-773073-C (8th Jud. Dist. Nev.) (final approval granted May 23, 2019).*
- d. *Chitwood, et al v. Circa Resorts, LLC (A-23-882231-C) (8th Jud. Dist. Nev.).*

Mr. Kind has successfully represented clients in numerous cases, including *Gonzalez v. Allied Collection Services, Inc.*, No. 2:16-cv-02909-MMD-VCF (D. Nev. Nov. 2019) (summary judgment awarded; jury trial on damages); *Riecki v. Bank of America, et al*, No. 2:15-cv-2312-GMN-VCF (D. Nev.) (successfully briefed a heavily litigated FCRA issue); *Riecki v. Bayview Financial Loan Servicing, et al*, No. 16-16438 (on appeal from No. 2:15-cv-02427-JCM-GWF (D. Nev.), an individual consumer case) (assisted in briefing the appellate briefs before the Ninth Circuit).



Mr. Kind has also litigated numerous consumer cases in Nevada state court. For example, he successfully brought a complex Anti-SLAPP motion on behalf of consumers in *Mehadi, et al, v. Las Vegas Luxury Motor Co.*, No. A-16-739077-C (E.J.D.C. May 9, 2017). On June 15, 2017, he argued before the Ninth Circuit Court of Appeals in *Elghasen v. RBS Computer, Inc., et al*, No, 15-16283 (9th Cir.) in an FCRA consumer case involving issues of personal jurisdiction. Mr. Kind argued before the Ninth Circuit on March 12, 2020, in the case *Gonzalez v. Allied Collection Services, Inc.*, No. 19-16813 (affirming summary judgment, remanding on issue of amount of fees).

Mr. Kind has also litigated numerous consumer-related cases in Nevada. *E.g.*, *Whitlock-Allouche v. PlusFour, Inc.*, No. 2:17-cv-01656-RFB-VCF, 2018 U.S. Dist. LEXIS 151647 (D. Nev. Sep. 6, 2018) (surviving summary judgment in heavily litigated consumer case); *Bobo v. Clark Cty. Collection Serv., LLC*, No. 2:16-cv-02911-APG-CWH, 2018 U.S. Dist. LEXIS 48007 (D. Nev. Mar. 23, 2018) (surviving summary judgment in heavily litigated FDCPA case). Mr. Kind successfully briefed consumer-related FDCPA issues in *Bright v. Bergstrom Law, Ltd.*, No. 2:17-cv-01971-JAD-VCF, 2018 U.S. Dist. LEXIS 119800 (D. Nev. July 18, 2018) (granting Plaintiff's motion for summary judgment). He also successfully represented his client in obtaining a \$467,000.00 default judgment in the consumer-protection case *McLemore v. Fast & Fair Buyer, LLC*, No. A-19-804048-C (8th Jud. Dist. Nev.).



EXHIBIT F

1 George Haines, Esq.
 Nevada Bar No. 9411
 2 Gerardo Avalos, Esq.
 Nevada Bar No. 15171
FREEDOM LAW FIRM
 3 8985 S. Eastern Ave., Suite 100
 Las Vegas, Nevada 89123
 4 (702) 880-5554
 (702) 385-5518 (fax)
 5 Ghaines@freedomlegalteam.com

6 M. Anderson Berry, Esq.
 7 Gregory Haroutunian, Esq.
CLAYEO C. ARNOLD
 8 **A PROFESSIONAL CORPORATION**
 865 Howe Avenue
 9 Sacramento, CA 95825
 Telephone: (916) 239-4778
 10 Email: *aberry@justice4you.com*
 11 *gharoutunian@justice4you.com*

12 *Attorneys for Plaintiffs and the Settlement Class*

13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**

15 SARA SANGUINETTI, RAYMOND
 16 D. SPEIGHT, DAVID DIETZEL,
 17 PATRICIA SAAVEDRA, AND NINA
 18 S. KUHLMANN, individually and on
 behalf of all others similarly situated,

19 Plaintiffs,

20 vs.

21 NEVADA RESTAURANT
 22 SERVICES, INC.,
 23

24 Defendant.

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-EJY

**DECLARATION OF SARA
 SANGUINETTI IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 ATTORNEYS' FEES AND COSTS
 AND SERVICE AWARD**

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DECLARATION OF SARA SANGUINETTI

1
2 I, Sara Sanguinetti, hereby declare and state as follows:

3 1. I am a Plaintiff in this case and was appointed by this Court to serve as a Class
4 Representative of the Settlement Class on May 28, 2024. I have personal knowledge of the
5 information set forth herein and, if called upon, I am competent to testify to the content of this
6 declaration.

7
8 2. I am submitting this declaration in support of the Plaintiffs' Motion for an Award
9 of Attorneys' Fees and Costs and Service Awards.

10 3. I was a customer of Nevada Restaurant Services, Inc. ("NRS"). I received a "data
11 breach notice" on or around January 16, 2021. That notice informed me that NRS had allowed my
12 personal information, including my name, date of birth, Social Security Number, driver's license
13 number or state ID number, passport number, financial account and/or routing numbers, health
14 insurance information, treatment information, biometric data, medical record, taxpayer
15 identification numbers, and credit card numbers and/or expiration dates to be stolen by
16 cybercriminals.
17

18 4. I agreed to serve as a Class Representative in this case because I thought NRS
19 should compensate me and people like me for having lost our information and that they should
20 give us all some protection from identity theft. My lawyers explained to me the responsibilities
21 and risks of serving as a Class Representative. I weighed this decision heavily, but I ultimately
22 decided to serve because I wanted to help NRS's current and former customers across the country.
23

24 5. I estimate I have spent at least 20 hours working on this case, including assisting in
25 the investigation of the case, maintaining contact with counsel, reviewing the pleadings, answering
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1 counsel's many questions, communicating with counsel during the settlement negotiations, and
2 reviewing the terms of the Settlement Agreement.

3 6. I was not promised a service award, nor did I condition my representation on the
4 expectation of any service or incentive award.

5 7. Throughout this case, I have taken my responsibilities as a Class Representative
6 very seriously. I immediately responded to all of my attorneys' many inquiries and requests.
7

8 8. I have reviewed the settlement and support the Court granting final approval of the
9 Settlement and my appointment as a Class Representative. I think this Settlement is a great result,
10 especially the fact that NRS is now going to provide 36 months of identity theft protection.
11

12 9. I also support the Court granting attorneys' fees of \$400,000 including costs and
13 service awards of \$2,500 to me. I have spent considerable time and attention working on this case,
14 always with the best interests of the class in mind. I understand that my attorneys took this case on
15 a contingency basis, and neither they nor I have received any compensation from anyone for the
16 work devoted to this matter.
17

18 I declare under penalty of perjury that the foregoing is true and correct.
19

20 Executed on August 8, 2024
21

22 

23

Sara Sanguinetti
24
25
26
27
28

EXHIBIT G

1 George Haines, Esq.
Nevada Bar No. 9411
2 Gerardo Avalos, Esq.
Nevada Bar No. 15171
3 **FREEDOM LAW FIRM**
8985 S. Eastern Ave., Suite 100
4 Las Vegas, Nevada 89123
(702) 880-5554
5 (702) 385-5518 (fax)
Ghaines@freedomlegalteam.com

6 M. Anderson Berry, Esq.
7 Gregory Haroutunian, Esq.
8 **CLAYEO C. ARNOLD**
A PROFESSIONAL CORPORATION
865 Howe Avenue
9 Sacramento, CA 95825
10 Telephone: (916) 239-4778
Email: *aberry@justice4you.com*
11 *gharoutunian@justice4you.com*

12 *Attorneys for Plaintiffs and the Settlement Class*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 SARA SANGUINETTI, RAYMOND
16 D. SPEIGHT, DAVID DIETZEL,
17 PATRICIA SAAVEDRA, AND NINA
18 S. KUHLMANN, individually and on
behalf of all others similarly situated,

19 Plaintiffs,

20 vs.

21 NEVADA RESTAURANT
22 SERVICES, INC.,

23 Defendant.
24
25
26
27
28

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-
EJY

**DECLARATION OF RAYMOND D.
SPEIGHT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS
AND SERVICE AWARD**

DECLARATION OF RAYMOND D. SPEIGHT

I, Raymond D. Speight, hereby declare and state as follows:

1. I am a Plaintiff in this case and was appointed by this Court to serve as a Class Representative of the Settlement Class on May 28, 2024. I have personal knowledge of the information set forth herein and, if called upon, I am competent to testify to the content of this declaration.

2. I am submitting this declaration in support of the Plaintiffs' Motion for an Award of Attorneys' Fees and Costs and Service Awards.

3. I was a customer of Nevada Restaurant Services, Inc. ("NRS"). I received a "data breach notice" on or around January 16, 2021. That notice informed me that NRS had allowed my personal information, including my name, date of birth, Social Security Number, driver's license number or state ID number, passport number, financial account and/or routing numbers, health insurance information, treatment information, biometric data, medical record, taxpayer identification numbers, and credit card numbers and/or expiration dates to be stolen by cybercriminals.

4. I agreed to serve as a Class Representative in this case because I thought NRS should compensate me and people like me for having lost our information and that they should give us all some protection from identity theft. My lawyers explained to me the responsibilities and risks of serving as a Class Representative. I weighed this decision heavily, but I ultimately decided to serve because I wanted to help NRS's current and former customers across the country.

5. I estimate I have spent at least 10 hours working on this case, including assisting in the investigation of the case, maintaining contact with counsel, reviewing the pleadings, answering

1 counsel's many questions, communicating with counsel during the settlement negotiations, and
2 reviewing the terms of the Settlement Agreement.

3 6. I was not promised a service award, nor did I condition my representation on the
4 expectation of any service or incentive award.

5 7. Throughout this case, I have taken my responsibilities as a Class Representative
6 very seriously. I immediately responded to all of my attorneys' many inquiries and requests.
7

8 8. I have reviewed the settlement and support the Court granting final approval of the
9 Settlement and my appointment as a Class Representative. I think this Settlement is a great result,
10 especially the fact that NRS is now going to provide 36 months of identity theft protection.

11 9. I also support the Court granting attorneys' fees of \$400,000 including costs and
12 service awards of \$2,500 to me. I have spent considerable time and attention working on this case,
13 always with the best interests of the class in mind. I understand that my attorneys took this case on
14 a contingency basis, and neither they nor I have received any compensation from anyone for the
15 work devoted to this matter.
16

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on August
18 9
19 ____, 2024 in Las Vegas, NV.

20 

21 _____
Raymond D. Speight

EXHIBIT H

1 George Haines, Esq.
Nevada Bar No. 9411
2 Gerardo Avalos, Esq.
Nevada Bar No. 15171
3 **FREEDOM LAW FIRM**
8985 S. Eastern Ave., Suite 100
4 Las Vegas, Nevada 89123
(702) 880-5554
5 (702) 385-5518 (fax)
Ghaines@freedomlegalteam.com

6 M. Anderson Berry, Esq.
7 Gregory Haroutunian, Esq.
8 **CLAYEO C. ARNOLD**
A PROFESSIONAL CORPORATION
865 Howe Avenue
9 Sacramento, CA 95825
10 Telephone: (916) 239-4778
Email: *aberry@justice4you.com*
11 *gharoutunian@justice4you.com*

12 *Attorneys for Plaintiffs and the Settlement Class*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 SARA SANGUINETTI, RAYMOND
16 D. SPEIGHT, DAVID DIETZEL,
17 PATRICIA SAAVEDRA, AND NINA
18 S. KUHLMANN, individually and on
behalf of all others similarly situated,

19 Plaintiffs,

20 vs.

21 NEVADA RESTAURANT
22 SERVICES, INC.,
23

24 Defendant.
25

CASE No. 2:21-cv-01768-RFB-DJA

Consolidated with: 2:21-cv-01780-RFB-
EJY

**DECLARATION OF DAVID DIETZEL
IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS
AND SERVICE AWARD**

DECLARATION OF DAVID DIETZEL

1
2
3 1. I am a Plaintiff in this case and was appointed by this Court to serve as a Class
4 Representative of the Settlement Class on May 28, 2024. I have personal knowledge of the
5 information set forth herein and, if called upon, I am competent to testify to the content of this
6 declaration.

7 2. I am submitting this declaration in support of the Plaintiffs' Motion for an Award
8 of Attorneys' Fees and Costs and Service Awards.

9 3. I was a customer of Nevada Restaurant Services, Inc. ("NRS"). I received a "data
10 breach notice" on or around January 16, 2021. That notice informed me that NRS had allowed my
11 personal information, including my name, date of birth, Social Security Number, driver's license
12 number or state ID number, passport number, financial account and/or routing numbers, health
13 insurance information, treatment information, biometric data, medical record, taxpayer
14 identification numbers, and credit card numbers and/or expiration dates to be stolen by
15 cybercriminals.
16

17 4. I agreed to serve as a Class Representative in this case because I thought NRS
18 should compensate me and people like me for having lost our information and that they should
19 give us all some protection from identity theft. My lawyers explained to me the responsibilities
20 and risks of serving as a Class Representative. I weighed this decision heavily, but I ultimately
21 decided to serve because I wanted to help NRS's current and former customers across the country.
22

23 5. I estimate I have spent at least 40 hours working on this case, including assisting in
24 the investigation of the case, maintaining contact with counsel, reviewing the pleadings, answering
25 counsel's many questions, communicating with counsel during the settlement negotiations, and
26 reviewing the terms of the Settlement Agreement.
27
28

1 6. I was not promised a service award, nor did I condition my representation on the
2 expectation of any service or incentive award.

3 7. Throughout this case, I have taken my responsibilities as a Class Representative
4 very seriously. I immediately responded to all of my attorneys' many inquiries and requests.

5 8. I have reviewed the settlement and support the Court granting final approval of the
6 Settlement and my appointment as a Class Representative. I think this Settlement is a great result,
7 especially the fact that NRS is now going to provide 36 months of identity theft protection.

8 9. I also support the Court granting attorneys' fees of \$400,000 including costs and
9 service awards of \$2,500 to me. I have spent considerable time and attention working on this case,
10 always with the best interests of the class in mind. I understand that my attorneys took this case on
11 a contingency basis, and neither they nor I have received any compensation from anyone for the
12 work devoted to this matter.
13
14

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on August
16 ⁸
____, 2024 in Las Vegas, NV.

17
18 

19 _____
David Dietzel