

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

RICHARD EASTER and TRISTEN STAR,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

SOUND GENERATIONS,

Defendant.

Case No. 21-2-16953-4 SEA

**DECLARATION OF ANDREW W. FERICH IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, COSTS, EXPENSES, AND SERVICE AWARDS**

I, Andrew W. Ferich, hereby declares as follows:

1. I am an adult, I have personal knowledge of the facts stated herein, and I am competent to so testify. I am co-counsel for Plaintiffs in this action. I am a partner of Ahdoot & Wolfson, PC (“AW”), and a member in good standing of the bars of the state of Pennsylvania, New Jersey, and the District of Columbia.

2. This Declaration is submitted in Support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, Expenses, and Service Awards. I make the following declaration based upon my own personal knowledge and, where indicated, as based on information and belief, that the following statements are true. If called upon as a witness, I could and would competently testify as follows.

- c. Stayed abreast of and analyzed voluminous reports, articles, and other public materials discussing the Incident and describing the challenged conduct;
- d. Reviewed public statements concerning the Incident;
- e. Researched Sound Generations' corporate structure and potential co-defendants;
- f. Fielded contacts numerous from victims and potential class members inquiring about this matter;
- g. Investigated the nature of the challenged conduct at issue here by interviewing potential clients who contacted them;
- h. Investigated the adequacy of the named Plaintiffs to represent the putative class;
- i. Drafted and filed an original complaint against Sound Generations;
- j. Attended mediation with Sound Generations in an all-day session and extensively prepared for the mediation;
- k. Engaged in continued settlement negotiations until the Settlement was finalized;
- l. Communicated and met and conferred internally amongst other Plaintiffs' counsel;
- m. Coordinated with Sound Generations' counsel regarding the litigation and settlement issues; and
- n. Negotiated and memorialized the Settlement and all of its supporting documents in preparation for seeking preliminary approval from the Court.
- o. Drafted and successfully moved for preliminary approval of the Settlement
- p. Developed the class notice materials and claims forms.

10. In all phases of the litigation, AW stayed abreast of all material developments involving the Incident and endeavored to gain an ample understanding of the legal issues underlying Plaintiffs' claims.

1 17. During the weeks that followed, the Parties exchanged numerous drafts of the
2 Settlement Agreement and its exhibits, and exhaustively negotiated the remaining finer details of
3 the Settlement.

4 18. These negotiations continued to be contested and involved detailed discussions
5 regarding every provision of the Settlement Agreement and ancillary documents and the plan for
6 Class Notice.

7 19. After finalizing all the material terms of the Settlement, the parties finalized and
8 signed the Settlement on December 22, 2022.

9 20. Class Counsel solicited competing bids from multiple third-party administrators for
10 settlement notice and administration.

11 21. The Parties ultimately agreed to the appointment of Postlethwaite & Netterville
12 (“P&N”) as Settlement Administrator. Class Counsel crafted, negotiated, and meticulously refined
13 the final Notice Program and each document comprising the notice, with the assistance of the class
14 action notice expert, to ensure that the information disseminated to Class Members is clear and
15 concise.

16 22. At all times during settlement discussions, the negotiations were at arm’s length.
17 Furthermore, it was always Class Counsel’s primary goal to achieve the maximum substantive
18 relief possible for the Settlement Class Members.

19 23. The Settlement Benefits that Plaintiffs have obtained for the Class are well within
20 the range of possible recovery of benefits at trial. This is a highly complicated data breach case.
21 Sound Generations adamantly denied liability and expressed an intention to defend itself
22 vigorously. Due to the risks of data breach litigation, as well as much litigation, Class Counsel
23 believe that it is possible that the Class could receive little or nothing if the case is litigated.

24 24. The Settlement achieved in this litigation is the product of the initiative,
25 investigations, and hard work of skilled counsel.

1 25. In my opinion, the speedy resolution of data breach class actions is in the best
2 interests of class members because this allows class members to take advantage of settlement
3 benefits and protect their identities moving forward while avoiding the risks of litigation and non-
4 recovery.

5 26. The Settlement allows Settlement Class Members to seek compensation for out-of-
6 pocket expenses incurred because of the Incident *immediately*. At the same time, the Settlement
7 allows Class Members to take advantage of Credit Monitoring Services and other similar services,
8 which will help mitigate future harms. Further, the equitable, forward-looking relief obtained with
9 respect to Sound Generations' data security practices also provides substantial non-monetary
10 benefits to all Class Members, irrespective of whether they submit a claim under the Settlement.

11 27. The requested Service Awards in the amount of \$2,500 per Class Representative
12 reflect the work the Class Representatives have performed in assisting Class Counsel with this
13 litigation and their dedication in bringing this lawsuit on behalf of the Settlement Class.

14 28. The named Plaintiffs have been actively engaged in this litigation and were
15 essential to the success achieved. Among other things, they provided information to Class Counsel,
16 gathered documents, reviewed pleadings, stayed updated about the litigation, and reviewed and
17 approved the Settlement. The Settlement would not have been possible without the effort and
18 commitment of the Plaintiffs, who sacrificed their time and put their name on the line for the sake
19 of the Class. Their commitment is notable given the modest size of their personal financial stakes
20 in the matter.

21 29. The Parties did not discuss or agree upon payment of attorneys' fees, costs,
22 expenses, and Service Awards until after they agreed on all material terms of relief to the
23 Settlement Class.

24 **MOTION FOR PRELIMINARY APPROVAL AND BEYOND**

25 30. After the lengthy process that led to finalizing the Settlement Agreement and its
26 numerous exhibits, Class Counsel prepared and filed Plaintiffs' Motion for Preliminary Approval

1 of Class Action Settlement (“Mot. for Prelim. App.”) on February 21, 2023, which included
2 supporting documents, declarations, and exhibits.

3 31. The information gleaned from an investigation and research into the facts and
4 potential legal claims enabled Class Counsel to assess the strengths and weaknesses of this case,
5 analyze potential damages models that could be utilized at trial, and informed the decision to
6 engage in negotiation with Sound Generations’ Counsel about attending mediation and later
7 settling the matter.

8 32. Class Counsel’s diligence in preparing for mediation, including obtaining
9 information necessary to analyze all claims and defenses, allowed Class Counsel to negotiate a
10 robust relief package and valuable outcome for the Settlement Class, and to determine a fair and
11 efficient structure and distribution plan.

12 33. On March 8, 2023, the Court preliminarily approved the Settlement and ordered
13 that the Class be given notice. *See* Order Allowing Preliminary Approval of Class Action
14 Settlement and Directing Notice of Proposed Settlement (“Prelim. App. Order”). After the
15 Settlement received preliminary approval, Class Counsel worked closely with the Settlement
16 Administrator to implement the Notice Plan, which informed the Class of the attorneys’ fees and
17 Service Awards requested. Class Counsel continues to work closely with the Settlement
18 Administrator during the ongoing Claims Period. AW will continue to communicate with and
19 assist Class Members who reach out to Class Counsel about the Settlement and filing Claim Forms.

20 34. AW has performed various other litigation related work during the pendency of this
21 matter, included meetings, emails, and phone calls between co-counsel and with counsel for Sound
22 Generations, communicating with the Plaintiffs regarding case developments and litigation
23 strategy, and calls with numerous consumers who reached out to AW about this litigation.

24 **AHDOOT & WOLFSON, PC HAS COMMITTED SIGNIFICANT EFFORTS AND**
25 **RESOURCES TO THIS LITIGATION FOR THE BENEFIT OF THE CLASS**

26 35. AW has expended 138.8 hours in this litigation through May 15, 2023, for a total

1 lodestar of \$97,310.00.

2 36. AW's representation of the Class in this matter is on a wholly contingent basis.
3 AW's fees were not guaranteed—the retainer agreements AW has with Plaintiffs do not provide
4 for fees apart from those earned on a contingent basis, and, in the case of class settlement, approved
5 by the Court. AW has devoted substantial resources to this matter, and we have received no
6 payment for any of the hours of services performed or the out-of-pocket costs and expenses that
7 AW committed to the litigation of this case. As such, AW assumed a significant risk of
8 nonpayment or underpayment. We did this, with no guarantee of repayment, to represent our
9 clients and because of the public interest and social importance of this case. Moreover, AW was
10 required to forego other financial opportunities to litigate this case. AW thus took this case with
11 the expectation that the firm would receive a risk enhancement in the event we prevailed.

12 37. All AW attorneys and legal staff who worked on this case maintained
13 contemporaneous time records reflecting the time spent on all billable matters. In all instances, the
14 AW timekeeper indicated the date and amount of time spent on a task to the tenth of an hour,
15 described the work that was performed during the indicated time period, and identified the case to
16 which the time should be billed.

17 38. AW made every effort to litigate this matter efficiently by coordinating the work of
18 AW's attorneys and paralegals, minimizing duplication, and assigning tasks in a time and cost-
19 efficient manner, based on the timekeepers' experience levels and talents.

20 39. AW's fee records accurately reflect work actually, reasonably, and necessarily
21 performed in connection with the litigation of this matter. I believe that the hours spent reflect time
22 spent reasonably litigating this case, which I have sought to manage and staff efficiently as
23 described above.

24 40. A summary of rates and hours expended by AW's professionals, as of March 27,
25 2023, is set forth as follows:
26

Name	Title	Billable Rate	Billable Hours	Lodestar
Robert Ahdoot	Partner	\$1200	6.2	\$7,440.00
Andrew Ferich	Partner	\$850	85.2	\$72,420.00
Carlynnne Wagner	Associate	\$450	28.0	\$12,600.00
Dawn DiLeggi	Paralegal	\$250	0.1	\$25.00
Heidi Liivamagi	Paralegal	\$250	3.1	\$775.00
Laura Lowe	Paralegal	\$250	1.4	\$350.00
Windy Loritsch	Paralegal	\$250	14.8	\$3,700.00
		TOTALS	138.8	\$97,310.00

41. These are the hourly rates Class Counsel charge in similar matters, and these rates have been approved by state and federal courts in other contingent matters.

42. This matter has required me, and other attorneys at AW, to spend time on the investigation and litigation of this matter that could have been spent on other matters. At various times during the litigation of this class action, this lawsuit has consumed significant amounts of my time and AW's time. Such time could otherwise have been spent on other fee-generating work. Because our firm undertook representation of this matter on a contingency-fee basis, we shouldered the risk of expending substantial costs and time in litigating the action without any monetary gain in the event of an adverse judgment. If not devoted to litigating this action, from which any remuneration is wholly contingent on a successful outcome, the time my firm spent working on this case could and would have been spent pursuing other potentially fee generating matters.

43. Litigation is inherently unpredictable and therefore risky. Here, that risk was very real and high, due to the rapidly evolving nature of case law pertaining to data breach litigation, and the state of data privacy law.

44. Plaintiffs faced determined adversaries represented by highly motivated and experienced counsel, sophisticated legal issues and challenges, and staunch resistance from Sound Generations at the outset of the litigation.

45. Therefore, despite AW's devotion to the case and our confidence in the claims

1 alleged against Sound Generations, there have been many factors beyond our control that posed
2 significant risks. Had Sound Generations prevailed on the merits, on class certification, or on
3 appeal, I and my firm might have recovered nothing for the time and expense AW invested in
4 representing the Settlement Class.

5 46. AW has made every effort to litigate this matter efficiently by coordinating the
6 work of AW's attorneys and paralegals, as well as co-Class Counsel, minimizing duplication,
7 and assigning tasks in a time and cost-efficient manner, based on the timekeepers' experience
8 levels and talents.

9 47. I believe that the time and resources spent by my firm were reasonable and I have
10 sought to manage this matter efficiently at every turn.

11 48. AW will continue to expend significant attorney time and resources given the future
12 work still needed for completion of the Settlement, including: drafting and filing a motion for final
13 approval, preparing for and attending the final approval hearing, responding to Class Member
14 inquiries or challenges, responding to any requests for exclusion or objections, addressing any
15 appeals, and working with Defendant and the Settlement Administrator on the distribution of
16 benefits to the Settlement Class.

17 **AHDOOT & WOLFSON'S REASONABLE EXPENSES**

18 49. To date, AW has incurred \$3,047.34 of litigation expenses, as follows:

19

Description	Amount
Attorney Service Fees	\$20.83
Filing and Mediation Fees	\$2,848.94
Postage	\$129.06
Printing & Reproduction	\$48.51
Total	\$3,047.34

20
21
22
23
24

25 50. These costs include court fees, mediation fees, attorney service fees, printing &
26 reproduction fees, postage, and other related costs. Counsel put forward these out-of-pocket costs

1 without assurance that they would ever be repaid. Each of these costs and expenses are fully
2 documented, and in my opinion, were necessary and reasonable. This amount does not include
3 internal and other additional costs that AW incurred in this litigation but, in an exercise of
4 discretion, does not seek to recover.

5 **AHDOOT & WOLFSON, PC FIRM EXPERIENCE**

6 51. At all times, AW had the experience, expertise, and resources to effectively litigate
7 any all issues related to this litigation.

8 52. In March 1998, Robert Ahdoot and Tina Wolfson founded AW, now a nationally
9 recognized law firm that specializes in complex and class action litigation, with a focus on privacy
10 rights, consumer fraud, anti-competitive business practices, employee rights, defective products,
11 civil rights, and taxpayer rights. The attorneys at AW are experienced litigators who have often
12 been appointed by state and federal courts as lead class counsel, including in multidistrict
13 litigation. In over two decades of its successful existence, AW has successfully vindicated the
14 rights of millions of class members in protracted, complex litigation, conferring hundreds of
15 millions of dollars to the victims, and affecting real change in corporate behavior. A copy of AW
16 firm's resume is attached hereto as **Exhibit A**.

17 53. AW has been on the cutting edge of privacy litigation since the late 1990s, when
18 its attorneys successfully advocated for the privacy rights of millions of consumers against major
19 financial institutions based on the unlawful compilation and sale of detailed personal financial data
20 to third-party telemarketers without consumers' consent. While such practices later became the
21 subject of Gramm-Leach-Bliley Act regulation, they were novel and hidden from public scrutiny
22 at the time AW was prosecuting them. Our work shed light on how corporations and institutions
23 collect, store, and monetize mass data, leading to governmental regulation. AW has been at the
24 forefront of privacy-related litigation since then.

25 54. AW has been appointed lead counsel in numerous complex consumer class actions.
26 The following are some examples of recent class actions that AW has litigated to conclusion or

1 are currently litigating on behalf of clients – either as Class Counsel, proposed Class Counsel or
2 members of a Court appointed Plaintiff Steering Committee:

3 55. As co-lead counsel in *In re Zoom Video Communications, Inc. Privacy Litigation*,
4 No. 5:20-cv-02155-LHK (N.D. Cal.) (Hon. Lucy H. Koh), AW achieved an \$85 million settlement
5 that provides monetary relief to Zoom users who submit a claim for payment and comprehensive
6 injunctive relief which addresses the privacy issues on which Plaintiffs’ claims were based. This
7 settlement was recently finally approved by the Northern District.

8 56. In *Rivera v. Google LLC*, No. 2019-CH-00990 (Ill. Cir. Ct.) (Hon. Anna M. Loftus),
9 a class action arising from Google’s alleged illegal collection, storage, and use of the biometrics
10 of individuals who appear in photographs uploaded to Google Photos in violation of the Illinois
11 Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.*, AW achieved a \$100 million non-
12 reversionary cash settlement, with meaningful prospective relief, which was granted final approval
13 by Judge Loftus on September 28, 2022.

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

23 58. As a member of a five-firm Plaintiffs’ Steering Committee (“PSC”) in the *Premera*
24 *Blue Cross Customer Data Sec. Breach Litigation*, No. 3:15-md-2633-SI (D. Or.) (Hon. Michael
25 H. Simon), arising from a data breach disclosing the sensitive personal and medical information
26

1 of 11 million Premera Blue Cross members, AW was instrumental in litigating the case through
2 class certification and achieving a nationwide class settlement valued at \$74 million.

3 59. In *The Home Depot, Inc., Customer Data Sec. Breach Litigation*, No. 1:14-md-
4 02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.), AW served on the consumer PSC and was
5 instrumental in achieving a \$29 million settlement and robust injunctive relief for the consumer
6 class.

7 60. As co-lead counsel in *Gordon v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01415-
8 CMA-SKC (D. Colo.) (Hon. Christine M. Arguello), AW secured a settlement for the nationwide
9 class that provided for up to \$250 in claimed damages or \$10,000 in extraordinary damages.

10 61. In *Adlouni v. UCLA Health Sys. Auxiliary*, No. BC589243 (Cal. Super. Ct. Los
11 Angeles Cnty.) (Hon. Daniel J. Buckley), AW, as a member of the PSC for patients impacted by
12 a university medical data breach, achieved a settlement providing two years of credit monitoring,
13 a \$5,275,000 fund, and robust injunctive relief.

14 62. AW's efforts have also shaped privacy law precedent. As lead counsel in *Remijas*
15 *v. Neiman Marcus Group, LLC*, No. 14-cv-1735 (N.D. Ill.) (Hon. Sharon Johnson Coleman), AW
16 successfully appealed the trial court's order granting a motion to dismiss based on lack of Article
17 III standing. The Seventh Circuit's groundbreaking opinion, now cited routinely in briefing on
18 Article III and data breach standing, was the first appellate decision to consider the issue of Article
19 III standing in data breach cases in light of the Supreme Court's decision in *Clapper v. Amnesty*
20 *International USA*, 568 U.S. 398 (2013). The Seventh Circuit concluded that data breach victims
21 have standing to pursue claims based on the increased risk of identity theft and fraud, even before
22 that theft or fraud materializes in out-of-pocket damages. *Remijas v. Neiman Marcus Group, LLC*,
23 794 F.3d 688 (7th Cir. 2015) (reversed and remanded).

24 63. Similarly, in the *U.S. Office of Personnel Management Data Security Breach*
25 *Litigation*, No. 1:15-mc-1394-ABJ (D.D.C.) (Hon. Amy Berman Jackson), AW briefed and
26 argued, in part, the granted motions to dismiss based on standing, and briefed in part the successful

1 appeal to the D.C. Circuit. Judge Jackson recently issued her preliminary approval of a \$60 million
2 settlement in this Action.

3 64. AW's other ongoing privacy class actions include *In re Ring LLC Privacy*
4 *Litigation*, No. 2:19-cv-10899-MWF-RAO (C.D. Cal.) (Hon. Michael W. Fitzgerald) (serving as
5 co-lead counsel), *In re Google Location History Litigation*, No. 5:18-cv-5062-EJD (N.D. Cal.)
6 (Hon. Edward J. Davila) (same), *In re Ambry Genetics Data Breach Litigation*, No. 8:20-cv-791-
7 CJC-KES (C.D. Cal.) (Hon. Cormac J. Carney) (same), and *Acaley v. Vimeo, Inc.*, No. 1:19-cv-
8 7164 (N.D. Ill.) (Hon. Matthew F. Kennelly).

9 65. In addition, AW has served or is serving as plaintiffs' counsel in class actions
10 enforcing consumer rights under the Telephone Consumer Protection Act of 1991 ("TCPA"), such
11 as *Chimeno-Buzzi v. Hollister Co.*, No. 1:14-cv-23120-MGC (S.D. Fla.) (Hon. Marcia G. Cooke)
12 (class counsel in \$10 million nationwide settlement) and *Melito v. American Eagle Outfitters, Inc.*,
13 No. 1:14-cv-02440-VEC (S.D.N.Y.) (Hon. Valerie E. Caproni) (\$14.5 million nationwide
14 settlement).

15 66. I joined AW as a partner at the age of only 33, and already have extensive
16 experience serving in leadership and support roles in data privacy class action cases and other
17 complex actions. For example, I have been at the forefront of the highly publicized Accellion FTA
18 data breach litigation announced in late 2020 and have zealously prosecuted cases against
19 Accellion and three of its customers that were impacted by this massive breach. Due in part to my
20 firm's efforts, non-reversionary common fund settlements were reached in each of these litigations
21 totaling \$29 million. In one of the Accellion cases, final approval of the settlement was recently
22 granted, and I was appointed as co-lead class counsel. *See Cochran, et al. v. The Kroger Co., et*
23 *al.*, No. 5:21-cv-01887-EJD (N.D. Cal.), ECF No. 115 (granting final approval of nationwide
24 settlement that provides \$5 million non-reversionary fund, and appointing Ferich and his firm as
25 class counsel with the Barnow firm).

1 67. I am appointed Class Counsel in *Smeltz, et al. v. Logan Health, et al.*, No. A-DV-
2 22-0124 (8th Judicial District Court, Cascade County Mar. 31, 2022) (Grubich, J.). There, I helped
3 obtain a \$4.3 million non-reversionary common fund settlement in a health data privacy matter,
4 and the settlement has received final approval from the court.

5 68. I am appointed Class Counsel in *Leitermann et al v. Forefront Dermatology SC, et*
6 *al.*, No. 1:21-cv-00887-LA (E.D. Wis.) where the Wisconsin federal district court recently granted
7 final approval of a settlement that included a \$3.75 million non-reversionary common fund. ECF
8 No. 33.

9 69. I also was recently appointed to the plaintiffs' executive steering committee in a
10 ransomware class action lawsuit involving disclosure of sensitive medical information and other
11 PII/PHI. *See In re: Eskenazi Health Data Incident Litig.*, No. 49D01-2111-PL-038870 (Ind.
12 Comm. Ct. Jan. 24, 2022).

13 70. I was previously appointed as class counsel in *Perdue et al. v. Hy-Vee, Inc.*, No.
14 1:19-cv-01330 (C.D. Ill.), a payment card data breach that exposed the sensitive payment card
15 information of millions of class members. *Id.*, ECF No. 62, at 3. My efforts on behalf of the class
16 resulted in the creation of an uncapped claims settlement providing cash payments to class
17 members, and Hy-Vee committing at least \$20 million to data security improvements. *Id.*, ECF
18 No. 58, at 4; *see also Gordon, et al. v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01415-CMA (D.
19 Colo.) (data breach case where millions of consumers' payment card data was exposed to hackers);
20 *Bray, et al. v. GameStop Corp.*, No. 1:17-cv-01365 (D. Del.) (data breach settlement involving
21 exposure of payment card information through defendant's website).

22 71. I have also been appointed to leadership positions in other consumer class actions.
23 For example, I was appointed as class counsel in *Udeen, et al. v. Subaru of America, Inc.*, No.
24 1:18-cv-17334-RBK-JS (D.N.J.), where I helped obtain a settlement valued at more than \$6.25
25 million on behalf of owners and lessees of Subaru vehicles with allegedly defective infotainment
26

1 systems. *See also McFadden v. Microsoft Corp.*, No. C20-0640-RSM-MAT, 2020 WL 5642822,
2 at *3 (W.D. Wash. Sept. 22, 2020) (appointed as co-lead counsel).

3 72. AW has decades of experience in the prosecution of class actions, including data
4 breach and privacy lawsuits such as this action. AW has a proven track record of experience and
5 results, and specific expertise in data privacy class action litigation.

6 73. I am, and my firm is, fully aware of the financial and human resources that are
7 required to bring this case to a successful conclusion and the Court should have no reservations
8 that my firm has and is willing to commit those resources for the benefit of the plaintiff class. AW
9 has never used third-party funding or failed to meet its assessment obligations in any case.

10 74. The work of Class Counsel in this Action to date, as well as their experience
11 prosecuting complex litigation matters, demonstrate that Class Counsel are well-qualified to
12 represent the Settlement Class.

13 75. The bulk of AW's practice is contingent, and many of my firm's cases have been
14 large and substantial in settlements or verdicts. In contingent risk cases, my firm and other firms
15 doing this type of work frequently advance expenses and costs and defer all payment of our fees
16 for several years, with no guarantee that any of the fees we incurred or costs we advanced would
17 ever be recovered.

18 76. Based on my experience and my knowledge regarding the factual and legal issues
19 in this matter, and given the substantial benefits provided by the Settlement, it is my opinion that
20 the proposed Attorneys' Fees, Costs, Expenses, and Service Awards are reasonable, and that the
21 Settlement in this matter is fair, reasonable, and adequate, and is in the best interests of the
22 Settlement Class Members.

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
24 15th day of May, 2023, in Radnor, Pennsylvania.

25 /s/ Andrew W. Ferich
26 Andrew W. Ferich

Exhibit A



Ahdoot & Wolfson, PC (“AW”) is a nationally recognized law firm founded in 1998 that specializes in class action litigation, with a focus on privacy cases, unfair and anticompetitive business practices, consumer fraud, employee rights, defective products, antitrust, civil rights, and taxpayer rights and unfair practices by municipalities. The attorneys at AW are experienced litigators who have often been appointed by state and federal courts as lead class counsel, including in multidistrict litigation. In 25 years of its successful existence, AW has vindicated the rights of millions of class members in protracted, complex litigation, conferring billions of dollars to the victims, and affecting real change in corporate behavior.

Privacy Class Actions

AW has been prosecuting cutting edge data privacy cases on behalf of consumers since the late 1990s. AW was among the first group of attorneys who successfully advocated for the privacy rights of millions of consumers against major financial institutions based on the unlawful compilation and sale of detailed personal financial data to third-party telemarketers without the consumers’ consent. While such practices later became the subject of Gramm-Leach-Bliley Act regulation, at the time AW was prosecuting these cases before the Hon. Richard R. Kramer, (Ret.) in the complex department of San Francisco Superior Court, such practices were novel and hidden from public scrutiny. AW’s work shed light on how corporations and institutions collect, store, and monetize mass data, leading to governmental regulation. AW has been at the forefront of data-related litigation since then.

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

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

As co-lead counsel in the *Experian Data Breach Litigation*, No. 8:15-cv-01592-AG-DFM (C.D. Cal.) (Hon. Andrew J. Guilford), which affected nearly 15 million class members, AW achieved a settlement conservatively valued at over \$150 million. Experian also provided robust injunctive relief. Judge Guilford praised counsel's efforts and efficiency in achieving the settlement, commenting "You folks have truly done a great job, both sides. I commend you."

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

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

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

AW's efforts have shaped data privacy law precedent. As lead counsel in *Remijas v. Neiman Marcus Group, LLC*, No. 14-cv-1735 (N.D. Ill.) (Hon. Sharon Johnson Coleman), AW's attorneys successfully appealed the trial court's order granting a motion to dismiss based on lack of Article III standing. The Seventh Circuit's groundbreaking opinion, now cited in every privacy case standing brief, was the first appellate decision to consider the issue of Article III standing in data breach cases in light of the Supreme Court's decision in *Clapper v. Amnesty International USA*, 568 U.S. 398 (2013) and concluded that data breach victims have standing to pursue claims based on the increased risk of identity theft and fraud, even before that theft or fraud materializes in out-of-pocket damages. *Remijas v. Neiman Marcus Group, LLC*, 794 F.3d 688 (7th Cir. 2015).

AW also currently serves on the PSC in *Am. Med. Collection Agency, Inc., Customer Data Sec. Breach Litigation*, No. 2:19-md-2904-MCA-MAH (D.N.J.) (Hon. Madeline Cox Arleo), a class action arising out of a medical data breach that disclosed the personal and financial information of over 20 million patients. AW has successfully resolved numerous other data breach class actions, including in *Leitermann et al v. Forefront Dermatology SC, et al.*, No. 1:21-cv-00887-LA (E.D. Wis.) (preliminarily approved settlement in a medical privacy case that includes a \$3.75 million common fund; AW is appointed co-lead class counsel); *Smeltz v. Logan Health*, No. A-DV-22-0124 (Mont. 8th Jud. Dist. Ct., Cascade Cty. Mar. 31, 2022) (preliminarily approved medical data breach settlement providing \$4.3 million common fund for class of 210,000 people [approx. \$20 per class member on per capita basis]; AW is appointed co-lead class counsel); *In re Ambry Genetics Data Breach Litig.*, No. 8:20-cv-00791 (C.D. Cal.) (preliminarily approved data breach settlement valued at over \$20 million, including a

\$12.25 million common fund, for the benefit of a class of more than 225,000 people [approx. \$54 per class member per capita]; AW is appointed co-lead counsel).

Other Class Action Results

AW has achieved excellent results as lead counsel in numerous complex class actions.

In *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605-JVS-SS (C.D. Cal.) (Hon. James V. Selna), a breach of contract class action alleging that defendant did not honor its lifetime subscriptions, AW achieved a nationwide class action settlement conservatively valued at approximately \$420 million. The settlement extended the promised lifetime subscription for the lifetime of class members who have active accounts and provided the opportunity for class members with closed accounts to reactivate their accounts and enjoy a true lifetime subscription or recover \$100. The district court had granted the motion to compel arbitration on an individual basis, and AW appealed. AW reached the final deal points of the nationwide class action settlement minutes prior to oral argument in the Ninth Circuit.

In *Eck v. City of Los Angeles*, No. BC577028 (Cal. Super. Ct.) (Hon. Ann I. Jones), AW achieved a \$295 million class settlement in a case alleging that an 8% surcharge on Los Angeles electricity rates was an illegal tax. Final settlement approval was affirmed on appeal in October 2019.

As a member of the Plaintiffs' Executive Committee in the *Apple Inc. Device Performance Litigation*, No. 5:18-md-2827-EJD (N.D. Cal.) (Hon. Edward J. Davila), AW helped achieve a nationwide settlement of \$310 million minimum and \$500 million maximum. The case arose from Apple's alleged practice of deploying software updates to iPhones that deliberately degraded the devices' performance and battery life.

In the *Dental Supplies Antitrust Litigation*, No. 1:16-cv-00696-BMC-GRB (E.D.N.Y.) (Hon. Brian M. Cogan), a class action alleging an anticompetitive conspiracy among three dominant dental supply companies in the United States, AW served on the plaintiffs' counsel team that brought in an \$80 million cash settlement for the benefit of a class of approximately 200,000 dental practitioners, clinics, and laboratories.

In *Kirby v. McAfee, Inc.*, No. 5:14-cv-02475-EJD (N.D. Cal.) (Hon. Edward J. Davila), a case arising from McAfee's auto renewal and discount practices, AW and co-counsel achieved a settlement that made \$80 million available to the class and required McAfee to notify customers regarding auto-renewals at an undiscounted subscription price and change its policy regarding the past pricing it lists as a reference to any current discount.

In *Lavinsky v. City of Los Angeles*, No. BC542245 (Cal. Super. Ct.) (Hon. Ann I. Jones), a class action alleging the city unlawfully overcharged residents for utility taxes, AW certified the plaintiff class in litigation and achieved a \$51 million class settlement.

Current Noteworthy Leadership Roles

AW was appointed to serve as co-lead interim class counsel in the *Google Location History Litigation*, No. 5:18-cv-05062-EJD (N.D. Cal.) (Hon. Edward J. Davila), a consumer class action arising out of Google's allegedly unlawful collection and use of mobile device location information on all Android and iPhone devices.

In the *Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010-PKC (S.D.N.Y.) (Hon. P. Kevin Castel), a class action alleging monopolization of the digital advertising market, AW is serving as court-appointed co-lead counsel on behalf of the advertiser class.

In *Klein v. Meta Platforms, Inc.*, No. 3:20-cv-08570-JD (N.D. Cal.) (Hon. James Donato), AW is serving on the Executive Committee for the digital advertiser plaintiff class in a class action alleging that Meta (formerly Facebook) engaged in anticompetitive conduct to stifle and/or acquire competition to inflate the cost of digital advertising on its social media platform. Many of the plaintiffs' claims recently survived a motion to dismiss and are in the process of amending their complaint.

AW serves on the Plaintiffs' Executive Committees in *Allergan Biocell Textured Breast Implant Products Liability Litigation*, No. 2:19-md-02921-BRM-JAD (D.N.J.) (Hon. Brian R. Martinotti), a class action alleging textured breast implants caused a rare type of lymphoma and in *ZF-TRW Airbag Control Units Products Liability Litigation*, No. 2:19-ml-02905-JAK-FFM (C.D. Cal.) (Hon. John A. Kronstadt), a class action alleging a dangerous defect in car airbag component units.

As part of the leadership team in *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-02514-JGB-SHK (C.D. Cal.) (Hon. Jesus G. Bernal), AW certified a class of immigration detainees challenging private prison's alleged forced labor practices.

Attorney Profiles

Tina Wolfson graduated Harvard Law School *cum laude* in 1994. Ms. Wolfson began her civil litigation career at the Los Angeles office of Morrison & Foerster, LLP, where she defended major corporations in complex actions and represented indigent individuals in immigration and deportation trials as part of the firm's *pro bono* practice. She then gained further invaluable litigation and trial experience at a boutique firm, focusing on representing plaintiffs on a contingency basis in civil rights and employee rights cases. Since co-founding AW in 1998, Ms. Wolfson has led numerous class actions to successful results. Ms. Wolfson is a member of the California, New York and District of Columbia Bars.

Recognized for her deep class action experience, Ms. Wolfson frequently lectures on numerous class action topics across the country. She is a guest lecturer on class actions at the University of California at Irvine Law School. Her recent notable speaking engagements include:

- Class Action Mastery Forum at the University Of San Diego School of Law (Consumer Class Actions Roundtable) March 2020, featuring Hon. Lucy H. Koh, Hon. Edward M. Chen, and Hon. Fernando M. Olguin.
- Class Action Mastery Forum at the University Of San Diego School of Law (Data Breach/Privacy Class Action Panel) January 16, 2019.
- Association of Business Trial Lawyers: “Navigating Class Action Settlement Negotiations and Court Approval: A Discussion with the Experts,” Los Angeles May 2017, featuring Hon. Philip S. Gutierrez and Hon. Jay C. Gandhi.
- CalBar Privacy Panel: “Privacy Law Symposium: Insider Views on Emerging Trends in Privacy Law Litigation and Enforcement Actions in California,” Los Angeles Mar. 2017 (Moderator), featuring Hon. Kim Dunning.
- American Conference Institute: “2nd Cross-Industry and Interdisciplinary Summit on Defending and Managing Complex Class Actions,” April 2016, New York: Class Action Mock Settlement Exercise featuring the Hon. Anthony J. Mohr.
- Federal Bar Association: N.D. Cal. Chapter “2016 Class Action Symposium,” San Francisco Dec. 2016 (Co-Chair), featuring Hon. Joseph F. Anderson, Jr. and Hon. Susan Y. Illston.
- Federal Bar Association: “The Future of Class Actions: Cutting Edge Topics in Class Action Litigation,” San Francisco Nov. 2015 (Co-Chair & Faculty), featuring Hon. Jon S. Tigar and Hon. Laurel Beeler.

Ms. Wolfson currently serves as a Ninth Circuit Lawyer Representative for the Central District of California, as Vice President of the Federal Litigation Section of the Federal Bar Association, as a member of the American Business Trial Lawyer Association, as a participant at the Duke Law School Conferences and the Institute for the Advancement of the American Legal System, and on the Board of Public Justice.

Robert Ahdoot graduated from Pepperdine Law School *cum laude* in 1994, where he served as Literary Editor of the Pepperdine Law Review. Mr. Ahdoot clerked for the Honorable Paul Flynn at the California Court of Appeals, and then began his career as a civil litigator at the Los Angeles office of Mendes & Mount, LLP, where he defended large corporations and syndicates such as Lloyds of London in complex environmental and construction-related litigation as well as a variety of other matters. Since co-founding AW in 1998, Mr. Ahdoot had led numerous class actions to successful results. Recognized for his deep class action experience, Mr. Ahdoot frequently lectures on numerous class action topics across the country. His notable speaking engagements include:

- MassTorts Made Perfect: Speaker Conference, April 2019, Las Vegas: “Llegal Fees: How Companies and Governments Charge The Public, and How You Can Fight Back.”
- HarrisMartin: Lumber Liquidators Flooring Litigation Conference, May 2015, Minneapolis: “Best Legal Claims and Defenses.”

- Bridgeport: 15th Annual Class Action Litigation Conference, September 2014, San Francisco: “The Scourge of the System: Serial Objectors.”
- Strafford Webinars: Crafting Class Settlement Notice Programs: Due Process, Reach, Claims Rates and More, February 2014: “Minimizing Court Scrutiny and Overcoming Objector Challenges.”
- Pincus: Wage & Hour and Consumer Class Actions for Newer Attorneys: The Do’s and Don’ts, January 2014, Los Angeles: “Current Uses for the 17200, the CLRA an PAGA.”
- Bridgeport: 2013 Class Action Litigation & Management Conference, August 2013, San Francisco: “Settlement Mechanics and Strategy.”

Theodore W. Maya graduated from UCLA Law School in 2002 after serving as Editor-in-Chief of the UCLA Law Review. From July 2003 to August 2004, Mr. Maya served as Law Clerk to the Honorable Gary Allen Feess in the United States District Court for the Central District of California. Mr. Maya was also a litigation associate in the Los Angeles offices of Kaye Scholer LLP for approximately eight years where he worked on a large variety of complex commercial litigation from inception through trial. Mr. Maya was named “Advocate of the Year” for 2007 by the Consumer Law Project of Public Counsel for successful pro bono representation of a victim of a large-scale equity fraud ring. Mr. Maya has been involved in all facets of AW’s work since he joined the firm in 2011. For instance, his work in *Remijas v. Neiman Marcus Group, LLC*, 794 F.3d 688 (7th Cir. 2015), contributed to a groundbreaking decision by the Seventh Circuit Court of Appeals that significantly strengthened the rights of data breach victims to bring class actions in federal court.

Bradley K. King is a member of the State Bars of California, New Jersey, New York, and the District of Columbia. He graduated from Pepperdine University School of Law in 2010, where he served as Associate Editor of the Pepperdine Law Review. He worked as a law clerk for the California Office of the Attorney General, Correctional Law Section in Los Angeles and was a certified law clerk for the Ventura County District Attorney’s Office. Mr. King began his legal career at a boutique civil rights law firm, gaining litigation experience in a wide variety of practice areas, including employment law, police misconduct, municipal contracts, criminal defense, and premises liability cases. During his eleven-year career at AW, Mr. King has focused on consumer class actions, and data breach class actions in particular. He has extensive experience litigating consolidated and MDL class actions with AW serving in leadership roles, including numerous large data breach cases that have resulted in nationwide class settlements.

Andrew W. Ferich, a partner at AW, is admitted to the bars of Pennsylvania, New Jersey, and the District of Columbia. Mr. Ferich received his law degree from Villanova University’s Charles Widger School of Law in 2012, where he served as Executive Editor of the *Journal of Catholic Social Thought*. Mr. Ferich has significant experience in consumer protection, data privacy,

ERISA/retirement plan, and whistleblower/*qui tam* litigation. Prior to joining the firm, Mr. Ferich was a senior associate at a well-known Philadelphia-area class action law firm. Before joining the plaintiffs' bar, Mr. Ferich was an associate at an AmLaw 200 national litigation firm in Philadelphia where he focused his practice on commercial litigation and financial services litigation. Mr. Ferich has represented a wide array of clients and has received numerous court-appointed leadership positions in large class actions. Mr. Ferich possesses major jury trial experience and has assisted in litigating cases that have collectively resulted in hundreds of millions of dollars in settlement value in damages and injunctive relief for various classes and groups of people.

Mr. Ferich's recent appointments to leadership positions in data privacy litigation include: *Cochran, et al. v. The Kroger Co.*, No. 5:21-cv-01887-EJD (N.D. Cal.) (final approval of nationwide settlement that provides \$5 million common fund and appointing Ferich and AW as co-lead class counsel); *Leitermann et al v. Forefront Dermatology SC, et al.*, No. 1:21-cv-00887-LA (E.D. Wis.) (preliminarily approved \$3.75 million common fund settlement; Ferich appointed as co-lead class counsel); *Smeltz, et al. v. Logan Health, et al.*, No. A-DV-22-0124 (8th Judicial District Court, Cascade County Mar. 31, 2022) (medical privacy class action impacting hundreds of thousands of Montanans; Ferich achieved \$4.3 million preliminarily approved common fund settlement); *In re Keystone Data Breach Litig.*, No. 1:22-cv-01643-CCC (M.D. Pa.) (health information data breach impacting hundreds of thousands of Pennsylvanians; Ferich is appointed interim co-lead class counsel); *Kesner et al. v. UMass Memorial Health Care, Inc.*, No. 2185 CV 01210 (Mass. Super. Ct.) (medical data privacy case where the parties agreed to a \$1.2 million common fund settlement that has received preliminary approval from the court—Mr. Ferich is appointed co-lead class counsel).

Deborah De Villa is an associate attorney at AW and a member of the State Bars of New York and California. She graduated from Pepperdine University School of Law in 2016, where she earned the CALI Excellence for the Future Award in immigration law, business planning and commercial law. During law school, Ms. De Villa completed internships at the Los Angeles District Attorney's Office, Hardcore Gangs Unit, and at the Supreme Court of the Philippines, Office of the Court Administrator. Born in the Philippines, Ms. De Villa moved to Florida at the age of sixteen to attend IMG Golf Academy as a full-time student-athlete. Ms. De Villa earned a scholarship to play NCAA Division 1 college golf at Texas Tech University, where she graduated *magna cum laude* with a Bachelor of Arts in Psychology and a minor in Legal Studies. Ms. De Villa has gained substantial experience litigating class actions with AW and focuses her practice on consumer protection and privacy class actions. She demonstrates leadership, a hard work ethic, and a commitment to excellence in all her endeavors.