

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO
GENERAL DIVISION

ANNA MORAN, et al., *individually and
on behalf of all others similarly situated,*

Plaintiffs,

v.

ARIEL CORPORATION,

Defendant.

Case No. 24NG12-0399

Judge Richard Wetzel, Jr.

**PLAINTFFS' MOTION FOR
ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS,
WITH MEMORANDUM
OF LAW IN SUPPORT**

Under Rule 23 of the Ohio Rules of Civil Procedure, the Settlement Agreement previously filed with the Court, and the Court's Order Granting Preliminary Approval of Class Action Settlement entered on March 24, 2026, Class Counsel respectfully moves the Court to award attorneys' fees in the amount of \$195,000.00, inclusive of litigation expenses, and Class Representative Service Awards of \$2,000.00 each, for a total of \$8,000.00.¹

Supporting this Motion is the Affidavit of Terrence R. Coates ("Coates Aff.") in Support of Class Counsel's Motion for Attorneys' Fees, Costs, and Service Awards ("Fee Motion") (attached hereto as **Exhibit 1**). A proposed Final Approval Order granting Class Counsel's Fee Motion will be submitted with Plaintiffs' Motion for Final Approval of Class Action Settlement, which is due on August 7, 2026.

Respectfully submitted,

/s/ Terence R. Coates

Terence R. Coates (0085579)

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¹ All capitalized terms herein are used as those terms are defined in the Settlement Agreement.

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Counsel for Plaintiffs and the Proposed Class

MEMORANDUM OF LAW

I. INTRODUCTION AND FACTUAL BACKGROUND

Plaintiffs Anna Moran, William Bircher, Shane Littleton, and Stephanie Litzenberg (“Plaintiffs”) allege that from about June 20, 2024, through about June 27, 2024, Defendant was the target of a cybersecurity incident and alleged data breach (the “Data Incident”) which resulted in the unauthorized access of the personally identifiable information (“PII”) entrusted to the Defendant by Plaintiffs and Settlement Class Members. Plaintiffs allege that the unauthorized third party gained access to their full names and Social Security numbers. There are approximately 12,650 Settlement Class Members whom Plaintiffs contend were impacted by the Data Incident.

Plaintiffs filed their Consolidated Class Action Complaint (“Compl.”) against Defendant on February 7, 2025, in this Court, asserting claims for: negligence/negligence *per se*; breach of implied contract; breach of bailment; and invasion of privacy. Defendant filed a Motion to Dismiss Plaintiffs’ Complaint on July 1, 2025, and Plaintiffs filed a Response in Opposition on August 14, 2025. While Defendant’s motion to dismiss was pending, the Parties determined that early discussions regarding resolution of this matter could be beneficial. Coates Aff. ¶ 8. Pursuant to their settlement discussions, Plaintiffs requested, and Ariel produced, key information about the Data Incident, including the size of the Settlement Class, facts concerning Plaintiffs, and other pertinent facts. *Id.*

Following months of hard-fought, “arm’s-length” negotiations, where the Parties evaluated the strengths and weaknesses underlying their claims and defenses, the Parties were able to come to an agreement on the key terms of the Settlement. *Id.* ¶ 9. While negotiations were always collegial, cordial, and professional, there is no doubt that they were adversarial in nature, with both Parties forcefully advocating the position of their respective clients. *Id.*

The settlement negotiations that resulted in the present Settlement before this Court were

based on a full appraisal of the facts surrounding the Data Incident and an extensive investigation conducted by Class Counsel. At no point were negotiations collusive. *Id.* ¶ 10. All substantive settlement discussions occurred after we had completed a substantial investigation of the facts, Defendant’s systems, and the nature of the compromised data. *Id.* The Parties agreed they would not negotiate Class Counsel’s attorney’s fees or Plaintiffs Service Awards until they agreed on the Settlement Agreement’s core terms, thus avoiding conflict between Plaintiffs and the Settlement Class. *Id.*

This Court granted preliminary approval of Class Action Settlement on March 24, 2026 (the “Preliminary Approval Order”). Under that order, and the Settlement Agreement, Plaintiffs now respectfully submit their Motion for Attorneys’ Fees, Costs, and Service Awards to Plaintiffs.

II. THE SETTLEMENT’S BENEFITS

The proposed Settlement provides relief for a Settlement Class defined as “all individuals to whom Defendant sent notice of the Data Incident.” S.A. ¶¶ 2, 3.31. Specifically, Class Members may claim two (2) years of three-bureau credit monitoring services that includes at least \$1,000,000 in fraud protection. *Id.* ¶ 4.8. Additionally, Settlement Class Members may claim one of two forms of monetary relief. The first is a \$50 Alternative Cash Payment. *Id.* ¶ 4.7. The second allows Settlement Class Members to claim up to \$500 in reimbursement for documented Ordinary Losses (*id.* ¶ 4.3.1); up to \$80 for reimbursement of Lost Time (up to 4 hours at a rate of \$20 per hour, subject to the \$500 aggregate cap for Ordinary Losses and Lost Time) (*id.* ¶ 4.3.2); and up to \$5,000 for documented Extraordinary Losses fairly traceable to the Data Incident. *Id.* ¶ 4.5. This is an excellent result for the Settlement Class as, in Plaintiffs’ view, it provides substantial relief designed to remediate the specific harms caused in the aftermath of a data breach.

Further, in addition to the benefits outlined above, Defendant will pay for the Costs of

Notice Claims Administration as well as Class Counsel's attorneys' fees and costs and the Service Awards to Plaintiffs, separate and apart from the other benefits. *Id.* ¶¶ 11-12, 15. This means the Court's award of attorneys' fees will not affect the benefits available to Settlement Class Members.

III. CLASS COUNSEL'S REQUEST FOR ATTORNEYS' FEES IS REASONABLE

The Supreme Court of Ohio has stated that "the attorney who is eligible for attorney's fees is one 'who, at his own expense, has maintained a successful suit for the preservation, protection, and increase of a common fund or common property, or who has created at his own expense, or brought into court a fund in which others may share with him.'" *State ex rel. Montrie Nursing Home, Inc. v. Creasy*, 5 Ohio St.3d 124, 127 (1983), quoting *Smith v. Kroeger*, 138 Ohio St. 508, 515 (1941).

Here, Class Counsel's attorneys' fees request, inclusive of litigation expenses, of \$195,000.00 is reasonable because (1) Plaintiffs and Defendant negotiated it as reasonable in the context of this case in the terms of the Settlement Agreement; and (2) Class Counsel attorneys' fees are low measured as a percentage of the benefits made available to the Class. Further, the requested fees are appropriate when analyzed in light of the factors considered by courts in Ohio, which are (1) the time and labor involved in maintaining this litigation; (2) the novelty, complexity, and difficulty of the questions involved; (3) the professional skill required to perform the necessary legal services; (4) the experience, reputation, and ability of the attorneys; and (5) the miscellaneous expenses of this litigation. *See Montrie Nursing Home* at 128.

A. The Parties Negotiated Class Counsel's Fee Request

"Negotiated and agreed-upon attorneys fees as a part of a class action settlement are encouraged as an 'ideal' toward which the parties should strive." *Bailey v. AK Steel Corp.*, 2008 WL 553764, at *1 (S.D.Ohio Feb. 28, 2008). This "ideal" was met in this case by sophisticated

counsel for both Plaintiffs and Defendant. Plaintiffs' counsel and Defendant's counsel both are very experienced in handling data breach class actions such as this action, and understand the value of such cases. *Coates Aff.* ¶¶ 4-5. Further, by litigating Defendant's motion to dismiss and exchanging informal discovery, the Parties developed a well-informed understanding of Plaintiffs' claims and Defendant's defenses. *Id.* ¶ 8. This indicates that the Parties' agreed-upon amount of Class Counsel's attorneys' fees is reasonable.

B. Class Counsel's Fee Request is Reasonable

Civil Rule 23 provides that "the court may award reasonable attorney's fees and nontaxable costs that are authorized by law or by the parties' agreement." Civ.R. 23(G). In this case, the parties' settlement agreement authorizes a combined fee and expense award of \$195,000.00. S.A. ¶ 12; *In re Ford Motor Co. Spark Plug & Three Valve Engine Prods. Liab. Litig.*, 2016 WL 6909078, *9 (N.D.Ohio Jan. 26, 2016) ("[Defendant] has agreed to pay a combined fee and expense award of \$5,250,000. Therefore, Class Counsel's fees are authorized by the parties' agreement.").²

Here, the parties have agreed that Defendant would not oppose a request for attorneys' fees and costs that did not exceed \$195,000. S.A. ¶ 12. *Compare Bailey* at *1 ("[T]he parties have negotiated an amount of fees and expenses which both the defendant and the Plaintiffs agree is reasonable."). Courts look favorably upon this type of settlement structure. *See Bower v. MetLife, Inc.*, 2012 WL 12991199, *7 (S.D.Ohio Oct. 17, 2012) (same); *In re Ford Motor Co.*, 2016 WL 6909078, *9 (same), Final Approval Order, *Cowit v. CitiMortgage, Inc.*, No. 1:12-cv-869 (S.D.Ohio Oct. 21, 2015), ECF No. 87, at PageID #3314 (similar).

That is particularly true in cases like this one, where the proposed fee and expense award is

² "Because the Ohio Rules of Civil Procedure are modeled after the Federal Rules of Civil Procedure, federal law interpreting the federal rule is appropriate and persuasive authority in interpreting a similar Ohio rule." *Felix v. Ganley Chevrolet, Inc.*, 2015-Ohio-3430, ¶ 24 (relying on federal authorities to interpret Civ.R. 23).

separate from, and in addition to, the amount that Defendant has agreed to pay to class members who submit a valid claim. *See Bailey*, 2008 WL 553764, *1 (“[C]ourts are especially amenable to awarding negotiated attorneys fees and expenses in a reasonable amount where that amount is in addition to and separate from the defendant’s settlement with the class.”). Indeed, Class Counsel’s requested fees do not reduce the amount that each class member will receive but, rather, provide an additional benefit to class members by paying legal fees that would have otherwise come out of their recovery. As such, “most courts recognize that fees negotiated and paid separate and apart from the class recovery, as here, are entitled to a ‘presumption of reasonableness.’” *Id.*, quoting *DeHoyos v. Allstate Corp.*, 240 F.R.D. 269, 322–23 (W.D. Tex. 2007); *Bailey*, at *1.

Additionally, the Settlement has received no opposition from the class. As of June 18, 2026, the Settlement Administrator has received zero objections to the settlement and zero requests for exclusion, further evidencing the reasonableness of the requested fees and Service Awards. *In re Wasserstrom Holdings, Inc. Data Breach Litig.*, 2025 WL 1563548, at *8 (S.D. Ohio Apr. 11 2025) (“where neither [defendant] nor any Class Member opposes the fee request and the Class has received a ‘substantial benefit,’ the Court concludes that all these factors favor approving the requested award of attorneys’ fees”); *Morano v. Fifth Third Bancorp*, Hamilton C.P. No. A 2003954, 2022 WL 19914939, at *2 (July 8, 2022) (“The fact that there were no objections or requests to opt-out from this Settlement supports a finding that the Settlement, including the administration of the Settlement, was reasonable.”); *In re Christ Hosp. Pixel Litig.*, Hamilton C.P. No. A 2204749, at 5 (Oct. 29, 2025) (holding that minimal opt-outs and objections supported that the settlement was reasonable). Under the percentage-of-benefit analysis, the Court determines Class Counsel’s fee request as a percentage of the total value of the Settlement benefits. Class Counsel’s request, considered as a percentage of the benefit made available to the Class, is reasonable. *See Order*

Granting Final Approval of Class Action Settlement, *Devine v. Health Aid of Ohio, Inc.*, Cuyahoga C.P. No. CV-21-948117 (Sept. 20, 2022) (Russo. J., approving a very similar settlement structure in a data breach class action settlement).

Federal courts within the Sixth Circuit also routinely approve fee awards of approximately one-third. *See Harris v. Lee Univ.*, 2026 WL 1382612, at *4 (E.D.Tenn. May 18, 2026) (approving fee award of up to one-third of the settlement in data breach class action); *In re Wasserstrom*, 2025 WL 1563548, at *9 (same); *Thomsen v. Morley Cos.*, 2023 WL 3437802, at *2 (E.D.Mich. May 12, 2023) (noting “a 33% award is presumptively reasonable” in data breach settlement); *see also In re Chevrolet Bolt EV Battery Litig.*, 2025 WL 3708892, at *11 (E.D.Mich. Dec. 22, 2025) (noting courts in the Sixth Circuit have awarded fees of 33% or more); *Dover v. Yanfeng US Auto. Interior Sys. I LLC*, 2023 WL 2309762, at *5 (E.D.Mich. Mar. 1, 2023) (“The 33.33% fee award they have requested in addition to reimbursement of expenses falls within the range of percentage fees that have been previously approved in complex class actions); *In re Cincinnati Gas & Elec. Co. Securities Litigation*, 643 F.Supp. 148, 150 (S.D.Ohio 1986) (“typically the percentages range from 20% - 50%”).

Here, considering the settlement benefit of the Alternative Cash Payment option alone, this Settlement is worth \$632,500.00.³ Thus, Class Counsel’s negotiated fee request (inclusive of expenses) of \$195,000.00 is approximately 30.8% of this benefit, below the 33% figure commonly awarded as set forth above. And, in addition to the Alternative Cash Payment, Class Members may claim two years of three-bureau credit monitoring and identity theft services, further increasing the potential value of the uncapped Settlement benefits. S.A. ¶ 4.8. Furthermore, in addition to filing a claim for Ordinary Losses or Lost Time, Settlement Class Members who have suffered

³ This figure was calculated by multiplying the \$50.00 Alternative Cash payment by 12,650, the number of Settlement Class Members.

losses as a result of the Data Incident may claim up to \$5,000.00 in Extraordinary Losses in lieu of the Alternative Cash Payment. S.A. ¶¶ 4.3-4.5. Thus, the total value of the Settlement is potentially tens of millions of dollars. Accordingly, Class Counsel's attorneys' fee request calculated under a percentage of the benefit analysis is reasonable.

C. This Case Involved Novel and Difficult Questions Which Class Counsel Has the Unique Professional Skill Required to Address

Class Counsel in this matter are highly experienced in class action data privacy litigation, and in fact are national leaders in this area of law. Coates Aff. ¶ 4; Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, at 14. Data privacy litigation is an emerging area of law and involves thorny issues regarding the emerging field of data breach liability. *Cunningham v. DG3 N. Am., Inc.*, 2025 WL 2919331, at *4 (D.N.J. Oct. 14, 2025); *In re Sonic Corp. Customer Data Sec. Breach Litig.*, 2019 WL 3773737, at *6 (N.D. Ohio Aug. 12, 2019) ("[D]ata breach litigation is complex and largely undeveloped."); *Fulton-Green v. Accolade, Inc.*, 2019 WL 4677954, at *8 (E.D. Pa. Sep. 24, 2019) ("This is a complex case in a risky field of litigation because data breach class actions are uncertain and class certification is rare."). Indeed, "many [data breach cases] have been dismissed at the pleading stage." *In re TD Ameritrade Account Holder Litig.*, 2011 WL 4079226, at *14 (N.D. Cal. Sep. 13, 2011); *see also Solomon v. Deer Oaks Mental Health Assocs., P.C.*, 2024 WL 4907072, at *4 (W.D. Tex. Sept. 30, 2024).

As one federal district court recently observed in the data breach context, "[D]ata breach cases are inherently risky and present unique challenges to establish standing and obtain class certification." *In re Onix Grp., LLC Data Breach Litig.*, 2024 WL 5107594, at *14 (E.D. Pa. Dec. 13, 2024) (approving attorneys' fees and expenses totaling \$428,698.66). Although this matter presented numerous risks associated with any litigation, and especially with novel and complex issues such as those faced here, Class Counsel confronted those risks head on and, through their

significant expertise, ultimately achieved an excellent result for the Settlement Class.

D. Class Counsel Have Expended Significant Time and Expenses Pursuing this Matter on Behalf of the Class

Class Counsel, consisting of Terence R. Coates of Markovits, Stock & DeMarco, LLC, Raina Borrelli of Strauss Borrelli PLLC, Grayson Wells of Stranch, Jennings & Garvey, PLLC, and Jeff Ostrow of Kopelowitz Ostrow, P.A., have worked efficiently and diligently to forge a strong recovery for the Class, expending substantial time and resources, which could have otherwise been spent on other fee-generating matters, to ultimately reach the Settlement. Coates Aff. ¶¶ 14-15. To date, Class Counsel have collectively spent over 152 hours to date pursuing this case and in forging this Settlement. *Id.* ¶ 17. This work included exchanging, reviewing, and analyzing information involving complex issues of data privacy and the Data Incident, responding to Defendant's motion to dismiss, negotiating the settlement, and preparing and drafting Plaintiffs' motion for preliminary approval. *Id.* Furthermore, Class Counsel have incurred \$3,161.55 in reasonable litigation expenses in this case, including filing fees, service fees, and *pro hac vice* fees. *Id.* ¶ 18.

Class Counsel will continue to expend additional hours and resources continuing to pursue this matter through final approval, including drafting their motion for final approval, attending the final approval hearing, overseeing the settlement administration and claims process, responding to inquiries from Plaintiffs and Class Members, and overseeing the distribution of settlement benefits to Class Members submitting valid claims under the Settlement. *Id.* at ¶ 17.

For all these reasons, Class Counsel requests that the Court approve an award of \$195,000.00 in attorneys' fees (inclusive of expenses).

IV. CLASS REPRESENTATIVES HAVE EARNED THEIR SERVICE AWARDS

The Settlement Agreement also provides that Class Counsel will apply to the Court for

Class Representative Service Award of \$2,000.00 to each Class Representative. S.A. ¶ 11. Class Counsel moves for the approval of the Class Representative Service Awards under principles of equity, given the benefit received by the Class as a whole from the efforts of the representative Plaintiffs in prosecuting these claims on behalf of the Class.

Similar awards have been approved by other Ohio Courts of Common Pleas. *See, e.g.,* Judgment & Order Granting Final Approval of Class Action Settlement, Attorneys' Fees, Expenses, and Class Representative Service Awards, *Pascute v. Amotec, Inc.*, Cuyahoga C.P. No. CV-23-975539 (Feb. 23, 2024) (awarding service awards of \$5,000 to each class representative); Final Approval Order and Judgment of Dismissal with Prejudice, *Wade v. U.S. Bank Nat'l Assoc.*, Hamilton C.P. No. A 1501522 (Sept. 26, 2017) (awarding service awards of \$3,500 to each class representative); Final Order and Judgment Approving Settlement, Certifying Class for Settlement Purposes, Awarding Class Counsel Attorneys' Fees and Dismissing Action with Prejudice, *Kanet v. Third Fed. S. & L. Assoc. of Cleveland*, Hamilton C.P. No. A 1302473 (Mar. 11, 2014) (awarding \$2,350 incentive award).

Furthermore, Ohio federal courts routinely approve service awards of \$2,000 or more in data breach class action settlements. *In re Marshall & Melhorn, LLC Data Breach Litig.*, No 3:23-cv-1181, ECF No. 34, ¶ 7 (N.D.Ohio Jan. 13, 2025) (\$2,500 service awards); *Migliaccio v. Parker Hannifin Corp.*, No. 1:22-cv-835, Doc. 42, ¶ 7 (N.D.Ohio Aug. 2, 2023) (\$3,500 service awards); *Tucker v. Marietta Area Health Care Inc.*, No. 1:11-cv-184, Doc. 38, ¶ 7 (S.D.Ohio Dec. 8, 2023) (\$5,000 service awards), *Phelps v. Toyotetsu N. Am.*, No. 6:22-cv-106, Doc. 47, PageID # 542 (E.D.Ky. Oct. 25, 2023;) (\$5,000 service award), and *Jackson v. Nationwide Retirement Solutions, Inc.*, 2024 WL 958726, at *7 (S.D.Ohio Mar. 5, 2024) (\$5,000 service awards to each of the class representatives).

Plaintiffs have been actively involved in the litigation and put the Class's interest before their personal interests. Coates Aff. ¶ 11. Indeed, Plaintiffs have been attentive to this litigation and thorough advocates for the Class by reviewing the complaint, remaining in contact with Class Counsel throughout the pendency of this litigation, answering Class Counsel's many questions, and reviewing and approving the terms of the Settlement Agreement. *Id.* Accordingly, Class Counsel respectfully requests that the Court approve Class Representative Service Awards to the four Class Representatives in the amount of \$2,000.00 each (\$8,000.00 total) for their time and effort on behalf of all Class Members.

V. CONCLUSION

Based upon the foregoing, Class Counsel respectfully request that this Court approve the payment of (1) \$195,000.00 as fair and reasonable attorneys' fees, inclusive of litigation costs and expenses; and (2) Class Representative Service Awards to each Class Representative in the amount of \$2,000.00 for a total of \$8,000.00.

Dated: June 22, 2026

Respectfully submitted,

/s/ Terence R. Coates

Terence R. Coates (0085579)

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Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I certify that on June 22, 2026, the foregoing was served upon counsel for Defendant by electronic mail in accordance with Civ.R. 5(B)(2)(f), as follows:

R. Morgan Salisbury
LEWIS, BRISBOIS, BISGAARD & SMITH
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/s/ Terence R. Coates
Terence R. Coates (0085579)

EXHIBIT

1

**COURT OF COMMON PLEAS
KNOX COUNTY, OHIO
GENERAL DIVISION**

ANNA MORAN, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

ARIEL CORPORATION,

Defendant.

Case No. 24NG12-0399

Judge Richard Wetzel, Jr.

**AFFIDAVIT OF TERENCE R. COATES
IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

I, Terence R. Coates, being first duly sworn and cautioned, depose and state as follows:

1. I am a partner of the law firm of Markovits, Stock & DeMarco, LLC. I am the current President of the Cincinnati Bar Association, Executive Director of the Potter Stewart Inn of Court, and appointed member of the Southern District of Ohio Local Rules Committee. I am one of the preliminarily-appointed Class Counsel in this Litigation representing Anna Moran, William Bircher, Shane Littleton, and Stephanie Litzenberg ("Plaintiffs") and the proposed Class, and have monitored my firm's and my co-counsel's firms' participation in this matter. The contents of this Affidavit are based upon my own personal knowledge, the events of this litigation, and my review of my firm's business records and information which are maintained on a routine basis.

2. As Counsel for Plaintiffs in this litigation, I have been involved in all aspects of the case, including:

- a. Managing this litigation on behalf of the Plaintiffs and communicating with Defendant's counsel;
- b. Working with Defendant's counsel to negotiate the terms of the Settlement Agreement, including the content of the Class Notice;

- c. Overseeing my firm's handling of this Action;
 - d. Drafting and reviewing all relevant filings on behalf of Plaintiffs and the Class, including not limited to, the Settlement Agreement and its exhibits, and the Motion for Preliminary Approval;
 - e. Selecting the proposed Settlement Administrator, Atticus Administration, LLC ("Atticus");
 - f. Working with Atticus, the Settlement Administrator, to prepare and finalize the content of the notice program materials;
 - g. Developing and implementing case strategy; and,
 - h. Working with co-counsel to efficiently divide tasks to be performed for the benefit of the Class.
3. Because this litigation and settlement process remains on-going, I anticipate that my future involvement implementing the settlement will include the following tasks:
- a. Drafting additional filings related to the proposed request for final approval;
 - b. Reviewing and responding to any potential objections;
 - c. Overseeing and managing the ongoing notice program;
 - d. Overseeing and managing the claims process;
 - e. Preparing for and attending the Fairness Hearing;
 - f. Interacting and corresponding with Defendant's counsel;
 - g. Responding to class member inquiries; and,
 - h. Overseeing the distribution of settlement payments to class members submitting Valid Claims.
4. Class Counsel have represented Plaintiffs on a contingent fee basis in this Action

and have received no payment for legal services rendered to date. Class Counsel have substantial experience handling data breach class actions, in that collectively Class Counsel have represented plaintiffs in over 200 data breach class actions over the past five years. Class Counsel's firm resumes are attached to this Affidavit as **Exhibits A-D**.

5. Defendant is also represented by attorneys who are very experienced with handling the defense of data breach class actions like this one.

6. The Settlement reached in this case was the result of extensive, arm's-length negotiations between Plaintiffs and Defendant. These negotiations were informed by Class Counsel's robust experience with handling similar data breach class action cases in state and federal courts around the country.

7. I have worked with my fellow Class Counsel throughout this litigation. Each firm has contributed to the success of this case and the proposed settlement that is being submitted for the Court's potential approval.

THE PARTIES' NEGOTIATIONS

8. By litigating Defendant's motion to dismiss and exchanging informal discovery, the Parties developed a well-informed understanding of Plaintiffs' claims and Defendant's defenses. Indeed, while Defendant's motion to dismiss was pending, the Parties determined that early discussions regarding resolution of this matter could be beneficial. Pursuant to their settlement discussions, Plaintiffs requested, and Ariel produced, key information about the Data Incident, including the size of the Settlement Class, facts concerning Plaintiffs, and other pertinent facts.

9. Following months of hard-fought, of "arm's-length" negotiations, where the Parties evaluated the strengths and weaknesses underlying their claims and defenses, the Parties were able

to come to an agreement on the key terms of the Settlement. While negotiations were always collegial, cordial, and professional, there is no doubt that they were adversarial in nature, with both Parties forcefully advocating the position of their respective clients.

10. At no point were negotiations collusive. All substantive settlement discussions occurred after we had completed a substantial investigation of the facts, Defendant's systems, and the nature of the compromised data. The Parties agreed they would not negotiate Class Counsel's attorney's fees or Plaintiffs Service Awards until they agreed on the Settlement Agreement's core terms, thus avoiding conflict between Plaintiffs and the Settlement Class.

PLAINTIFFS' EFFORTS IN THIS ACTION

11. Plaintiffs have been attentive to this litigation and thorough advocates for the Class. They reviewed the complaint, remained in touch with Class Counsel throughout the pendency of this litigation and answered Class Counsel's many questions, and reviewed the terms of and approved the Settlement Agreement. Plaintiffs have no conflicts with the Class they seek to represent. Accordingly, the \$2,000 Service Awards are reasonable and justified.

12. Ohio state courts routinely approve service awards of \$2,000 or more in data breach class actions. *See* Judgment & Order Granting Final Approval of Class Action Settlement, Attorneys' Fees, Expenses, and Class Representative Service Awards, *Pascute v. Amotec, Inc.*, Cuyahoga C.P. No. CV-23-975539 (Feb. 23, 2024) (awarding service awards of \$5,000 to each class representative); Final Approval Order and Judgment of Dismissal with Prejudice, *Wade v. U.S. Bank Nat'l Assoc.*, Hamilton C.P. No. A 1501522 (Sept. 26, 2017) (awarding service awards of \$3,500 to each class representative); Final Order and Judgment Approving Settlement, Certifying Class for Settlement Purposes, Awarding Class Counsel Attorneys' Fees and Dismissing Action with Prejudice, *Kanet v. Third Fed. S. & L. Assoc. of Cleveland*, Hamilton C.P.

No. A 1302473 (Mar. 11, 2014) (awarding \$2,350 incentive award).

13. Furthermore, Ohio federal courts routinely approve service awards of \$2,500 or more in data breach class action settlements. *See In re Marshall & Melhorn, LLC Data Breach Litig.*, No 3:23-cv-1181, ECF No. 34, ¶ 7 (N.D.Ohio Jan. 13, 2025) (\$2,500 service awards); *Migliaccio v. Parker Hannifin, Corp.*, No. 1:22-cv-835, Doc. 42, ¶ 7 (N.D.Ohio Aug. 2, 2023) (\$3,500 service awards); *Tucker v. Marietta Area Health Care Inc.*, No. 1:11-cv-184, Doc. 38, ¶ 7 (S.D.Ohio Dec. 8, 2023) (\$5,000 service awards), *Phelps v. Toyotetsu N. Am.*, No. 6:22-cv-106, Doc. 47, PageID # 542 (E.D.Ky. Oct. 25, 2023;) (\$5,000 service award), and *Jackson v. Nationwide Retirement Solutions, Inc.*, 2024 WL 958726, at *7 (S.D.Ohio Mar. 5, 2024) (\$5,000 service awards to each of the class representatives)

**CLASS COUNSEL HAVE COMMITTED SIGNIFICANT TIME AND EFFORT
REPRESENTING PLAINTIFFS AND THE CLASS**

14. Class Counsel took on this Litigation on a purely contingent basis. As such, Class Counsel assumed a significant risk of nonpayment or underpayment.

15. Class Counsel worked efficiently and diligently to forge a strong recovery for the Class, expending substantial time and resources, which could have otherwise been spent on other fee-generating matters, to ultimately reach the Settlement

16. I have spoken with my co-counsel in this case and gathered their current amount of hours and lodestar total to date in this case. The time and efforts expended by Class Counsel to date was efficient and conducted for the best interests of the Class. Through our experience with handling similar data breach class action cases, we foresee spending significant additional time pursuing this case in the future through settlement administration and in preparing for the Fairness Hearing.

17. To date, Class Counsel have collectively expended over 152 hours to date

prosecuting this litigation. This work included exchanging, reviewing, and analyzing information involving complex issues of data privacy and the Data Incident, responding to Defendant's motion to dismiss, negotiating the settlement, and preparing and drafting Plaintiffs' motion for preliminary approval. Further, Class Counsel expects to expend additional hours representing Plaintiffs and the Class through final approval, including drafting their motion for final approval, attending the final approval hearing, overseeing the settlement administration and claims process, responding to inquiries from Plaintiffs and Class Members, and overseeing the distribution of settlement benefits to Class Members submitting valid claims under the Settlement.

LITIGATION EXPENSES

18. I reviewed all the contemporaneous expense records and individual receipts for Class Counsel related to this Action. Class Counsel's expense total is \$3,161.55, consisting of filing fees, service fees, and *pro hac vice* fees. Class Counsel has not been reimbursed for these litigation expenses to date and expects to have additional case expenses through settlement administration and final approval. These expenses will not be reimbursed separately and will be covered by the request of \$195,0000 for attorneys' fees.

FURTHER AFFIANT SAYETH NAUGHT.



Terence R. Coates



STATE OF OHIO :
:
COUNTY OF HAMILTON :

06/22/2026 04:49 PM EDT

Sworn to and subscribed before me by Terence R. Coates on _____.
This certificate pertains to an electronic notarial act with the principal appearing online using audio-visual communication.



ASHLEY S. PAVER
Notary Public, State of Ohio
My Commission Expires:
January 2, 2028



Notary Public



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.
Notarization facilitated by SIGNiX®

EXHIBIT

A



MARKOVITS, STOCK & DeMARCO, LLC

Markovits, Stock & DeMarco, LLC is a boutique law firm whose attorneys have successfully represented clients in some of the largest and most complex legal matters in U.S. history. Our deep and varied experience extends from representing businesses, public pension funds, and individuals in federal and state courts across the nation, to successfully arguing appeals at the highest levels of the legal system – including prevailing before the United States Supreme Court. This broad-based litigation and trial expertise, coupled with no overstaffing and overbilling that can typify complex litigation, sets us apart as a law firm. But expertise is only part of the equation. Courts around the country have recognized Markovits, Stock & DeMarco LLC’s experience in serving as class counsel for plaintiffs. *Bedont v. Horizon Actuarial Servs., LLC*, No. 1:22-CV-01565-ELR, 2022 WL 3702117, *2 (N.D. Ga. May 12, 2022) (noting that class counsel, including Mr. Coates, “are well qualified to serve as Interim Co-Lead Class Counsel and that they will fairly, adequately, responsibly, and efficiently represent all Plaintiffs in the Cases in that role.”); *Shy v. Navistar Int’l Corp.*, No. 3:92-CV-00333, 2022 WL 2125574, at *4 (S.D. Ohio June 13, 2022) (“Class Counsel, the law firm Markovits, Stock & DeMarco, LLC, are qualified and are known within this District for handling complex cases including class action cases such as this one.”); *Bechtel v. Fitness Equip. Servs., LLC*, 339 F.R.D. 462, 480 (S.D. Ohio 2021) (“plaintiffs’ attorneys have appeared in this Court many times and have substantial experience litigating class actions and other complex matters.”); *Schellhorn v. Timios, Inc.*, No. 2:221-cv-08661, 2022 WL 4596582, at *4 (C.D. Cal. May 10, 2022) (noting that Class Counsel, including “Terence R. Coates of Markovits, Stock & DeMarco, LLC, have extensive experience litigating consumer protection class actions”).

BILL MARKOVITS

Bill Markovits practices in the area of complex civil litigation, with an emphasis on securities, antitrust, RICO, and False Claims Act cases. Bill began his career as a trial lawyer at the U.S. Department of Justice Antitrust Division in Washington, D.C. He continued to focus on antitrust after moving to Cincinnati, where he became an adjunct professor of antitrust law at the University of Cincinnati Law School. Bill has been involved in the past in a number of notable cases, including: the Choice Care securities, antitrust and RICO class action in which the jury awarded over \$100 million to a class of physicians; a fraud/RICO case on behalf of The Procter & Gamble Company, which resulted in a settlement of \$165 million; an eleven year antitrust and RICO class action against Humana, including appeals that reached the United States Supreme Court, which culminated in a multi-million dollar settlement; and a national class action against Microsoft, in which he was chosen from among dozens of plaintiffs' attorneys to depose Bill Gates. More recently, Bill was a lead counsel for plaintiffs in the Fannie Mae Securities Litigation that settled for \$153 million; a lead counsel for plaintiffs in a class action against Duke Energy that settled for \$80.75 million; and lead counsel for plaintiff in *Collins v. Eastman Kodak*, where he successfully obtained a preliminary injunction against Kodak on an antitrust tying claim. Based upon the result in *Collins*, Bill was a 2015 finalist in the American Antitrust Institute's Antitrust Enforcement Awards under the category "Outstanding Antitrust Litigation Achievement in Private Law Practice." Bill has received a number of awards and designations, including current and past designations as a "Best Lawyer in America" in the fields of antitrust and commercial litigation.

Education:

Harvard Law School, J.D. (1981), cum laude

Washington University, A.B. (1978), Phi Beta Kappa

Significant and Representative Cases:

- *Collins v. Eastman Kodak*, United States District Court, Southern District of Ohio. Lead counsel representing Collins in antitrust tying claim, resulting in preliminary injunction against Kodak.
- *In Re Federal National Mortgage Association Securities, Derivative, and "ERISA" Litigation*, United States District Court, District of Columbia. Co-lead counsel representing Ohio pension funds in securities class action that settled for \$153 million.
- *Ohio Employees Retirement System v. Federal Home Loan Mortgage, aka Freddie Mac, et al.*, United States District Court, Northern District of Ohio, Eastern Division. Special counsel representing Ohio pension fund in securities class action.
- *Williams v. Duke Energy et al.*, United States District Court, Southern District of Ohio. Representing class of energy consumers against energy provider in complex antitrust and RICO class action that settled for \$80.75 million.
- *In Re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court, Central District of California. Former member of economic loss lead counsel committee, representing class of consumers in litigation relating to sudden acceleration.
- *In Re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, United States District Court, Eastern District of Louisiana. RICO workgroup coordinator in class action resulting from oil spill.
- *In Re Microsoft Corp. Litigation*, United States District Court, District of Maryland. Member of co-lead counsel firm in antitrust class action.

- *Procter & Gamble v. Amway Litigation*, United States District Court, Southern District of Texas, at Houston; United States District Court, District of Utah, at Salt Lake City. Member of trial team representing Procter & Gamble in obtaining jury verdict against Amway distributors relating to spreading of false business rumors.
- *United States ex rel. Brooks v. Pineville Hospital*, United States District Court, Eastern District of Kentucky. One of the lead counsel in successful False Claims Act litigation.
- *Procter & Gamble v. Bankers' Trust Litigation*, United States District Court, Southern District of Ohio. Co-counsel in successful \$165 million settlement; developed the RICO case.
- *United States ex rel. Watt v. Fluor Daniel*, United States District Court, Southern District of Ohio. Co-lead counsel of successful False Claims Act case.
- *Forsyth v. Humana*, United States District Court, District of Nevada. Represented class of consumers in antitrust and RICO class action; successfully argued antitrust appeal; co-chaired successful Supreme Court appeal on RICO.
- *In Re Choice Care Litigation*, United States District Court, Southern District of Ohio, Western Division. Trial attorney on largest antitrust/RICO/securities verdict.

Presentations & Publications:

- "Implications of Sixth Circuit *Collins Inkjet Corp. v. Eastman Kodak Co. Decision*," American Bar Association panel discussion, December 10, 2015
- "Defining the Relevant Market in Antitrust Litigation," Great Lakes Antitrust Seminar, October 29, 2010
- "Beyond Compensatory Damages – Tread, RICO and The Criminal Law Implications," HarrisMartin's Toyota Recall Litigation Conference, Part II, May 12, 2010
- "The Racketeer Influenced and Corrupt Organizations Act (RICO)," HarrisMartin's Toyota Recall Litigation Conference, March 24, 2010
- "The False Claims Act: Are Healthcare Providers at Risk?," presentation to Robert Morris College Second Annual Health Services Conferences, Integrating Health Services: Building a Bridge to the 21st Century, Moon Township, PA, October 9, 1997
- "The Federal False Claims Act: Are Health Care Providers at Risk?," (Co-Speaker), Ohio Hospital Association, April, 1996
- "A Focus on Reality in Antitrust," Federal Bar News & Journal, Nov/Dec 1992
- "Using Civil Rico and Avoiding its Abuse," Ohio Trial, William H. Blessing, co-author, Summer 1992
- "Antitrust in the Health Care Field," a chapter published in Legal Aspects of Anesthesia, 2nd ed., William H. L. Dornette, J.D., M.D., editor
- *Antitrust Law Update, National Health Lawyers Health Law Update and Annual Meeting (Featured Speaker)*, San Francisco, California, 1989

Affiliations:

- American Association for Justice
- American Bar Association
- American Trial Lawyers Association
- Cincinnati Bar Association
- District of Columbia Bar Association (non-active)
- Hamilton County Trial Lawyers Association
- National Health Lawyers Association
- Ohio State Bar Association
- Ohio Trial Lawyers Association

Courts Admitted:

- District of Columbia (1981)
- State of Ohio (1983)
- United States District Court, Southern District of Ohio (1983)
- U.S. Court of Appeals, 6th Circuit (1991)
- U.S. Court of Appeals, 9th Circuit (1995)
- U.S. Supreme Court, United States of America (1998)
- United States District Court, Northern District of Ohio (2008)

PAUL M. DEMARCO

Paul M. De Marco is a founding member of Markovits, Stock & DeMarco, LLC. He is an Appellate Law Specialist certified by the Ohio State Bar Association and has handled more than 100 appellate matters, including cases before the Supreme Court of the United States, six federal circuits, and five state supreme courts.

Paul's practice also focuses on class actions and other complex litigation. During his 30 years in Cincinnati, Paul has been actively involved in successful litigation related to the U.S. Department of Energy's Fernald nuclear weapons plant, the Lucasville (Ohio) prison riot, Lloyd's of London, defective Bjork-Shiley heart valves, Holocaust-related claims against Swiss and Austrian banks, the Bankers Trust derivative scheme, Cincinnati's Aronoff Center, the San Juan DuPont Plaza Hotel fire, the Procter & Gamble Satanism rumor, the Hamilton County (Ohio) Morgue photograph scandal, defective childhood vaccines, claims arising from tire delamination and vehicle roll-over, racial hostility claims against one of the nation's largest bottlers, fiduciary breach claims against the nation's largest pharmacy benefits manager, and claims arising from the heatstroke death of NFL lineman Korey Stringer.

Education:

College of Wooster (B.A., 1981)

University of the Pacific, McGeorge School of Law (J.D. with distinction, 1983)

University of Cambridge (1985)

Significant and Representative Appeals:

- *Arthur Anderson LLP v. Carlisle*, 556 U.S. 624, 129 S.Ct. 1896 (2009): In a case involving allegations of a fraudulent tax shelter and accounting and legal malpractice, the Supreme Court of the United States resolved the issue of the rights of non-parties to arbitration clauses to enforce them against parties, which had divided the circuits.
- *Williams v. Duke Energy International, Inc.*, 681 F.3d 788 (6th Cir. 2012): In a case brought as a class action by a utility's ratepayers for selective payment of illegal rebates to certain ratepayers, the United States Court of Appeals for the Sixth Circuit reversed a district court's dismissal of the excluded ratepayers' claims that the utility violated the RICO statute, the Robinson-Patman Act, and the state corrupt practices act.
- *State of Ohio ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 113 Ohio St.3d 410, 865 N.E.2d 1289 (2007): The Supreme Court of Ohio upheld the appellate court's issuance of the extremely rare writ of procedendo commanding the trial judge to proceed with a trial on claims he mistakenly believed the previous jury had resolved.
- *Chesher v. Neyer*, 477 F.3d 784 (6th Cir. 2007): The Sixth Circuit affirmed the district court's rejection of qualified immunity defenses raised by the Hamilton County (Ohio) coroner, his chief deputy, the coroner's administrative aide, a staff pathologist, and a pathology fellow in connection with the Hamilton County Morgue photo scandal.
- *State of Ohio ex rel. CNG Fin'l Corp. v. Nadel*, 111 Ohio St.3d 149, 855 N.E.2d 473 (2006): The Supreme Court of Ohio affirmed the appellate court's refusal to issue a writ of procedendo commanding the trial judge to halt injunctive proceedings and decide an arbitration issue.
- *Smith v. North American Stainless, L.P.*, 158 F. App'x 699 (6th Cir. 2006): Rejecting a steel manufacturer's "up-the-ladder" immunity defense, the United States Court of Appeals for the Sixth Circuit reversed the district court's dismissal of a wrongful claim brought by the widow and estate of a steel worker killed on the job.
- *Procter & Gamble Co. v. Haugen*, 427 F.3d 727 (10th Cir. 2005): The United States Court of Appeals for the Tenth Circuit reversed the district court's dismissal of Procter & Gamble's Lanham Act claims, paving the way for a \$19.25 million jury verdict in its favor.

- *Roetenberger v. Christ Hospital*, 163 Ohio App.3d 555, 839 N.E.2d 441 (2005): In this medical malpractice action for wrongful death, the Ohio court of appeals reversed the jury verdict in the physician's favor due to improper arguments by his attorney and instructional error by the trial court.
- *City of Cincinnati v. Beretta U.S.A. Corp.*, 95 Ohio St.3d 416, 768 N.E.2d 1136 (2002): In this landmark decision on public nuisance law, the Supreme Court of Ohio held that a public nuisance action could be maintained for injuries caused by a product — in this case, guns — if the design, manufacture, marketing, or sale of the product unreasonably interferes with a right common to the general public.
- *Norgard v. Brush Wellman, Inc.*, 95 Ohio St.3d 165, 766 N.E.2d 977 (2002): In an employee's intentional tort action alleging that his employer subjected him to long-term beryllium exposure, the Supreme Court of Ohio ruled that a cause of action for an employer intentional tort accrues when the employee discovers, or by the exercise of reasonable diligence should have discovered, the workplace injury and — here's the ground-breaking part of the holding — the wrongful conduct of the employer.
- *Wallace v. Ohio Dep't of Commerce*, 96 Ohio St.3d 266, 773 N.E.2d 1018 (2002): In overturning the dismissal of a suit against the state fire marshal for negligently inspecting a fireworks store that caught fire killing nine people, the Supreme Court of Ohio held for the first time that the common-law public-duty rule cannot be applied in cases against the state in the Ohio Court of Claims.

Courts Admitted:

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| • Ohio | • U.S. Court of Appeals, 10th Circuit |
| • California | • U.S. District Court, Southern District of Ohio |
| • Supreme Court of the United States | • U.S. District Court, Northern District of Ohio |
| • U.S. Court of Appeals, 1st Circuit | • U.S. District Court, Eastern District of California |
| • U.S. Court of Appeals, 4th Circuit | • U.S. District Court, Central District of California |
| • U.S. Court of Appeals, 5th Circuit | • U.S. District Court, Southern District of California |
| • U.S. Court of Appeals, 6th Circuit | • U.S. Court of Federal Claims |
| • U.S. Court of Appeals, 7th Circuit | |
| • U.S. Court of Appeals, 9th Circuit | |

Since 1994, Paul has worked to promote professional responsibility among lawyers, serving first as a member and eventually the chair of the Cincinnati Bar Association Certified Grievance Committee, and since 2008 as a member of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.

He also is a member of many legal organizations, including the Federal Bar Association, Ohio State Bar Association, Cincinnati Bar Association, American Bar Association, ABA Council of Appellate Lawyers, and the Cincinnati Bar Association's Court of Appeals Committee.

Paul was one of the founders of the Collaborative Law Center in Cincinnati, a member of Cincinnati's Citizens Police Review Panel (1999-2002), and a member of Cincinnati CAN and its Police and Community Subcommittee following the 2001 riots.

He currently serves on the boards of the Ohio Justice and Policy Center and the Mercantile Library and on the advisory committees of the Fernald Community Cohort and the Fernald Workers' Medical Monitoring Program.

TERENCE R. COATES

Terry Coates is Markovits, Stock & DeMarco's managing partner. His legal practice focuses on personal injury law, sports & entertainment law, business litigation and class action litigation. Mr. Coates is currently participating as a member of plaintiffs' counsel class action cases pending around the country, including serving as co-lead counsel for plaintiff in *In re Advocate Aurora Health Pixel Litigation*, No. 22-CV-1253-JPS (E.D. Wis.) (Class Counsel in \$12,225,000 data privacy class action settlement); *Tracy v. Elekta, Inc.*, No. 1:21-cv-2851 (N.D. Ga.) (Class Counsel in \$8,900,000 data breach class action settlement); *Sherwood v. Horizon Actuarial Services, LLC*, No. 1:22-cv-1495 (N.D. Ga.) (Class Counsel for \$8,733,446.36 million data breach class settlement); *Hernandez v. Purpose Financial, Inc.*, No. 7:23-cv-4256 (D.S.C.) (Class Counsel for \$7,750,000 million data breach class settlement); *In re Novant Health, Inc.*, No. 1:22-cv-00697 (M.D.N.C.) (plaintiffs' counsel for a \$6.66 million data privacy class action settlement); *Durgan v. U-Haul Int'l Inc.*, No. 2:22-cv-0697 (D. Ariz.); Class Counsel for \$5,085,000 data breach class action settlement); *Owens v. U.S. Radiology Specialist, Inc.*, No. 22 CVS 18897 (Mecklenburg County Superior Court, North Carolina) (class counsel for \$5,050,00 data breach class action settlement); *Phillips v. Bay Bridge Administrators, LLC*, No. 23-cv-00022 (W.D. Tex.) (Class Counsel for a \$2,516,890 data breach class action settlement); *Migliaccio v. Parker Hannifin Corp.*, No. 1:22-CV-00835 (N.D. Ohio) (Class Counsel for a \$1.75 million data breach class action settlement); *Tucker v. Marietta Area Health Care, Inc.*, No. 2:22-cv-00185 (S.D. Ohio) (Class Counsel for \$1.75 million common fund settlement); *Tiller v. Hilb Grp. Operating Co., LLC*, No. 2:2023cv759 (E.D. Va.) (\$1.6 million data breach class action settlement); *In re C.R. England, Inc. Data Breach Litig.*, No. 6:22-cv-374 (D. Utah) (Class Counsel for a \$1.4 million common fund settlement); *Jones v. P2ES Holdings, LLC*, No. 23-cv-00408 (D. Colo.) (Class Counsel for a \$1.25 million common fund settlement); and, *In re TalentLaunch Data Breach Litig.*, No. 1:24-cv-456 (N.D. Ohio) (Class Counsel for a \$1.225 million data breach settlement).

Education:

Thomas M. Cooley Law School, J.D. (2009)

Wittenberg University, B.A. (2005)

Representative Cases:

- *Bechtel v. Fitness Equipment Services, LLC*, No. 1:19-cv-726-KLL (S.D. Ohio) (\$3.65 million common fund settlement finally approved on September 20, 2022);
- *Bowling v. Pfizer, Inc.*, No. C-1-95-256 (S.D. Ohio) (Class Counsel for recipients of defective mechanical heart valves including continued international distribution of settlement funds to remaining class members);
- *Collins Inkjet Corp. v. Eastman Kodak Company*, No. 1:13-cv-0664 (S.D. Ohio) (trial counsel for Collins in an antitrust tying claim resulting in a preliminary injunction against Kodak – a decision that was affirmed by the Sixth Circuit Court of Appeals: *Collins Inkjet Corp. v. Eastman Kodak Co.*, 781 F.3d 264 (6th Cir. 2015));
- *Day v. NLO, Inc.*, Case No. C-1-90-67 (S.D. Ohio) (Class Counsel for certain former workers at the Fernald Nuclear weapons facility; the medical monitoring program continues);
- *In re Fannie Mae Securities Litigation*, Case No. 1:04-cv-1639 (D.D.C.) (represented Ohio public pension funds as Lead Plaintiffs in Section 10b securities class action litigation resulting in a \$153 million court-approved settlement);
- *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, & Products Liability Litigation*, MDL No. 2151 (C.D. Cal.) (represented plaintiffs and prepared class representatives for deposition testimony resulting in a court-approved settlement valued in excess of \$1.5 billion);

- *In re NCAA Student-Athlete Name & Likeness Licensing Litigation*, Case No. 09-1967 (N.D. Cal.) (represented NCAA, Olympic, and NBA legend, Oscar Robertson, in antitrust claims against the National Collegiate Athletic Association (NCAA), Collegiate Licensing Company (CLC), and Electronic Arts (EA) leading to a \$40 million settlement with EA and CLC and the Court issuing a permanent injunction against the NCAA for unreasonably restraining trade in violation of antitrust law);
- *Linneman v. Vita-Mix Corp.*, No. 14-cv-748, (S.D. Ohio) (Class Counsel for a nationwide class of Vita-Mix blender consumers resulting in a nationwide settlement);
- *Ryder v. Wells Fargo Bank, N.A.*, No. 1:2019-cv-00638 (S.D. Ohio) (member of class counsel in a \$12 million settlement on behalf of roughly 1,830 class members);
- *Shy v. Navistar International Corp.*, No. 92-cv-0333-WHR (S.D. Ohio) (class counsel for a class action settlement valued at over \$742 million);
- *State of Ohio v. E.I. du Pont de Nemours & Co.*, No. 180T32 (Washington County Court of Common Pleas, Ohio) (Special counsel for the State of Ohio in reaching a \$110 million settlement);
- *State of Ohio v. Monsanto*, No. A 1801237 (Hamilton County Court of Common Pleas, Ohio) (Special counsel for the State of Ohio in reaching a \$80 million settlement);
- *Walker v. Nautilus, Inc.*, No. 2:20-cv-3414-EAS (S.D. Ohio) (\$4.25 million common fund settlement); and,
- *Williams v. Duke Energy*, No. 1:08-cv-00046 (S.D. Ohio) (representing class of energy consumers against energy provider in complex antitrust and RICO class action resulting in the court granting final approval of an \$80.875 million settlement).

Community Involvement:

- Cincinnati Academy of Leadership for Lawyers (CALL), Class XXI, *Participant* (2017)
- Cincinnati Chamber of Commerce C-Change Class 9, *Participant* (2014)
- Cincinnati Chamber of Commerce, *Ambassador* (2014)
- Cincinnati Athletic Club, *President* (2015-2017)
- Cincinnati Athletic Club, *Vice President* (2014-2015)
- Cincinnati Bar Association, Board of Trustees, *Trustee* (2019-present)
- Cincinnati Bar Association, Board of Trustees, *Executive Committee* (2021-present)
- Cincinnati Bar Association, Board of Trustees, *Secretary* (2023-2024)
- Cincinnati Bar Association, Board of Trustees, *Vice President* (2024-2025)
- Cincinnati Bar Association, Board of Trustees, *President Elect* (2025-2026)
- Cincinnati Bar Association, Board of Trustees, *President Elect* (2026-present)
- Cincinnati Bar Association, *Membership Services & Development Committee* (2014-present)
- Cincinnati Bar Association, *Run for Kids Committee* (2009-2014)
- Cincinnati Bar Association, *Social Committee* (2011-2014)
- Clermont County Humane Society, *Board Member* (2014-2017)
- Clermont County Humane Society, *Legal Adviser* (2017-present)
- Potter Stewart Inn of Court, *Executive Director* (2021-present)
- Summit Country Day High School, *Mock Trial Adviser* (2013-2016)
- St. Peter in Chains, Cathedral, Parish Council (2014-2017)

Recognitions:

- Super Lawyers, Rising Star (2014 – 2022)
- Super Lawyers, Super Lawyer (2022-present)
- Best Lawyers in America, Commercial Litigation (2020-present)
- Best Lawyers in America, Lawyer of the Year – Cincinnati, Litigation – Securities (2026)
- Wittenberg University Outstanding Young Alumnus Award (2014)
- Cincinnati Bar Association, Young Lawyers Section Professionalism Award (2015)
- JDRF Bourbon & Bow Tie Bash, *Young Professional (Volunteer) of the Year* for the Flying Pig Marathon (2016)
- Cincinnati Business Courier, Forty Under 40 (2019)
- Cincinnati Cystic Fibrosis Foundation, Cincinnati's Finest Honoree (2020)

Courts Admitted:

- State of Ohio (2009)
- United States District Court, District of Colorado
- United States District Court, Northern District of Illinois
- United States District Court, Eastern District of Michigan
- United States District Court, Western District of Michigan
- United States District Court, Eastern District of Missouri
- United States District Court, District of Nebraska
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Ohio
- United States District Court, Northern District of Texas
- United States District Court, Eastern District of Wisconsin
- United States District Court, District of Nebraska
- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Eighth Circuit

HON. PIERRE BERGERON

Pierre joins MSD after six years of service as a judge on Ohio's First District Court of Appeals. Pierre's colleagues elected him Administrative Judge in 2021, during which he helped guide the Court through the pandemic and led a comprehensive revamping of the Court's technology and case management systems. Pierre served as a visiting judge on the Ohio Supreme Court, as well as the Fourth, Sixth, and Tenth Appellate Districts. He was also selected to teach "new judges school" to incoming Ohio appellate judges, and presented at numerous judicial education conferences.

Before his election as judge, Pierre served as chair of the Appellate and Supreme Court Practice as a partner at a global law firm, and he previously clerked for the Honorable David A. Nelson on the U.S. Sixth Circuit Court of Appeals. Pierre is one of the few lawyers in Ohio to argue multiple cases before the U.S. Supreme Court.

Pierre brings a wealth of experience and perspective to ADR matters, appellate and commercial litigation. He is also a recognized thought leader—teaching state constitutional law at the University of Cincinnati College of Law and serving as the Lively Professor of Government and Law at Centre College. He has published articles in the law reviews of Wake Forest, Emory, Cincinnati, Tennessee, and Kentucky, among others.

Pierre has been active in bar-related organizations, including serving as President of the Cincinnati/Northern Kentucky Chapter of the Federal Bar Association, Trustee of the Cincinnati Bar Association, Life Member of the Sixth Circuit and as a member of the Council of Chief Judges of State Courts of Appeals, the Ohio Judicial Conference, and the American Judges Association.

Education:

- Centre College, B.A. (1996)
- University of Virginia School of Law, J.D. (1999)

Courts Admitted:

- Ohio
- Florida
- Kentucky
- United States Supreme Court
- U.S. Court of Appeals 6th Circuit
- U.S. Court of Appeals 7th Circuit
- U.S. Court of Appeals 9th Circuit
- U.S. Court of Appeals District of Columbia Circuit
- U.S. Court of Appeals Federal Circuit
- U.S. District Court Southern District of Ohio
- U.S. District Court Northern District of Ohio
- U.S. District Court Eastern District of Kentucky
- U.S. District Court Western District of Kentucky
- U.S. District Court Eastern District of Michigan
- U.S. District Court Eastern District of Tennessee
- U.S. District Court Middle District of Florida
- U.S. District Court Southern District of Florida

JUSTIN C. WALKER

Justin C. Walker is Of Counsel at Markovits, Stock & DeMarco. Justin's practice areas are focused on complex civil litigation, with an emphasis on cases involving data privacy and consumer fraud. Before joining Markovits, Stock & DeMarco in April 2019, Justin practiced at the Finney Law Firm, a boutique law firm specializing in complex litigation and constitutional law. At the beginning of his legal career, Justin served as a judicial extern for Senior United States District Judge Sandra S. Beckwith before taking a full-time position as a law clerk and magistrate in the Hamilton County Ohio Court of Common Pleas for the Honorable Norbert A. Nadel. After completing his clerkship, Justin took a position as a prosecutor, serving as first chair for multiple jury trials. Justin then entered private practice, shifting his practice to focus on litigation matters.

Education:

- Miami University, B.S. (2001)
- University of Cincinnati, J.D. (2005)

Courts Admitted:

- State of Ohio (2005)
- U.S. Court of Appeals, 6th Circuit (2017)
- U.S. District Court, Southern District of Ohio (2008)
- U. S. District Court, Northern District of Ohio (2023)
- U.S. District Court, Western District of Michigan (2023)
- U.S. District Court for the District of Colorado (2023)
- U.S. Bankruptcy Court, Southern District of Ohio (2009)

Representative Cases:

- *Shin v. Plantronics, Inc.*, 18-cv-05626, 2019 WL 2515827 (N.D. Cal. June 17, 2019) (class counsel);
- *Abrams v. Savannah Coll. of Art & Design, Inc.*, No. 1:22-CV-04297 (N.D. Ga.) (member of class counsel in data breach action for a \$375,000 settlement);
- *Reynolds, et al. v. Marymount Manhattan College*, No. 1:22-CV-06846-LGS (S.D. New York) (class counsel in a \$1.3 million data breach settlement)
- *Bechtel v. Fitness Equipment Services, LLC*, No. 1:19-cv-726-KLL (S.D. Ohio) (class counsel in \$3.65 million common fund settlement finally approved on September 20, 2022);
- *Jones v. P2ES Holdings, LLC*, No. 1:23-cv-00408-GPG-MEH (U.S.D.C. Col.) (court-appointed class counsel in preliminarily approved \$1,250,000 class action settlement);
- *Julien v. Cash Express*, No. 2022-cv-221 (Nov. 9, 2023, Tenn. Cir. Ct., Putnam Cty.) (court-appointed class counsel in finally approved \$850,000 data breach settlement);
- *Viruet v. Community Surgical Supply, Inc.*, No. OCN-L-001215-23 (Aug. 4, 2023, New Jersey Com.Pl., Ocean Cty.) (class counsel in data breach settlement);
- *Jackson v. Nationwide Retirement Solutions*, No. 2:22-cv-3499 (S.D. Ohio) (class counsel in data breach settlement);
- *Hughes v. Union Savings Bank*, No. A1904891 (Aug. 5, 2021, Ohio Com.Pl.) (class counsel in \$549,000 settlement);
- *Morano v. Fifth Third Bancorp*, No. A2003954 (Jul. 13, 2022, Ohio Com. Pl) (class counsel in class action settlement);
- *Voss v. Quicken Loans*, No. A 2002899, 2023 WL 1883124 (Feb. 8, 2023 Ohio Com.Pl.) (class counsel where Court granted class certification of contested claim under Ohio law);
- *Linneman v. Vita-Mix Corp.*, Case No. 15-cv-748, United States District Court, Southern District of Ohio (Co-Class Counsel for a nationwide class of Vita-Mix blender consumers resulting in a nationwide settlement).

- *Baker v. City of Portsmouth*, Case No. 1:14-cv-512, 2015 WL 5822659 (S.D. Ohio Oct. 1, 2015) (Co-Counsel for a class of property owners, the Court ruled that City violated the Fourth Amendment when it required property owners to consent to a warrantless inspection of their property or face a criminal penalty where not valid exception to the warrant requirement exists).
- *E.F. Investments, LLC v. City of Covington, Kentucky*, Case No. 17-cv-00117-DLB-JGW, United States District Court, Eastern District of Kentucky (Lead Counsel on case brought on behalf of local property owners, contending that City's rental registration requirements violated the Fourth Amendment resulting in a settlement).
- *State of Ohio ex rel. Patricia Meade v. Village of Bratenahl*, 2018-04409, Supreme Court State of Ohio (Co-Counsel on behalf of local taxpayer contending that Defendant's violated Ohio Open Meetings Law).
- *Dawson v. Village of Winchester*, United States District Court, Southern District of Ohio (Lead Counsel represented Plaintiff claiming Federal Civil Rights violations due to unconstitutional arrest and detainment).

Affiliations and Presentations:

- Cincinnati Bar Association
- Clermont County Bar Association
- American Association for Justice
- "Municipal Bankruptcy: Chapter 9 – Should Cincinnati Consider Filing for Bankruptcy"
- "Ohio CLE Introduction to Bankruptcy for Lawyers CLE"

CHRISTOPHER D. STOCK

Chris's legal practice focuses on securities class action and multi-district products liability litigation, as well as appellate advocacy. Serving as a judicial law clerk for Ohio Supreme Court Justice Terrence O'Donnell gave Chris invaluable insight into how courts synthesize and deconstruct legal arguments. Since then, Chris has briefed and argued numerous cases before the United States Court of Appeals for the Sixth Circuit, the Ohio Supreme Court, and Ohio appellate courts, including obtaining a rare summary reversal from the United States Supreme Court.

Chris also served as both Deputy First Assistant Attorney General and Deputy State Solicitor for Ohio Attorney General Jim Petro. In these positions, Chris was principal counsel to the Attorney General on a wide variety of legal and policy-oriented issues, including numerous constitutional and regulatory matters arising from state agencies, boards, and commissions. Prior to his service in state government, Chris was an attorney at a 500-lawyer nationally-recognized law firm.

He received multiple designations as an Ohio Super Lawyers "Rising Star."

Education:

The Ohio State University, Moritz College of Law, J.D. (2002)

The Ohio State University, BA (1997)

Significant Cases:

- *In re Fannie Mae Securities Litigation*, Case No. 1:04-cv-1639 (D.D.C.). Represented Ohio public pension funds as Lead Plaintiffs in Section 10b-5 securities class action litigation.
- *Ohio Public Employees Retirement System v. Freddie Mac, et al.*, Case No. 4:08-cv-160 (N.D. Ohio). Representing Ohio public pension funds as Lead Plaintiffs in Section 10b-5 securities class action litigation.
- *Williams v. Duke Energy*, Case No.: 1:08-CV-00046 (S.D. Ohio). Represented class of energy consumers against energy provider in complex antitrust and RICO class action.
- *Slaby v. Wilson*, Hamilton County Court of Common Pleas. Represented two private individuals who were falsely accused by a County Commissioner of murdering their child and covering up the child's death (as well as sexual abuse of child).
- *Kelci Stringer, et al. v. National Football League, et al.*, United States District Court, Southern District of Ohio, Western Division. Represented professional football player against NFL and helmet manufacturer in wrongful death/products liability litigation related to professional football player's death.
- *Susan B. Anthony List v. Driehaus*, United States District Court, Southern District of Ohio, Western Division. Represented former Congressman in defamation action against organization who published false statements about former Congressman's voting record and alleged influence over organization's commercial activities.
- *Mitchell v. Esparza*, Case No. 02-1369 (United States Supreme Court). Obtained summary reversal of Sixth Circuit decision on Eighth Amendment capital sentencing issue.
- *Cleveland Bar Association v. CompManagement, Inc.*, Case No. 04-0817 (Ohio Supreme Court). Represented the State of Ohio as amicus in landmark workers' compensation lawsuit.

Presentations:

- Class Action Boot Camp: The Basics and Beyond (2012).
- Harris Martin Toyota Sudden Unintended Acceleration Litigation Conference: TREAD Act Liability and Toyota (2010).
- Harris Martin BP Oil Spill Litigation Conference: The RICO Act's Application to the BP Oil Spill (2010).

Affiliations:

- Ohio State Bar Association
- Cincinnati Bar Association

Courts Admitted:

- State of Ohio (2002)
- United States District Court, Southern District of Ohio (2003)
- Sixth Circuit Court of Appeals, Ohio (2003)
- United States District Court, Northern District of Ohio (2007)

DYLAN J. GOULD

Dylan is an associate attorney at Markovits, Stock & DeMarco. Dylan's practice primarily focuses on class action and complex civil litigation with an emphasis on cases involving consumer fraud and data privacy. He also has experience with matters related to sports & entertainment, personal injury, commercial law, civil conspiracy, and civil litigation under the RICO Act. At the University of Cincinnati College of Law, where he spent multiple semesters on the Dean's Honors List, Dylan was selected to the Trial Practice and Moot Court teams, participating in mock trial and appellate court competitions with law students across the country. Upon graduation, Dylan joined Markovits, Stock & DeMarco, where he quickly gained valuable experience in nearly every facet of the litigation process while skillfully guiding several cases to final judgment, including as a court appointed member of class counsel in multiple actions gaining final approval of class action settlement. In recognition of his achievements, Dylan was named an Ohio Super Lawyers Rising Star in 2021, 2023, 2024, and 2025. Aside from his litigation practice, Dylan is also a Certified Contract Advisor with the National Football League Players Association.

Education:

University of Cincinnati, J.D. (2018)

University of Colorado at Boulder, B.A. (2015)

Courts Admitted:

- State of Ohio (2018)
- United States District Court, Southern District of Ohio (2019)
- United States District Court, Northern District of Ohio (2022)
- United States District Court, Eastern District of Wisconsin (2022)
- United States Court of Appeals, Sixth Circuit (2023)
- United States District Court, District of Colorado (2023)
- United States District Court, Western District of Wisconsin (2024)
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Representative Cases:

- *In re Advocate Aurora Health Pixel Litig.*, No. 22-CV-1253-JPS, 2024 WL 3357730 (E.D. Wis. July 10, 2024) (approving \$12.25 million non-reversionary common fund settlement in data privacy action);
- *Lutz v. Electromed, Inc.*, No. 21-cv-2198, 2023 WL 4362813 (D. Minn. July 6, 2023) (approving \$825,000 non-reversionary common fund settlement in data breach action);
- *Compound Prop. Mgmt. LLC v. Build Realty, Inc.*, 343 F.R.D. 378 (S.D. Ohio 2023) (granting contested class certification of claims related to complex real estate lending scheme in civil RICO action);
- *Voss v. Quicken Loans, LLC*, No. A2002899, 2023 WL 1883124 (Hamilton County, Ohio C.P. Feb. 8, 2023) (granting contested class certification in case related to the alleged display of false mortgage data in county records), *aff'd*, 2024-Ohio-12 (Ohio 1st Dist. Ct. App.);
- *Gruscinski v. Wasserstrom Holdings, Inc.*, No. 2:23-CV-2070, 2023 WL 5974635 (S.D. Ohio Sept. 14, 2023) (approving Mr. Gould as member of Interim Co-Lead Counsel in data breach action).

JONATHAN T. DETERS

Jon is a Cincinnati native whose legal practice is focused on complex civil litigation, class action litigation, personal injury law, and sports & entertainment law. Jon has been a litigator since the start of his career, and his clients have included individuals, businesses, local governments, and government officials. Jon's experience serving as both plaintiff and defense counsel make him uniquely qualified and well-suited to represent individual and corporate clients in litigation. Jon has been designated as an Ohio Super Lawyers "Rising Star" from 2019-present, which is a distinction awarded to less than 2.5% of Ohio attorneys under the age of 40.

Before joining Markovits, Stock & DeMarco in January 2022, Jon practiced at an Ohio law firm specializing in civil litigation, personal injury, and constitutional law. While in law school, Jon served as a constable in the Hamilton County Ohio Court of Common Pleas for the Honorable Steven E. Martin and worked as law clerk at the Law Office of Steven R. Adams.

Education:

Salmon P. Chase School of Law at Northern Kentucky University, J.D. (2015)

Xavier University, Cincinnati, Ohio, Honors Bachelor of Arts (2012)

Representative Cases:

- *Baker v. Carnine*, No. 1:19-CV-60 (2022), United States District Court, Southern District of Ohio;
- *Jones v. Vill. of Golf Manor*, No. 1:18-CV-403 (2020), United States District Court, Southern District of Ohio;
- *Vaduva v. City of Xenia*, 780 F. App'x 331 (6th Cir. 2019);
- *Gillispie v. Miami Twp.*, No. 3:13-CV-416 (2017), United States District Court, Southern District of Ohio;
- *City of Mt. Healthy v. Fraternal Ord. of Police, Ohio Lab. Council, Inc.*, 101 N.E.3d 1163 (2017), Ohio First District Court of Appeals.

Community Involvement:

- Cincinnati Bar Association, *Member*
- Ohio Bar Association, *Member*
- Boy Hope Girls Hope of Cincinnati, *Young Professionals Board Member*
- Board of Trustees of the New St. Joseph Cemetery, Cincinnati, Ohio, *Member*

Courts Admitted:

- State of Ohio
- United States District Court, Southern District of Ohio
- United States Court of Appeals, Sixth Circuit

SPENCER D. CAMPBELL

Spencer is an associate attorney at Markovits, Stock & DeMarco. Since joining the firm as a law clerk in 2021, Spencer has developed a practice dedicated primarily to complex civil litigation and civil class actions, with a particular focus on data privacy. Spencer's background is in advocacy. While studying for his undergraduate degree at Miami University, Spencer and his teammates won the American Mock Trial Association's National Championship in 2018. In his first semester of law school, he was named Best Attorney at the Ohio Attorney General's Trial Team Competition. Throughout law school, he received numerous other awards at the national level in both trial and appellate settings. Upon graduation, Spencer was appointed to the Order of the Barristers, and awarded the Neil Weil Service Award for National Excellence in Moot Court and the John W. Peck Award for Excellence in Trial Practice. Since stepping into his current role as an associate at Markovits, Stock & DeMarco, Spencer has devoted his time and energy to mastering the art of litigation in all its forms.

Education:

University of Cincinnati College of Law, Cincinnati, Ohio, J.D. (2022)

Miami University, Oxford, Ohio, Bachelor of Arts (2019)

Courts Admitted:

- State of Ohio
- United States District Court, Southern District of Ohio

Professional Affiliations:

- Ohio State Bar Association, *Member*
- Cincinnati Bar Association, *Member*
- The Potter Stewart Inn of Court, *Associate Member*
- Phi Mu Alpha Sinfonia, *Alumni*
- University of Cincinnati College of Law, *Advocacy Coach*
- University of Dayton, *Mock Trial Coach*

Awards & Distinctions:

- John W. Peck Award for Excellence in Trial Practice (2022)
- Neil Weill Service Award for National Excellence in Moot Court (2022)
- Order of the Barristers (2022)
- All-American, American Mock Trial Association (2019)
- All-American, American Mock Trial Association (2018)
- National Champion, American Mock Trial Association (2018)
- President's Medallion, Miami University (2018)

ISABEL DEMARCO

Isabel is an associate attorney whose practice focuses on complex civil litigation, with an emphasis on data privacy. Before joining Markovits, Stock & DeMarco, Isabel practiced at an employment law firm specializing in wage and hour matters. During law school, Isabel was a litigation fellow at the Ohio Innocence Project and a legal intern with The Legal Aid Society's Wrongful Conviction Unit in New York City. Isabel's commitment to advocacy was recognized during law school, where she received The Lois Rosenthal Award for her work with the Ohio Innocence Project. Isabel brings her passion for litigation and advocacy into her work at Markovits, Stock & DeMarco.

Education:

- University of Cincinnati College of Law, Cincinnati, Ohio, J.D. (2023)
- Xavier University, Cincinnati, Ohio, B.A. (2020)

Courts Admitted:

- State of Ohio (2023)
- United States District Court, Southern District of Ohio (2023)

Professional Affiliations:

- Ohio Bar Association, *Member*
- Cincinnati Bar Association, *Member*

Awards & Distinctions:

- Professor Nora J. Lauerman Family Law Prize (2022)
- The Lois Rosenthal Award (Ohio Innocence Project) (2022)

EXHIBIT

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Our Firm

Strauss Borrelli PLLC is a premier civil litigation team focused on representing groups of individuals who have been harmed by corporate misconduct. We regularly represent clients in cases involving data misuse, illegal telemarketing, privacy intrusion, unfair employment practices, and defective products. Our efforts have earned us a reputation for achieving success in high-stakes and complex cases across the country.

At every step, we put the interests of our clients first.

We make the courtroom accessible to all.

At Strauss Borrelli, we understand that our legal system is out of reach for most individuals who have suffered at the hands of corporate wrongdoing. Time, money, and expertise act as barriers to judicial action. We confront these obstacles by empowering those affected to take collective action to seek relief.

We innovate and adapt.

As new technologies become available, our team learns and grows to make our processes faster, more effective, and less expensive. We challenge each other to continually evolve to meet the needs of our clients in an ever-changing world.

We know that people are our greatest resource.

Whether it be within our own team or with experts, co-counsel, or clients, we foster collaborative spaces. We know that good ideas can come from anyone, and the best ideas are forged when we work together. Our experiences have shown us that fresh perspectives coupled with legal expertise create smart strategies.

We understand the strength in numbers.

Too often, corporate transgressions go unchallenged. Together, we create a check against large companies' misconduct. By combining individual claims, we hold those who put profit over people accountable and achieve relief for all those injured by wrongdoings ranging from the annoyance of daily telemarketing calls to the devastation of a sudden mass layoff.

We commit to personal connections.

At every stage, we help clients understand the complex issues at hand and empower them to take an active role in their cases. We will always take the time to build relationships with our clients in order to understand what success means to them. In defining and reaching our goals, we advise with compassion and understanding.

Our Cases

CONSUMER PROTECTION

Fowler, et al. v. Wells Fargo Bank, N.A. (N.D. Cal.)

Filed on behalf of consumers who were overcharged fees on FHA mortgages. The case settled on a class-wide basis for \$30,000,000 in 2018, and final approval was granted in January 2019.

Jones, et al. v. Monsanto Company (W.D. Mo.)

Filed on behalf of individuals who purchased mislabeled RoundUp® products. The case settled on a class-wide basis in 2020 for \$39,550,000. Final approval was granted in May 2021 and the case is currently on appeal to the United States Court of Appeals for the Eight Circuit.

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

Filed on behalf of consumers who purchased or leased Dodge Ram 1500 and 1500 Classic vehicles equipped with 3.0L EcoDiesel engines between 2013 and 2019. Plaintiffs allege unfair, deceptive, and fraudulent practices in the Defendants' marketing and sale of vehicles with allegedly defective EGR coolers. This case is currently pending in the United States District Court for the Eastern District of Michigan.

In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation (N.D. Cal.)

Filed on behalf of consumers against Fiat Chrysler and Bosch alleging unfair, deceptive, and fraudulent practices in the Defendants' marketing and sale of certain EcoDiesel vehicles. The class contained over 100,000 vehicles, including 2014-2016 model-year Jeep Grand Cherokees and Dodge Ram 1500 trucks that were allegedly outfitted with devices that masked actual emission levels. The case settled on a class-wide basis for \$307,500,000, and final approval was granted in May 2019.

Rolland, et al. v. Spark Energy, LLC (D.N.J.)

Filed on behalf of consumers who were forced to pay considerably more for their electricity than they should otherwise have paid due to Spark Energy's deceptive pricing practices. Plaintiff alleges that Spark Energy engages in a bait-and-switch deceptive marketing scheme luring consumers to switch utility companies by offering lower than local utility rates. These lower rates are fixed for only a limited number of months and then switch to a variable market rate that is significantly

higher than the rates local utilities charge. The case settled on a class-wide basis for \$11,000,000 in 2022, and final approval was granted in December 2022.

Haines v. Washington Trust Bank (Wash. Sup. Ct., King Cty.)

Strauss Borrelli attorneys represented consumers who were charged \$35 overdraft fees by Washington Trust Bank on accounts that were never actually overdrawn. Plaintiff filed suit against Washington Trust Bank for the unfair and unlawful assessment of these overdraft fees. This case settled on a class-wide basis in 2021, and final approval was granted in November 2021.

Pryor v. Eastern Bank (Mass. Sup. Ct., Suffolk Cty.)

Strauss Borrelli attorneys represented consumers who were charged \$35 overdraft fees by Eastern Bank on accounts that were never actually overdrawn. Plaintiff filed suit against Eastern Bank for the unfair and unlawful assessment of these overdraft fees. This case settled on a class-wide basis in 2021, and final approval was granted in March 2021.

Benanav, et al. v. Healthy Paws Pet Insurance LLC (W.D. Wash.)

Strauss Borrelli represents consumers who were deceived by Healthy Paws Pet Insurance, an insurance provider that markets and administers pet insurance policies, regarding the true cost of its pet insurance policies. Plaintiffs allege that purchasers of Healthy Paws Pet Insurance's policies found that their policy premiums increased drastically from year to year, at a rate far outpacing the general costs of veterinary medicine, despite Healthy Paws Pet Insurance's representations to the contrary. This case is currently pending in the United States District Court for the Western District of Washington.

DATA BREACH

Walters v. Kimpton Hotel & Restaurant Group, LLP (N.D. Cal.)

Filed on behalf of consumers whose private information and personal identifiable information, including credit and debit card numbers, names, mailing addresses, and other personal information, was compromised and stolen from Kimpton Hotel & Restaurant Group by hackers. The case settled on a class-wide basis in 2018, and final approval was granted in July 2019.

Reetz v. Advocate Aurora Health, Inc. (Wis. Cir. Ct., Milwaukee Cty.)

Filed on behalf of employees of Aurora Advocate Health, the 10th largest not-for-profit integrated health care system in the United States, whose personally identifiable information was breached and stolen through an email phishing campaign beginning in January 2020. Many of these individuals have lost time

and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled in 2023.

Goetz v. Benefit Recovery Specialists, Inc. (Wis. Cir. Ct., Walworth Cty.)

Strauss Borrelli attorneys represented a class of consumers whose personal health information was compromised and stolen from Benefit Recovery Specialists, Inc., a Houston-based billing and collections services firm that provides billing and collection services to healthcare providers across the country. Many of these consumers have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled on a class-wide basis in 2022 and final approval was granted in July 2022.

In re BJC Healthcare Data Breach Litigation (Mo. Cir. Ct., St. Louis Cty.)

Strauss Borrelli attorneys represented a class of consumers whose personal health information was compromised and stolen from BJC Healthcare, a major regional health system. Many of these consumers lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled on a class-wide basis in 2021 and final approval was granted in September 2022.

Daum, et al. v. K & B Surgical Center, LLC (Cal. Sup. Ct., Los Angeles Cty.)

Strauss Borrelli attorneys represented a class of consumers whose personal health information and protected health information was compromised and stolen from K & B Surgical Center. Many of these consumers have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. The case settled in 2023.

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

Filed on behalf of consumers whose personal identifiable information and protected health information was breached and stolen from Netgain Technology, LLC beginning in September 2020. Strauss Borrelli partner, Raina Borrelli, serves as a member of the Plaintiffs' Interim Executive Committee in this multidistrict litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the District of Minnesota.

Dusterhoff, et al. v. OneTouchPoint Corp. (E.D. Wisc.)

Filed on behalf of 2.6 million consumers whose personal identifiable information and protected health information was breached and stolen from OneTouchPoint Corp., a mailing and printing services vendor, beginning in April 2022. Strauss

Borrelli partner, Raina Borrelli, serves as a member of the Plaintiffs' Steering Committee in this litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the Eastern District of Wisconsin.

In re Lincare Holdings Inc. Data Breach Litigation (M.D. Fla.)

Filed on behalf of consumers whose personal identifiable information and protected health information was breached and stolen from Lincare Holdings Inc., a medical products and services provider, beginning in September 2021. Strauss Borrelli partner, Raina Borrelli, serves as a member of the Interim Executive Leadership Committee for plaintiffs and the class in this multidistrict litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the Middle District of Florida.

Forslund, et al. v. R.R. Donnelley & Sons Company (N.D. Ill.)

Filed on behalf of consumers whose personal identifiable information was breached and stolen from R.R. Donnelley & Sons Company, a Fortune 500 marketing, packaging, and printing company, beginning in November 2021. Strauss Borrelli partner, Raina Borrelli, serves as interim co-lead counsel for plaintiffs and the class in this litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the Northern District of Illinois.

DATA PRIVACY

Patterson v. Respondus, Inc., et al. (N.D. Ill.)

Filed on behalf of all persons who took an exam using Respondus' online exam proctoring software, Respondus Monitor, in the state of Illinois. Plaintiffs allege that Respondus collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. This case is currently pending in the United States District Court for the Northern District of Illinois.

Powell v. DePaul University (N.D. Ill.)

Strauss Borrelli attorneys represented a class of DePaul University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric

information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleged that DePaul University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case settled in 2023.

Fee v. Illinois Institute of Technology (N.D. Ill.)

Strauss Borrelli attorneys represented a class of Illinois Institute of Technology students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleged that Illinois Institute of Technology collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case settled in 2023.

Harvey v. Resurrection University (N.D. Ill.)

Strauss Borrelli attorneys represented a class of Resurrection University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleged that Resurrection University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case settled in 2023.

RIGHT OF PUBLICITY

Abraham, et al. v. PeopleConnect, Inc., et al. (N.D. California)

Filed on behalf of California residents against PeopleConnect alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that PeopleConnect violates these legal rights by using California residents' names and childhood photographs in advertisements promoting paid subscriptions to its website, classmates.com. The case is pending in the United States District Court for the Northern District of California.

Boshears, et al. v. PeopleConnect, Inc., et al. (W.D. Wash.)

Filed on behalf of Indiana residents against PeopleConnect alleging violations of Indiana's Right of Publicity Statute and Indiana's common law prohibiting misappropriation of a name or likeness. Plaintiffs allege that PeopleConnect violates these legal rights by using Indiana residents' personalities, including their names and childhood photographs, in advertisements promoting paid

subscriptions to its website, classmates.com. The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit.

Loendorf v. PeopleConnect, Inc., et al. (N.D. Ill.)

Mackey v. PeopleConnect, Inc., et al. (N.D. Ill.)

Both actions were filed on behalf of Illinois residents against PeopleConnect alleging violations of Illinois' Right of Publicity Act and Illinois common law prohibiting unjust enrichment. Plaintiffs allege that PeopleConnect violates these legal rights by using Illinois residents' names, personas, and personal information in advertisements promoting paid subscriptions to its website, classmates.com, and unlawfully profiting from it. The cases are pending in the United States District Court for the Northern District of Illinois.

Sessa, et al. v. Ancestry.com Operations Inc., et al. (D. Nev.)

Filed on behalf of Nevada residents against Ancestry.com alleging violations of Nevada's right to publicity statute, Nevada law prohibiting deceptive trade practice, Nevada common law protection against Intrusion upon Seclusion, and Nevada Unjust Enrichment law. Plaintiffs allege that Ancestry.com violates these legal rights by knowingly misappropriating the photographs, likenesses, names, and identities of Nevada residents for the commercial purpose of selling access to and advertising them in Ancestry.com products and services without their prior consent. The case is pending in the United States District Court for the District of Nevada.

Braundmeier v. Ancestry.com Operations, Inc., et al. (N.D. Ill.)

Filed on behalf of Illinois residents against Ancestry.com alleging violations of Illinois' Right of Publicity Act and Illinois common law prohibiting unjust enrichment. Plaintiffs allege that Ancestry.com violates these legal rights by knowingly misappropriating the photographs, likenesses, names, and identities of Illinois residents for the commercial purpose of selling access to and advertising them in Ancestry.com products and services without their prior consent. The case is pending in the United States District Court for the Northern District of Illinois.

Spindler v. Seamless Contacts Inc. (N.D. Cal.)

Filed on behalf of California residents against Seamless Contacts Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that Seamless Contacts violates these legal rights by using California residents' names, likenesses, photographs, and personas in advertisements promoting paid subscriptions to its website, seamless.ai. The case is pending in the United States District Court for the Northern District of California.

Martinez v. ZoomInfo Technologies Inc. (W.D. Wash.)

Filed on behalf of California residents against ZoomInfo Technologies Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that ZoomInfo Technologies violates these legal rights by using California residents' names and person information in advertisements promoting paid subscriptions to its website, zoominfo.com, as well as selling access to their names and personal information as part of its products. The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit.

Gbeintor v. DemandBase, Inc., et al. (N.D. Cal.)

Filed on behalf of California residents against DemandBase, Inc. and InsideView Technologies, Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that DemandBase and InsideView Technologies violate these legal rights by using California residents' names, likenesses, photographs, and personas in advertisements promoting paid subscriptions to its website, insideview.com, without their consent. The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit.

Kellman, et al. v. Spokeo, Inc. (N.D. Cal.)

Filed on behalf of California residents against Spokeo, Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that Spokeo violates these legal rights by using California residents' names, likenesses, photographs, and personas in advertisements promoting paid subscriptions to its website without their consent. The case is pending in the United States District Court for the Northern District of California.

TELEPHONE CONSUMER PROTECTION ACT

Evans v. American Power & Gas, LLC, et al. (S.D. Ohio)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. The case settled on a class-wide basis for \$6,000,000, and final approval was granted in May 2019.

Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh (D. Mass.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$14,000,000 in 2020. Final approval was granted in October 2021 and the case is currently on appeal to the United States Court of Appeals for the First Circuit.

Baldwin, et al. v. Miracle-Ear, Inc., et al. (D. Minn.)

Filed on behalf of consumers who received automated or prerecorded telemarketing telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$8,000,000 in 2021 and final approval was granted in October 2022.

Goodell, et al. v. Van Tuyl Group, LLC (D. Az.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case settled in 2023.

Doup v. Van Tuyl Group, LLC (N.D. Tex.)

Filed on behalf of consumers who received solicitation telephone calls on their cellular and residential telephones that were listed on the National Do-Not-Call Registry, without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case settled in 2023.

Dickson v. Direct Energy, LP, et al. (N.D. Ohio)

Filed on behalf of consumers who received automated or prerecorded telemarketing telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the Northern District of Ohio.

Learned, et al. v. McClatchy Company, LLC (E.D. Cal.)

Filed on behalf of consumers who received solicitation telephone calls on their cellular and residential telephones that were listed on the National Do-Not-Call Registry and/or who requested Defendant stop calling them, without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case settled in 2023.

Rogers, et al. v. Assurance IQ, LLC, et al. (W.D. Wash.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones, some that were listed on the National Do-Not-Call Registry, without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the Western District of Washington.

Our Professionals

SAMUEL J. STRAUSS

Samuel J. Strauss is a founding member of Strauss Borrelli PLLC. Mr. Strauss concentrates his practice in class action litigation with an emphasis on consumer protection and privacy issues. Mr. Strauss has a national practice and appears in federal courts across the country. Over the course of his career, Mr. Strauss has represented plaintiffs in cases which have resulted in the recovery of hundreds of millions of dollars for consumers.

Mr. Strauss received his J.D. with honors from the University of Washington School of Law in 2013. Prior to forming Strauss Borrelli in 2024, Mr. Strauss was a founding member of Turke & Strauss in 2016, in Madison, Wisconsin, where he successfully prosecuted complex class actions in federal and state courts.

Mr. Strauss is a member of bars of the states of Washington, Wisconsin, and Illinois and has been admitted to practice in the United States District Court for the Western District of Washington, United States District Court for the Eastern District of Washington, United States District Court for the Western District of Wisconsin, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Northern District of Illinois, the United States District Court for the Eastern District of Michigan, and the United States Court of Appeals for the Ninth Circuit.

In recent years, Mr. Strauss has been actively involved in a number of complex class action matters in state and federal courts including:

- *Daum, et al. v. K & B Surgical Center, LLC*, No. 21STCV41347 (Cal. Sup. Ct., Los Angeles Cty.)
- *Reetz v. Advocate Aurora Health, Inc.*, No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Joyner v. Behavioral Health Network, Inc.*, No. 2079CV00629 (Mass. Sup. Ct., Hampden Cty.)
- *In re BJC Healthcare Data Breach Litigation*, No. 2022-CC09492 (Mo. Cir. Ct., St. Louis City)
- *Baldwin, et al. v. National Western Life Insurance Company*, No. 2:21-cv-04066 (W.D. Mo.)

- *Pryor v. Eastern Bank*, No. 1984CV03467-BLS1 (Mass. Sup. Ct., Suffolk Cty.)
- *Murray v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, No. 19-cv-12608 (D. Mass.)
- *Baldwin v. Miracle-Ear, Inc.*, No. 20-cv-01502 (D. Minn.)
- *Goodell v. Van Tuyl Group, LLC*, No. 20-cv-01657 (D. Az.)
- *Weister v. Vantage Point AI, LLC*, No. 21-cv-01250 (M.D. Fla.)
- *Lang v. Colonial Penn Life Insurance Company*, No. 21-cv-00165 (N.D. Fla.)
- *Mackey v. PeopleConnect, Inc.*, No. 1:22-cv-00342 (N.D. Ill.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Boshears v. PeopleConnect, Inc.*, No. 21-cv-01222 (W.D. Wash.)
- *Braundmeier v. Ancestry.com Operations, Inc.*, No. 1:20-cv-07390 (N.D. Ill.)
- *Martinez v. ZoomInfo Technologies Inc.*, No. 21-cv-05725 (W.D. Wash.)
- *Uhhariet v. MyLife.com, Inc.*, No. 21-cv-08229 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, No. 21-cv-08976 (N.D. Cal.)
- *Patterson v. Respondus, Inc.*, No. 20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus, Inc.*, No. 21-cv-01785 (N.D. Ill.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (D. Minn.)
- *Crawford v. FCA US LLC*, No. 20-cv-12341 (E.D. Mich.)
- *Klaehn, et al. v. Cali Bamboo, LLC*, No. 19-cv-01498 (S.D. Cal.)
- *Jones v. Monsanto Company*, No. 19-cv-00102 (W.D. Mo.)
- *Dickson v. Direct Energy, LP, et al.*, No. 18-cv-00182 (N.D. Ohio)
- *Rolland v. Spark Energy, LLC*, Case. No. 17-cv-02680 (D.N.J.)
- *Evans v. American Power & Gas, LLC*, No. 17-cv-00515 (S.D. Ohio)
- *Fowler v. Wells Fargo Bank, N.A.*, No. 17-cv-02092 (N.D. Cal.)
- *Wilkins v. HSBC Bank Nevada, N.A., et al.*, No. 14-cv-00190 (N.D. Ill.)
- *Ott v. Mortgage Investors Corporation*, No. 14-cv-00645 (D. Or)
- *Booth v. AppStack, et al.*, No. 13-cv-01533 (W.D. Wash.)
- *Melito v. American Eagle Outfitters, Inc.*, No. 14-cv-02440-VEC (S.D.N.Y.)
- *Spencer v. FedEx Ground Package System, Inc.*, No. 14-2-30110-3 SEA (Wa. Sup. Ct., King Cty.)

RAINA C. BORRELLI

Raina C. Borrelli is a founding member of Strauss Borrelli PLLC. Ms. Borrelli's practice focuses on complex class action litigation, including data privacy, Telephone Consumer Protection Act ("TCPA"), false advertising, and consumer protection cases in both state and federal courts around the country. Ms. Borrelli has served as lead, co-lead, and class counsel in numerous national class actions, including multi-district litigation. Additionally, Ms. Borrelli has substantial experience leading discovery teams in these complex class action matters, as well as in working with class damages experts and class damages models in consumer protection cases.

Ms. Borrelli received her J.D. *magna cum laude* from the University of Minnesota Law School in 2011. Prior to founding Strauss Borrelli, Ms. Borrelli was a partner at Gustafson Gluek, where she successfully prosecuted complex class actions in federal and state courts. Ms. Borrelli is an active member of the Minnesota Women's Lawyers and the Federal Bar Association, where she has assisted in the representation of *pro se* litigants through the *Pro Se* Project. Ms. Borrelli has repeatedly been named to the annual Minnesota "Rising Star" Super Lawyers list (2014-2021) by SuperLawyers Magazine. She has also been repeatedly certified as a North Star Lawyer by the Minnesota State Bar Association (2012-2015; 2018-2020) for providing a minimum of 50 hours of pro bono legal services.

Ms. Borrelli is a member of the Minnesota State Bar Association and has been admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Eastern District of Michigan, the United States District Court for the Northern District of Illinois, and the United States Court of Appeals for the Tenth Circuit.

In recent years, Ms. Borrelli has been appointed to leadership positions in a number of data privacy cases, including *In re Netgain Technology, LLC Consumer Data Breach Litigation*, No. 21-cv-01210 (D. Minn.) (Interim Executive Committee); *Dusterhoff, et al. v. OneTouchPoint Corp.*, No. 2:22-cv-00882 (E.D. Wisc.) (Plaintiffs' Steering Committee); *In re Lincare Holdings Inc. Data Breach Litigation*, No. 8:22-cv-01472 (M.D. Fl.) (Interim Executive Leadership Committee); *Forslund v. R.R. Donnelley & Sons Company*, No. 1:22-cv-04260 (N.D. Ill.) (interim co-lead counsel); *Medina v. PracticeMax Incorporated*, No. 2:22-cv-0126 (D. Az.) (Executive Leadership Committee); *In re C.R. England, Inc. Data Breach Litig.*, No. 2:22-cv-00374 (interim co-lead counsel); *Doe, et al. v. Knox College, Inc.*, No. 4:23-cv-04012 (C.D. Ill.) (co-lead counsel); and *In re OakBend Medical Center Data*

Breach Litigation, No. 4:22-cv-03740 (S.D. Tex.) (interim co-lead counsel). Ms. Borrelli has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Daum, et al. v. K & B Surgical Center, LLC*, No. 21STCV41347 (Cal. Sup. Ct., Los Angeles Cty.)
- *Grogan v. McGrath RentCorp*, No. 3:22-cv-00490 (N.D. Cal.)
- *Benedetto, et al. v. Southeastern Pennsylvania Transportation Authority*, No. 210201425 (C.C.P. Phila.)
- *Reetz v. Advocate Aurora Health, Inc.*, No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Reese v. Teen Challenge Training Center, Inc.*, No. 00093 (C.C.P. Phila.)
- *Lhota v. Michigan Avenue Immediate Care, S.C.*, No. 2022CH06616 (Ill. Cir. Ct., Cook Cty.)
- *Johnson, et al. v. Yuma Regional Medical Center*, No. 2:22-cv-01061 (D. Az.)
- *Baldwin v. Miracle-Ear, Inc.*, No. 20-cv-01502 (D. Minn.)
- *Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, No. 1:19-cv-12608 (D. Mass.)
- *Goodell v. Van Tuyl Group, LLC*, No. 20-cv-01657 (D. Az.)
- *Learned, et al. v. McClatchy Company LLC*, No. 2:21-cv-01960 (E.D. Cal.)
- *Lang v. Colonial Penn Life Insurance Company*, No. 21-cv-00165 (N.D. Fla.)
- *Martinez v. ZoomInfo Technologies Inc.*, No. 21-cv-05725 (W.D. Wash.)
- *Abraham, et al. v. PeopleConnect, Inc.*, No. 3:20-cv-09203 (N.D. Cal.)
- *Boshears v. PeopleConnect, Inc.*, No. 21-cv-01222 (W.D. Wash.)
- *Mackey v. PeopleConnect, Inc.*, No. 1:22-cv-00342 (N.D. Ill.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Braundmeier v. Ancestry.com Operations, Inc.*, No. 1:20-cv-07390 (N.D. Ill.)
- *DeBose v. Dun & Bradstreet Holdings, Inc.*, No. 2:22-cv-00209 (D.N.J.)
- *Gbeintor, et al. v. DemandBase, Inc., et al.*, No. 3:21-cv-09470 (N.D. Cal.)
- *Spindler v. Seamless Contacts Inc.*, No. 4:22-cv-00787 (N.D. Cal.)
- *Kellman, et al. v. Spokeo, Inc.*, No. 3:21-cv-08976 (N.D. Cal.)
- *Brown v. Coty, Inc.*, No. 1:22-cv-02696 (S.D.N.Y.)
- *Benanav v. Healthy Paws Pet Insurance LLC*, No. 2:20-cv-00421 (W.D. Wash.)
- *Spindler, et al. v. General Motors LLC*, No. 3:21-cv-09311 (N.D. Cal.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (JRT/KMM) (D. Minn.)
- *Patterson v. Respondus, Inc.*, No. 1:20-cv-07692 (N.D. Ill.)
- *Powell v. DePaul University*, No. 1:21-cv-03001 (N.D. Ill.)
- *Fee v. Illinois Institute of Technology*, No. 1:21-cv-02512 (N.D. Ill.)

- *Harvey v. Resurrection University*, No. 1:21-cv-03203 (N.D. Ill.)
- *In re FCA Monostable Gearshifts Litig.*, No. 16-md-02744 (E.D. Mich.)
- *Zeiger v. WellPet LLC*, No. 17-cv-04056 (N.D. Cal.)
- *Wyoming v. Procter & Gamble*, No. 15-cv-2101 (D. Minn.)
- *In re Big Heart Pet Brands Litig.*, No. 18-cv-00861 (N.D. Cal.)
- *Sullivan v. Fluidmaster*, No. 14-cv-05696 (N.D. Ill.)
- *Rice v. Electrolux Home Prod., Inc.*, No. 15-cv-00371 (M.D. Pa.)
- *Gorczynski v. Electrolux Home Products, Inc.*, No. 18-cv-10661 (D.N.J.)
- *Reitman v. Champion Petfoods*, No. 18-cv-1736 (C.D. Cal.)
- *Reynolds, et al., v. FCA US, LLC*, No. 19-cv-11745 (E.D. Mich.).

CASSANDRA MILLER

Cassandra Miller is a partner at Strauss Borrelli PLLC whose practice focuses on complex class action litigation, including consumer protection, privacy, data breaches, and product liability. Ms. Miller is adept at navigating the intricate legal landscapes of both state and federal courts across the nation. Additionally, Ms. Borrelli has substantial experience leading teams in these complex class action matters.

Ms. Miller received her J.D. *magna cum laude* from the University of Illinois Chicago School of Law in 2006. Prior to joining Strauss Borrelli, Ms. Miller was a managing partner at Edelman Combs Lattner & Goodwin, LLC. There, Ms. Miller handled a wide range of consumer protection claims under key statutes such as the Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Uniform Commercial Code (UCC), Telephone Consumer Protection Act (TCPA), and Truth in Lending Act (TILA), as well as the Illinois Consumer Fraud and Deceptive Practices Act (ICFA), alongside related state and federal consumer statutes.

Ms. Miller is a member of the Illinois State Bar Association and has been admitted to practice in the United States District Court for the Northern District of Illinois, the United States District Court for the Central District of Illinois, the United States District Court for the Southern District of Indiana, the United States District Court for the Northern District of Indiana, and the United States Court of Appeals for the Seventh Circuit.

Ms. Miller has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Pietras v. Sentry*, 513 F. Supp. 2d 983 (N.D. Ill. 2007)
- *Hernandez v. Midland Credit Mgmt.*, 2007 U.S. Dist. LEXIS 16054 (N.D. Ill. 2007)
- *Balogun v. Midland Credit Mgmt.*, 2007 U.S. Dist. LEXIS 74845 (S.D. Ind. 2007)
- *Miller v. Midland Credit Mgmt.*, 2009 U.S. Dist. LEXIS 18518 (N.D. Ill. 2009)
- *American Family Mutual Ins. Co. V. CMA Mortgage, Inc.*, 2008 U.S. Dist. LEXIS 30233 (S.D. Ind. 2008)
- *Herkert v. MRC Receivables Corp.*, 254 F.R.D. 344 (N.D. Ill. 2008)
- *Walker v. Calusa Investments, LLC*, 244 F.R.D. 502 (S.D. Ind. 2007)
- *Frydman v. Portfolio Recovery Associates, LLC*, 2011 U.S. Dist. LEXIS 69502 (N.D. Ill. 2011)
- *Webb v. Midland Credit Mgmt.*, 2012 U.S. Dist. LEXIS 80006 (N.D. Ill. May 31,

2012)

- *Tabiti v. LVNV Funding, LLC*, 2017 U.S. Dist. LEXIS 5932 (N.D. Ill. Jan. 17, 2017), reconsideration denied, 2017 U.S. Dist. LEXIS 238583 (N.D. Ill., May 16, 2017)
- *Wheeler v. Midland Funding LLC*, 2020 U.S. Dist. LEXIS 52409 (N.D. Ill. July 31, 2017),
- *Magee v. Portfolio Recovery Assocs.*, 2016 U.S. Dist. LEXIS 61389 (N.D. Ill. May 9, 2016), reconsideration denied, 2016 U.S. Dist. LEXIS 123573 (N.D. Ill. Sept. 13, 2016)

BRITTANY RESCH

Brittany Resch is a partner at Strauss Borrelli PLLC. Ms. Resch's practice focuses on complex class action litigation, including data breach, privacy, Telephone Consumer Protection Act ("TCPA"), false advertising, and consumer protection cases in both state and federal courts around the country. Since 2022, Ms. Resch has served as an adjunct professor at the University of Minnesota Law School teaching a seminar on e-Discovery.

Ms. Resch received her J.D. from the University of Minnesota Law School in 2015, after which she clerked for the Honorable Richard H. Kyle, Senior United States District Judge for the District of Minnesota. Prior to joining Strauss Borrelli PLLC, Ms. Resch was an associate at Gustafson Gluek, where she prosecuted complex antitrust, consumer protection, and civil rights class actions in federal and state courts. Ms. Resch was named one of the Attorneys of the Year in 2019 by Minnesota Lawyer for her work representing a pro se litigant in federal court through the Pro Se Project. Ms. Resch was also named a Rising Star in 2020 and 2021 and a 2021 Up & Coming Attorney by Minnesota Lawyer.

Ms. Resch has been an active member in the Federal Bar Association for a decade, holding various leadership and committee positions. Ms. Resch also assists in the representation of pro se litigants through the District of Minnesota Federal Bar Association's Pro Se Project. Ms. Resch is also an active member of Minnesota Women Lawyers. Ms. Resch has also been certified as a North Star Lawyer by the Minnesota State Bar Association for providing a minimum of 50 hours of pro bono legal services (2023, 2021, 2020, 2019).

Ms. Resch is a member of the Minnesota State Bar Association and has been admitted to practice in the United States District Court for the District of Minnesota and the United States District Court for the Northern District of Illinois.

Ms. Resch recently has significant experience in data privacy litigation and is currently litigating more than fifty data breach cases in courts around the country as counsel on behalf of millions of data breach victims, including *McKittrick v. Allwell Behavioral Health Services*, Case No. CH-2022-0174 (Muskingum County, Ohio) (appointed class counsel for settlement purposes); *Hall v. Centerspace, LP*, Case No. 22-cv-2028 (D. Minn.); *Morrison v. Entrust Corp., et al.*, Case No. 23-cv-415 (D. Minn.); *Batchelor v. MacMillan, et al.*, Case No. 157072/2023 (New York County, NY); *Tribbia, et al., v. Hanchett Paper Company*, Case No. 2022 CH 3677 (Cook County, IL); *Benedetto v. Southeastern Pennsylvania Transportation*

Authority, No. 210201425 (C.C.P. Phila.); *Corra, et al. v. ACTS Retirement Services, Inc.*, No. 2:22-cv-02917 (E.D. Pa.); *Lamie, et al. v. LendingTree, LLC*, No. 3:22-cv-00307 (W.D.N.C); and *In re Lincare Holdings Inc. Data Breach Litigation*, No. 8:22-cv-01472 (M.D. Fl.). Additionally, in recent years, Ms. Resch has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Emmrich v. General Motors LLC*, No. 21-cv-05990 (N.D. Ill.)
- *Spindler v. General Motors LLC*, No. 21-cv-09311 (N.D. Cal.)
- *DeBose v. Dun & Bradstreet Holdings, Inc.*, No. 2:22-cv-00209 (D.N.J.)
- *Gbeintor, et al. v. DemandBase, Inc., et al.*, No. 3:21-cv-09470 (N.D. Cal.)
- *Kellman, et al. v. Spokeo, Inc.*, No. 3:21-cv-08976 (N.D. Cal.)
- *Kis v. Cognism Inc.*, No. 4:22-cv-05322 (N.D. Cal.)
- *Benanav, et al. v. Healthy Paws Pet Insurance, LLC*, No. 2:20-cv-00421-RSM (W.D. Wash.)
- *Martinez v. ZoomInfo Technologies Inc.*, No. 21-cv-05725 (W.D. Wash.)
- *Abraham, et al. v. PeopleConnect, Inc.*, No. 3:20-cv-09203 (N.D. Cal.)
- *Boshears v. PeopleConnect, Inc.*, No. 21-cv-01222 (W.D. Wash.)
- *Mackey v. PeopleConnect, Inc.*, No. 1:22-cv-00342 (N.D. Ill.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Braundmeier v. Ancestry.com Operations, Inc.*, No. 1:20-cv-07390 (N.D. Ill.)
- *Spindler v. Seamless Contacts Inc.*, No. 4:22-cv-00787 (N.D. Cal.)
- *Uhhariet v. MyLife.com, Inc.*, No. 21-cv-08229 (N.D. Cal.)
- *Patterson v. Respondus University, et al.*, No. 1:20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus University, et al.*, No. 1:21-cv-01785 (N.D. Ill.)
- *In re Broiler Chicken Antitrust Litigation*, No. 16-cv-08637 (N.D. Ill.)
- *In re Pork Antitrust Litigation*, No. 21-md-02998 (D. Minn.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (JRT/KMM) (D. Minn.)
- *In re Asacol Antitrust Litigation*, No. 15-cv-12730 (D. Mass.)

ALEX S. PHILLIPS

Alex Phillips is a partner at Strauss Borrelli PLLC. Mr. Phillips concentrates his practice in complex class action litigation and commercial litigation. He has represented both plaintiffs and defendants in high stakes litigation. Mr. Phillips has successfully obtained trial verdicts on behalf of his clients as well as negotiated numerous high-value settlements.

Mr. Phillips received his J.D. from the University of Wisconsin School of Law in 2017 and has been an active member of the Wisconsin State Bar as well as the Dane, Jefferson, and Dodge County Bar Associations.

In recent years, Mr. Phillips has been involved in a number of complex class action matters in state and federal courts including:

- *Benedetto v. Southeastern Pennsylvania Transportation Authority*, No. 210201425 (C.C.P. Phila.)
- *Grogan v. McGrath RentCorp*, No. 3:22-cv-00490 (N.D. Cal.)
- *Koeller, et al. v. Numrich Gun Parts Corporation*, No. 1:22-cv-00675 (S.D.N.Y.)
- *Mayhood v. Wilkins Recreational Vehicles, Inc.*, No. E2022-0701 (N.Y. Sup. Ct., Steuben Cty.)
- *Perkins v. WelldyneRx, LLC*, No. 8:22-cv-02051 (M.D. Fla.)
- *Batis v. Dun & Bradstreet Holdings, Inc.*, No. 3:22-cv-09124 (N.D. Cal.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Ambramson v. First American Home Warranty Corporation*, No. 2:22-cv-01003 (W.D. Pa.)
- *DeVivo v. Sovereign Lending Group Incorporated*, No. 3:22-cv-05254 (W.D. Wash.)
- *Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, No. 1:19-cv-12608 (D. Mass.)
- *Spindler v. General Motors LLC*, No. 21-cv-09311 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, No. 21-cv-08976 (N.D. Cal.)
- *Reetz v. Advocate Aurora Health, Inc.*, No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (D. Minn.)
- *Dickson v. Direct Energy, LP, et al.*, No. 18-cv-00182 (N.D. Ohio)
- *Benanav. v. Healthy Paws Pet Insurance, LLC*, No. 20-cv-00421 (W.D. Wash.)
- *Klaehn, et al. v. Cali Bamboo, LLC, et al.*, No. 19-cv-01498 (S.D. Cal.)

EXHIBIT

C



STRANCH, JENNINGS & GARVEY
PLLC

Class Action

Our firm has a long record of success representing plaintiffs in a substantial number of class action and mass tort cases in state and federal courts throughout the U.S. These cases include some of the most complicated litigation the courts have seen against some of the largest multinational companies. Through these cases, we defend the rights of clients harmed by defective products, pharmaceuticals, industry negligence or illegal practices.

Our attorneys have served as class counsel and as lead, co-lead and liaison counsel in landmark cases and national class actions involving AI copyright litigation, data breach, wage and hour violations, anti-competitive practices, illegal generic drug suppression and bid rigging, defective products and violations of the Telephone Consumer Protection act.

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB** (N.D. California) (J. Breyer). Founding and Managing Member J. Gerard Stranch IV served on the plaintiffs’ steering committee in a coordinated action consisting of nationwide cases of consumer and car dealerships. This action alleged that Volkswagen AG, Volkswagen Group of America and other defendants illegally installed so-called “defeat devices” in their vehicles, which allowed the cars to pass emissions testing but enabled them to emit nearly 40 times the allowable pollution during normal driving conditions. In October 2016, the court granted final approval to a settlement fund worth more than \$10 billion to consumers with two-liter diesel engines, and in May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with three-liter diesel engines, and a \$357 million settlement with co-defendant Bosch.
- **In re: Davidson v. Bridgestone/Firestone, Inc. and Ford Motor Co. No. 00-C2298** (Davidson Circuit, Tennessee) (Soloman/Brothers). The firm served as lead counsel in a nationwide class action against Bridgestone/Firestone, Inc. and Ford Motor Co. concerning defective tires. A settlement valued at \$34.4 million was reached in conjunction with a companion case in Texas.
- **In re: Cox v. Shell Oil et al., Civ. No. 18844** (Weakley Chancery, Tennessee) (Judge Malon). The firm intervened in a consumer class action composed of all persons throughout the United States who owned or purchased defective polybutylene piping systems used in residential constructions or mobile homes. A global settlement was reached that was valued at \$1 billion.
- **In re: Heilman et al. v. Perfection Corporation, et al., Civ. No. 99-0679-CD-W-6** (W.D. Missouri). The firm served on the executive committee in a nationwide consumer class action composed of all owners or purchasers of a defective hot water heater. A settlement was reached that provided 100% recovery of damages for a possible 14.2 million hot water heaters and any other property damages.
- **In re: Alpha Corp. Securities litigation.** Founding and Managing Member J. Gerard Stranch IV was appointed as co-lead counsel. The case resulted in a \$161 million recovery for the class.

ATTORNEYS IN THIS PRACTICE AREA



Anne K. Davis



Darrius D. Dixon



Samuel W. Douthitt



Elizabeth Fischer



Colleen Garvey



Anisha Guru



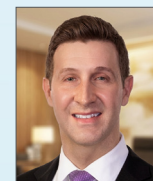
Hon. John (Jack) Garvey



Michael Iadevaia



Jooyoung Koo



Corey L. Kraushaar



Kyle C. Mallinak



Janna Maples



Nathan Martin



Miles McDowell



Andrew E. Mize



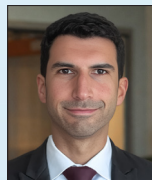
Gregory S. Mullens



Andrew Murray



John C. Roberts



Joshua Samra



Marty Schubert



Michael G. Stewart



J. Gerard Stranch IV



James G. Stranch III



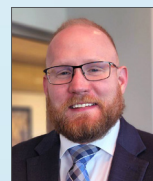
K. Grace Stranch



Michael Tackeff



Lesley E. Weaver



Grayson Wells



STRANCH, JENNINGS & GARVEY
PLLC

Privacy & Cybersecurity Litigation

Security breach notification laws require entities to notify their customers or citizens when they have experienced a data breach and to take certain steps to deal with the situation. This gives these individuals the opportunity to mitigate personal risks resulting from the breach and minimize potential harm, such as fraud or identity theft. Currently, all 50 states, along with the District of Columbia and three U.S. territories, have adopted notification laws requiring notification when a breach has occurred.

- **In re: Anthem, Inc. Data Breach Litig., MDL 2617 LHK** (N.D. California, 2016). The firm served as counsel for plaintiffs in a coordinated action consisting of nationwide cases of consumers harmed by the 2015 criminal hacking of servers of Anthem, Inc. containing more than 37.5 million records on approximately 79 million people receiving insurance and other coverage from Anthem's health plans. The case settled in 2017 for \$115 million, the largest healthcare data breach in U.S. history, and has received final approval.
- **In re: MGM International Resorts Data Breach Litigation** (D. Nevada). Two separate data breaches by cybercriminals against MGM Resorts International (MGM) in 2019 and 2023 resulted in the exposure of private information of tens of millions of MGM guests. Following both incidents, multiple lawsuits were filed. In July 2024, plaintiffs in the lawsuits agreed to participate in joint mediation — In re: MGM International Resorts Data Breach Litigation. In October 2024, the plaintiffs filed a notice of settlement, notifying the court that all parties were able to resolve the cases. On Jan. 22, 2025, Nevada District Judge Gloria M. Navarro issued an order granting plaintiffs' unopposed motion for preliminary approval of a \$45 million class action settlement in the case. The final approval hearing is scheduled for June 18, 2025. J. Gerard Stranch, founding and managing member, served as a co-lead for the 2023 case leadership team.
- **Monegato v. Fertility Centers of Illinois, PLLC, Case No. 2022 CH 00810** (Cook County Circuit Court). The firm served as class counsel in a case brought on behalf of approximately 80,000 individuals whose personal information was involved in a February 2021 data breach. A settlement with a total estimated value of \$14.5 million was negotiated. Final approval was granted by the Cook County, Illinois Circuit Court in April 2023.
- **In re: Evolve Bank & Trust Customer Data Security Breach Litigation, MDL 2:24-md-03127** (W.D. Tennessee) (J. Lipman). Serving as lead counsel for the class, SJ&G's Founding and Managing Member J. Gerard Stranch secured an \$11.8 million settlement for the plaintiffs. This multidistrict litigation followed a data breach by cybercriminals against Evolve Bank & Trust that resulted in the theft of personal banking data of bank customers as well as Evolve fintechs' customers. Following the breach, multiple class action lawsuits were filed against the defendant and Evolve fintechs. The cases were consolidated in October 2024.
- **In re: CorrectCare Data Breach Litigation, 5:22-319-DCR** (E.D. Kentucky). J. Gerard Stranch, founding and managing member, served as class counsel in this class action lawsuit that resulted in a \$6.49 million settlement, providing affected individuals up to \$10,000 in reimbursement for documented losses related to the breach. The suit was the result of a 2022 data breach that exposed sensitive health data of more than 391,000 individuals.
- **In re: Owens, et al. v. U.S. Radiology Specialists, et al., Case No. 22 CVS 17797** (Mecklenburg, North Carolina, Supreme Court). The firm served as plaintiffs' counsel in action brought on behalf of approximately 1.3 million individuals whose sensitive, personal information was potentially compromised in defendants' December 2021 data security incident. Along with co-counsel, the firm negotiated a \$5,050,000 non-reversionary common fund settlement including pro rata cash payments, reimbursement of up to \$5,000 for out-of-pocket expenses traceable to the data breach per person, compensation for lost time and verified fraud reimbursement. Preliminary approval pending.
- **Weigand, et al. v. Group 1001 Insurance Holdings LLC, et al., 1:23-cv-01452** (S.D. Indiana). The firm helped achieve a \$4.76 million settlement resulting from a February 2023 data breach allegedly caused by Group 1001 failing to provide reasonable cybersecurity practices.
- **McKenzie et al. v. Allconnect, Inc., 5:18-cv-00359** (E.D. Kentucky) (J. Hood). The firm served as class counsel in an action brought on behalf of more than 1,800 current and former employees of Allconnect, Inc., whose sensitive information contained in W-2 statements was disclosed to an unauthorized third party who sought the information through an email phishing scheme. The firm negotiated a settlement providing for direct cash payments to all class members, credit monitoring and identity theft protection plan at no cost, capped reimbursement of documented economic losses incurred per class member and other remedial measures. The approximately \$2.2 million settlement value is one of the largest per capita recoveries in a W-2 phishing litigation.
- **Winsouth Credit Union v. Mapco Express Inc., and Phillips v. Mapco Express, Inc. Case Nos. 3:14-cv-1573 and 1710** (M.D. Tennessee) (J. Crenshaw). The firm served as liaison counsel in consumer and financial institution action stemming from the 2013 hacking of computer systems maintained by Mapco Express, Inc. The cases settled in 2017 for approximately \$2 million.
- **Joyner v. Behavioral Health Network, Inc., No. 2017CV00629** (Massachusetts Supreme Court). A non-reversionary common fund of \$1,200,000 was established to provide credit monitoring, and cover claims of economic loss up to \$10,000 and non-economic loss up to \$1,000 for lost time for each of the approximately 133,237 class members.
- **Larson v. Aditi Consulting, LLC, Case No. 22-2-03572-2 SEA** (King County, Washington, Supreme Court). Final approval was granted July 14, 2023.
- **Carr v. South Country Health Alliance, Case No. 74-CV-21-632** (Steele County, Minnesota District Court). Final approval was granted Nov. 6, 2023.
- **Reese v. Teen Challenge Training Center, Inc., Case No. 210400093** (Philadelphia County, Pennsylvania Court of Common Pleas). Final approval pending.

ATTORNEYS IN THIS PRACTICE AREA



Anne K. Davis



Darrius D. Dixon



Samuel W. Douthit



Colleen Garvey



Miles McDowell



Andrew E. Mize



Gregory S. Mullens



John C. Roberts



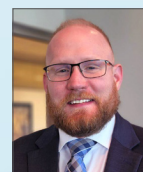
Joshua Samra



J. Gerard Stranch IV



Lesley E. Weaver



Grayson Wells



J. Gerard Stranch IV

FOUNDING AND MANAGING MEMBER

Gerard Stranch is the managing member at Stranch, Jennings & Garvey, PLLC (SJ&G). A third-generation trial lawyer, he leads the firm's class action and mass tort practice groups. His additional areas of practice include bank fees, privacy litigation, wage and hour disputes, worker adjustment and retraining notification, personal injury and trucking wrecks.

Mr. Stranch has served as lead or co-lead counsel for the firm in numerous cases, including:

- lead trial attorney in the Sullivan Baby Doe case (originally filed as *Staubus v. Purdue*) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date;
- personally appointed to the steering committee of the In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever;
- the executive committee In re: Dahl v. Bain Capital Partners (anti-trust), resulting in a \$590.5 million settlement;
- personally appointed to the steering committee In re: New England Compounding Pharmacy, Inc., resulting in more than \$230 million in settlements; and
- appointed as co-lead counsel In re: Alpha Corp. Securities litigation, resulting in a \$161 million recovery for the class.

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A 2000 graduate of Emory University, Mr. Stranch received his J.D. in 2003 from Vanderbilt University Law School, where he teaches as an adjunct professor about the practice of civil litigation. He led the opioid litigation team in the Sullivan Baby Doe suit, for which the team won the 2022 Tennessee Trial Lawyer of the Year award. Mr. Stranch has been listed as one of the Top 40 Under 40 by the National Trial Lawyers Association and as a Mid-South Rising Star by Super Lawyers magazine.

PRACTICE AREAS

- Bank Fees
- Car Crashes
- Class Action
- Complex Litigation
- Labor Unions
- Mass Torts
- Necrotizing Enterocolitis (NEC)
- Opioid Litigation
- Personal Injury
- Privacy Litigation
- Product Liability
- Trucking Wrecks
- Wage & Hour Disputes
- Worker Adjustment & Retraining Notification

EDUCATION

- Vanderbilt University Law School (J.D., 2003)
- Emory University (B.A., 2000)

BAR ADMISSIONS

- Tennessee
- U.S. District Court – District of Colorado
- U.S. District Court Eastern – District of Tennessee
- U.S. District Court Middle – District of Tennessee

- U.S. District Court Western – District of Tennessee
- U.S. 6th Circuit Court of Appeals
- U.S. 8th Circuit Court of Appeals
- U.S. 9th Circuit Court of Appeals

PROFESSIONAL HONORS & ACTIVITIES

Awards

- Nashville Post "In Charge" List (2018 – 2026)
- 2024 Steven J. Sharp Public Service Award (American Association for Justice)
- 2024 Leonard Weinglass in Defense of Civil Liberties Award (American Association for Justice)
- Super Lawyers Mid-South Rising Star
- Tennessee Trial Lawyer of the Year
- Top 40 Under 40, National Trial Lawyers Association

Memberships

- Public Justice
- Nashville Bar Association
- Tennessee Bar Association
- American Association for Justice
- Tennessee Association for Justice
- Lawyer's Coordinating Committee of the AFL-CIO
- General Counsel Tennessee AFL-CIO and Federal Appointment, Coordinator

- General Counsel Tennessee Democratic Party
- National Trial Lawyer
- Board of Directors, Cumberland River Compact
- Class Action Trial Lawyers Association, Board Member
- Tennessee Trial Lawyers Association

PRESENTATIONS

- Mr. Stranch regularly speaks at conferences on issues ranging from in-depth reviews of specific cases to developments in the law, including in mass torts, class actions and voting rights.
- Mr. Stranch is one of the founding members of the Cambridge Forum on Plaintiff's Mass Tort Litigation and regularly presents at the forum.

LANGUAGES

- English
- German





Grayson Wells

MEMBER

Grayson Wells joined Stranch, Jennings & Garvey in early 2024. He specializes in complex civil litigation, including data breach and privacy class actions in both state and federal court.

Prior to joining the firm, Mr. Wells served as a litigation associate at the Nashville office of Bradley Arant Boult Cummings LLP. After earning his law degree from Indiana University Maurer School of Law in 2020, Mr. Wells served for two years as a law clerk to the Honorable Iain D. Johnston, U.S. District Judge for the Northern District of Illinois.

Before becoming a lawyer, Mr. Wells spent more than a decade as a network infrastructure engineer, both in the military and the private sector. In addition to his law degree, he received a master of science degree in cybersecurity risk management from Indiana University and a bachelor of science in computer science from Park University.

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PRACTICE AREAS

- Civil Litigation
- Class Action
- Privacy & Cybersecurity Litigation

EDUCATION

- Indiana University Maurer School of Law (J.D., magna cum laude, 2020)
 - Executive Articles Editor, Indiana Law Journal
 - President and Founder, Cybersecurity and Privacy Law Association
 - Dean's Writing Fellow
 - Community Legal Clinic
- Indiana University (M.S. in Cybersecurity Risk Management, 2020)
- Park University (B.S. in Computer Science, summa cum laude, 2010)

CLERKSHIPS

- Hon. Iain D. Johnston, U.S. District Court, Northern District of Illinois, Western Division

BAR ADMISSIONS

- Missouri
- Tennessee
- U.S. District Court – District of Colorado
- U.S. District Court – Central District of Illinois
- U.S. District Court – Eastern District of Missouri
- U.S. District Court – Eastern District of Tennessee
- U.S. District Court – Middle District of Tennessee
- U.S. District Court – Western District of Tennessee
- U.S. District Court – Eastern District of Wisconsin
- U.S. District Court – Western District of Wisconsin
- U.S. 6th Circuit Court of Appeals

MEMBERSHIPS

- American Bar Association
- Tennessee Bar Association
- Nashville Bar Association

PRESENTATIONS & PUBLISHED WORKS

- "What's the Harm? Federalism, the Separation of Powers, and Standing in Data Breach Litigation," Comment, 96 Ind. L.J. 937, (Spring 2021)
- "Data Security, Professional Perspective – Complying with the FTC's Amended Safeguards Rule," Bloomberg Law (Robert Maddox, Erin Illman, Courtney Achee and Grayson Wells), (June 2023)



STRANCH, JENNINGS & GARVEY
PLLC



Marty Schubert

MEMBER

Marty Schubert focuses his practice on the firm's class action litigation, and currently represents numerous consumers who were charged improper overdraft fees by their banks or credit unions. He previously served as the voter protection director for the Tennessee Democratic Party.

Before joining Stranch, Jennings & Garvey, Mr. Schubert was a U.S. associate with Linklaters LLP in London, England, and an associate with Waller Lansden Dortch & Davis, LLP in Nashville. A native Chicagoan, he began his career as a middle school teacher in South Los Angeles. Before attending law school, he worked as a field organizer for the Obama campaign and as an Obama administration appointee at the U.S. Department of Education in Washington, D.C. Prior to beginning his legal practice, he served as a judicial intern with Chief U.S. District Judge Colleen McMahon of the U.S. District Court for the Southern District of New York.

Mr. Schubert is a 2013 graduate of Brooklyn Law School. He graduated *cum laude* from Georgetown University in 2006 and earned his M.A. in secondary education in 2008 from Loyola Marymount University.

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PRACTICE AREAS

- Bank Fees
- Class Action

EDUCATION

- Brooklyn Law School (J.D., 2013)
 - Member, *Brooklyn Law Review*
- Loyola Marymount University (M.A., Secondary Education, 2008)
- Georgetown University (B.S., Foreign Service, *cum laude*, 2006)

EXPERIENCE

- Prosecuted class action lawsuits in 40+ states – both in state and federal courts – on behalf of consumers against their financial institutions
- Obtained fee refunds in excess of \$100+ million for more than one million consumers charged improper overdraft and non-sufficient funds fees by their banks and credit unions

BAR ADMISSIONS

- Tennessee
- New York

PROFESSIONAL HONORS & ACTIVITIES

Memberships

- Nashville Bar Association
- Tennessee Trial Lawyers Association (2019)

PUBLISHED WORKS

- Note, When Vultures Attack: Balancing the Right to Immunity Against Reckless Sovereigns, 78 BROOK L. REV. (Spring 2013)

LANGUAGES

- English
- Spanish

COMMUNITY INVOLVEMENT

- Throughout his career, Mr. Schubert has been involved in local education issues by representing suspended or truant students in administrative proceedings and serving as a committee member of the Nashville Area Chamber of Commerce's Education Report Card.
- He is also a founding board member of The Ubunye Challenge, which raises funds for educational initiatives in southern Africa and the Caribbean through athletic endurance competitions.



STRANCH, JENNINGS & GARVEY
PLLC



Michael Tackeff

OF COUNSEL

Michael (Mike) Tackeff is a proficient litigator in the areas of complex civil litigation, class action and appellate litigation in state and federal courts, along with consumer protection, constitutional law and civil rights litigation.

Prior to joining Stranch, Jennings & Garvey in 2025, he was an Assistant United States Attorney serving as the Deputy Appellate Chief for the Middle District of Tennessee, where he litigated both civil and criminal matters. These included criminal and civil appellate litigation in the Sixth Circuit, affirmative cases under the False Claims Act and the Americans with Disabilities Act, and defensive suits against the United States under the Federal Tort Claims Act.

Mr. Tackeff earned his B.A. and M.A. in 2012 from Brown University and received his J.D. in 2018 from Vanderbilt University Law School. While in law school, he served as a law clerk in multiple divisions of the Tennessee Attorney General's Office, a legal intern at the Southern Environmental Law Center and a judicial internship with Melvin S. Hoffman, Chief Judge of the U.S. Bankruptcy Court for the District of Massachusetts. Prior to law school, he worked as a paralegal for a boutique complex litigation firm in Boston, Massachusetts.

After earning his J.D., Mr. Tackeff served as a law clerk for the Hon. Gilbert S. Merritt on the Sixth Circuit Court of Appeals and practiced law at Bass, Berry & Sims in Nashville, litigating bankruptcy, commercial, white-collar defense, and appellate cases in state and federal court. He also maintained a robust pro bono practice, working on death penalty litigation, asylum claims for Afghan refugees, and advocacy for Medicaid recipients.

In his spare time, Mr. Tackeff is an avid ceramicist and photographer. He also teaches as an adjunct faculty member at Vanderbilt Law School.

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PRACTICE AREAS

- Appellate Practice
- Civil Rights
- Class Action
- Civil Litigation
- Complex Litigation
- Constitutional Law
- Consumer Protection

EDUCATION

- Vanderbilt Law School (J.D., 2018)
- Brown University (B.A./M.A., 2012)

CLERKSHIP

- Hon. Gilbert S. Merritt, Jr., U.S. Court of Appeals for the Sixth Circuit

BAR ADMISSIONS

- Pennsylvania
- Tennessee
- U.S. District Court — Eastern District of Tennessee
- U.S. District Court — Middle District of Tennessee
- U.S. District Court — Western District of Tennessee
- U.S. 5th Circuit Court of Appeals
- U.S. 6th Circuit Court of Appeals

PROFESSIONAL HONORS & ACTIVITIES

Honors

- Super Lawyers® Rising Star (2023)

MEMBERSHIPS

- Nashville Bar Association

SEMINARS & PUBLISHED WORKS

Published Works

- The Uncommon Institutionalism – Judge Merritt and the Art of the Dissent, in *A Theory and Practice of Justice: A Selective Review of the Jurisprudence, Outlook, and Significant Cases of Judge Gilbert S. Merritt*, 91 TENN. L. REV. 537 (2024)
- Pleading Diligence in Preference Complaints, 41-SEP. AM. BANKR. INST. J. 14 (Sept. 2022)
- Justice by Lot: The Taboo of Chance Verdicts in America, 16 U. ST. THOMAS L. J. 209 (2020)
- Constructing a “Creative Reading”: Will U.S. State Cannabis Legislation Threaten the Fate of the International Drug Control Treaties?, 51 VAND. J. TRANSNAT’L L. 247 (Jan. 2018)



STRANCH, JENNINGS & GARVEY
PLLC



Andrew E. Mize

ATTORNEY

Andrew Mize is an attorney in the Class Action and Privacy & Cybersecurity groups. With more than a decade of experience in complex civil litigation in his home state of Kentucky and across the country, he regularly litigates class actions in state and federal courts on behalf of consumers, patients and others.

Mr. Mize has represented plaintiffs and class members in numerous class actions involving cybersecurity breaches and unauthorized disclosures of personal information through online tracking technologies, as well as in consumer injury and industrial explosion cases.

He has proudly represented numerous individuals, including minors, in cases involving personal injury, medical malpractice, education law, sexual abuse and civil rights — obtaining highly-favorable results.

Mr. Mize graduated *cum laude* from the University of Louisville, Louis D. Brandeis School of Law in 2011, where he was a member of the University of Louisville Law Review. During law school, he was a member of Phi Alpha Delta Law Fraternity and the National Lawyers Guild, and spent his summers interning with the Kentucky Department of Public Advocacy. He earned a Bachelor of Arts from Centre College in 2008 with double majors in government and history and double minors in international studies and political economy. While in college, he was a member of Beta Theta Pi.

Mr. Mize lives in Louisville, Kentucky, with his wife, who is an accountant. His interests include history, shooting sports, art, the outdoors and travel.

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PRACTICE AREAS

- Civil Rights
- Class Action
- Complex Litigation
- Consumer Protection
- Medical Malpractice
- Privacy & Cybersecurity Litigation
- Personal Injury

EDUCATION

- Louis D. Brandeis School of Law, University of Louisville (J.D., *cum laude*, 2011)
- Centre College, B.A. (2008)
- Culver Military Academy (2004)

BAR ADMISSIONS

- Kentucky
- U.S. District Court – Central District of Illinois
- U.S. District Court – Eastern District of Kentucky
- U.S. District Court – Western District of Kentucky
- U.S. District Court – Eastern District of Michigan
- U.S. 6th Circuit Court of Appeals

EXPERIENCE

Representative cases:

- Successfully litigated numerous data breach class action cases.
- Appointed co-lead interim class counsel in consolidated data breach class action, *In re: Seven Counties Services, Inc. Data Breach Litigation*, 24-CI-007516 (Jeff. Co. Ky. Cir. Ct) (Jan. 14, 2025).
- Obtained reversal of District Court grant of summary judgment to defendant school board and employees in case involving disability discrimination of a child from the U.S. Court of Appeals for the Sixth Circuit, *Clemons v. Shelby Cty. Bd. of Educ.*, 19-5846, 818 Fed.Appx. 453 (6th Cir. 2020).
- Favorable resolution of medical malpractice action involving plaintiff injured during gynecological surgery, resulting in significant damages.
- Highly favorable resolutions in numerous cases involving minor students injured at school due to negligent supervision, including bullying and discrimination.

PROFESSIONAL HONORS & ACTIVITIES

Memberships

- American Association of Justice
- American Bar Association
- Kentucky Bar Association
- Kentucky Justice Association
- Phi Alpha Delta Law Fraternity

PRESENTATIONS, SEMINARS & PUBLISHED WORKS

- *When Lady Justice Sought Her Sight: Judicial Selection in Kentucky in Light of Recent Trends and Carey v. Wolnitzek*, 50 U. LOU. L. REV. 383 (2011).



Gregory S. Mullens

OF COUNSEL

Gregory S. Mullens brings more than a decade of experience litigating complex matters across the public and private sectors. An accomplished trial attorney, he has handled more than 40 trials, including serving as first chair on 10 jury trials to verdict. He currently focuses his practice on complex investigations and the litigation of antitrust and consumer protection matters.

Mr. Mullens also served as counsel at a litigation boutique in New Jersey. In this role, he led internal investigations and defended individual and corporate clients in high-stakes matters involving the U.S. Department of Justice (DOJ), U.S. attorneys' offices, offices of inspectors general and state attorneys general.

He began his legal career as a prosecutor for the Hudson County Prosecutor's Office in New Jersey. Following his service in the trial division, he was promoted to the Gangs and Narcotics Task Force, where he led the investigation and prosecution of high-priority criminal targets. These included Racketeer Influenced and Corrupt Organizations Act (RICO) enterprises, money laundering networks and large-scale trafficking operations.

Before entering the legal profession, Mr. Mullens was a professional athlete, pitching for the New York Mets in their minor league system from 2005-2008. He holds the distinction of being the first Tibetan professional baseball player.

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LOCATION

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PRACTICE AREAS

- AI Copyright Litigation
- Antitrust
- Civil Litigation
- Class Action
- Complex Litigation
- Consumer Protection
- Privacy & Cybersecurity Litigation

EDUCATION

- Yeshiva University – Benjamin N. Cardozo School of Law (J.D., 2012)
 - Articles Editor, Journal of International and Comparative Law
- Columbia University (B.A., political science, 2006)

BAR ADMISSIONS

- New Jersey
- New York
- U.S. District Court – District of New Jersey
- U.S. District Court – Eastern District of New York
- U.S. District Court – Southern District of New York
- U.S. 3rd Circuit Court of Appeals

EXPERIENCE

- *Calhoun et al. v. Google LLC*
- *In re: Allstate & Arity*
- *In re: Bank of America Unauthorized Account Opening Litigation*
- *In re: Google Generative AI Copyright Litigation*
- *In re: Google RTB Consumer Privacy Litigation*
- *Sydney Ji, et al. v. Naver Corp. et al.*
- *White v. Samsung Electronics America, Inc. et al.*



STRANCH, JENNINGS & GARVEY
PLLC



Miles McDowell

ATTORNEY

Miles McDowell joined Stranch, Jennings & Garvey in 2025. He specializes in complex civil litigation, including data breach and privacy class actions in both state and federal courts.

Mr. McDowell is a 2018 graduate of the University of Tennessee (UT), where he obtained a Bachelor of Science in sport management and a double minor in business and political science. While pursuing his degree, he also coached basketball for several high schools in the Knoxville area and Amateur Athletic Union (AAU) teams.

He earned his J.D. in 2021 from the University of Tennessee's Winston College of Law, where he served as treasurer of the Black Law Student Association; vice president of the Sports and Entertainment Law Society; a Diversity, Equity and Inclusion Fellow; and teaching assistant in both tort and criminal law.

While in law school, Mr. McDowell also worked as a student attorney in the University of Tennessee Law Advocacy Clinic, defending clients facing criminal prosecution and assisting other clients in their reentry into society following criminal convictions.

Upon completion of the clinic course, he was selected as a student assistant and continued working in the clinic during his final year of law school, where he was ultimately awarded the James Powers Award in Criminal Advocacy and the Julian Blackshear Outstanding Student Award.

Following law school, Mr. McDowell relocated to Nashville, where he practiced at another law firm in criminal defense, domestic relations, general civil litigation and collections. Because of his efforts and commitment to provide zealous representation to his clients, Mr. McDowell was named a Rising Star in 2024 in Thomas Reuter's annual Mid-South Super Lawyers listings.

In his personal time, Mr. McDowell enjoys watching documentaries, traveling, being a UT sports fan and volunteering with local community organizations.

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LOCATION

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PRACTICE AREAS

- Class Action
- Complex Litigation
- Privacy & Cybersecurity Litigation

EDUCATION

- University of Tennessee College of Law (J.D., 2021)
 - Vice President, Sports and Entertainment Law Society
 - Treasurer, Black Law Student Association
 - James Powers Award in Criminal Advocacy
 - Julian Blackshear Outstanding Student Award
- University of Tennessee (B.S. in sport management, 2018)
 - Double minor in business and political science

BAR ADMISSIONS

- Tennessee
- U.S. District Court – Eastern District of Tennessee
- U.S. District Court – Middle District of Tennessee
- U.S. District Court – Western District of Tennessee

PROFESSIONAL HONORS & ACTIVITIES

Memberships

- Nashville Bar Association
- Tennessee Association of Criminal Defense Lawyers
- Tennessee Bar Association



STRANCH, JENNINGS & GARVEY
PLLC



Darrius D. Dixon

ATTORNEY

Darrius Dixon joined Stranch, Jennings & Garvey in 2025. He specializes in complex civil litigation, including data breach and privacy class actions in both state and federal court.

Mr. Dixon is a 2017 graduate of Middle Tennessee State University (MTSU) with a Bachelor of Science in criminal justice and homeland security, and a double minor in political science and psychology. While obtaining his degree, he also studied abroad in London, England.

He earned his J.D. in 2022 from the University of Tennessee's Winston College of Law, where he served as vice president of the Student Bar Association and held roles in the Health Law Society and Student Wellness Committee.

While in law school, Mr. Dixon worked as a student attorney in the University of Tennessee Law Wills Clinic, representing clients in estate planning and uncontested conservatorship cases. He also served as a legal intern at the Tennessee Valley Authority (TVA) in areas including administrative law, environmental law, civil defense litigation and state/federal regulatory compliance.

Following law school, Mr. Dixon practiced as an associate with the Knoxville-based Lewis Thomason P.C. law firm in the areas of insurance defense, commercial litigation and data privacy breach response. He also served as a healthcare litigation associate with Starnes Davis Florie LLP, representing hospitals, skilled nursing facilities and individual medical providers.

After graduating from MTSU, Mr. Dixon attended the Regional Law Enforcement Training Academy in Greeneville, Tennessee, and served as a police officer for two years before attending law school.

He resides in the Nashville area and teaches as an adjunct professor at MTSU. In his personal time, he enjoys drumming, cooking, traveling and volunteering with local community organizations.

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PRACTICE AREAS

- Class Action
- Complex Litigation
- Privacy & Cybersecurity Litigation

EDUCATION

- University of Tennessee College of Law (J.D., 2022)
 - Vice President, Student Bar Association
 - Julian Blackshear Scholarship Award
 - Napier Looby Scholarship Award
 - William W. Hawkins Scholarship Award
 - Leadership Development Programming Assistant, UT Haslam College of Business
- Middle Tennessee State University (B.S. in Criminal Justice and Homeland Security, 2017)
 - Double minor in Political Science and Psychology

BAR ADMISSIONS

- Tennessee
- U.S. District Court – Middle District of Tennessee

PROFESSIONAL HONORS & ACTIVITIES

Memberships

- Tennessee Bar Association
- Nashville Bar Association
- American Bar Association
- Napier-Looby Bar Association
- International Association of Privacy Professionals

PRESENTATIONS

- Presentation speaker for the Tennessee School Resource Officer Association Conference (June 2023)
- Guest speaker for the Mt. Zion Missionary Baptist Church of Asheville, North Carolina (June 2023)



STRANCH, JENNINGS & GARVEY
PLLC



Samuel W. Douthit

ASSOCIATE ATTORNEY

Samuel Douthit is an associate attorney specializing in complex civil litigation, including data breach and privacy class actions, in both state and federal courts.

He graduated summa cum laude in 2022 with a Bachelor of Science in finance and a minor in mathematics from the University of Tennessee-Knoxville. He served as president of the Men's Club Soccer Team and was a Haslam College of Business Global Leadership Scholar.

Mr. Douthit earned his J.D. degree cum laude in 2025 from Indiana University's Maurer School of Law, where he worked with the Intellectual Property Clinic, served as an online editor for the Indiana Law Journal and participated in the Sherman Minton Moot Court competition. During his summers off from law school, he worked as a law student attorney for a firm in Indiana and a small firm in Nashville, where he represented individuals in a wide variety of legal needs.

Mr. Douthit resides in the Nashville area with his wife and two cats. In his spare time, he enjoys running, watching his beloved Borussia Dortmund football club and Nashville Soccer Club, and eating at restaurants up and down Nolensville Road.

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LOCATION

The Freedom Center
Rosa L. Parks Avenue
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Nashville, TN 37203

PRACTICE AREAS

- Class Action
- Privacy & Cybersecurity Litigation

EDUCATION

- Indiana University, Maurer School of Law (J.D., cum laude, 2025)
 - Online Editor, Indiana Law Journal
 - Participant, Sherman Minton Moot Court
 - Associate, Intellectual Property Law Clinic
- University of Tennessee (B.S., Finance, summa cum laude, 2022)
 - Global Leadership Scholar
 - Men's Soccer Club President

BAR ADMISSIONS

- Tennessee

PROFESSIONAL HONORS & ACTIVITIES

Memberships

- Tennessee Bar Association
- Nashville Bar Association



STRANCH, JENNINGS & GARVEY
PLLC



Colleen Garvey

ATTORNEY

St. Louis native Colleen Garvey joined Stranch, Jennings & Garvey in 2022. Ms. Garvey previously worked at a top insurance defense firm in St. Louis, where she primarily practiced in premises liability, personal injury and catastrophic loss claims. She brings a unique perspective and desire to strongly advocate for those who have experienced injustice or harm.

Ms. Garvey earned her J.D. in 2020 from Saint Louis University School of Law. While attending law school, she worked as a law clerk at a plaintiff's firm for two years; served as a teaching fellow mentor for first-year law students; clerked for Judge Colleen Dolan on the Missouri Court of Appeals in the Eastern District; and, by invitation, served as a member of the prominent Theodore McMillian American Inn of Court. She also practiced as a Rule 13 certified law student for Saint Louis University's Criminal Law Clinic, representing indigent clients in criminal matters before state and federal judges.

Ms. Garvey graduated *magna cum laude* in 2016 from Rockhurst University in Kansas City, Missouri, with a B.A. in Psychology and a B.A. in English, and competed as a collegiate scholar athlete on the Rockhurst women's golf team.

Ms. Garvey resides in the City of St. Louis with her pet axolotl, Jerry. In her free time, she enjoys traveling and playing pickleball with her friends and family.

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LOCATION

Peabody Plaza
701 Market Street
Suite 1510
St. Louis, MO 63101

PRACTICE AREAS

- Civil Litigation
- Class Action
- Complex Litigation
- Mass Torts
- Necrotizing Enterocolitis (NEC)
- Personal Injury
- Privacy & Cybersecurity Litigation
- Sexual Abuse & Assault Litigation

EDUCATION

- Saint Louis University School of Law (J.D., 2020)
- Rockhurst University (B.A., *magna cum laude*, 2016)

CLERKSHIP

- Hon. Colleen Dolan on the Missouri Court of Appeals in the Eastern District

BAR ADMISSIONS

- Illinois
- Missouri
- U.S. District Court – Eastern District of Missouri

EXPERIENCE

Representative Case

- In re: Gill v. Abbott Laboratories, No. 2322-CC01251 (22nd Judicial Circuit Court of Missouri). A closely watched necrotizing enterocolitis (NEC) baby formula bellwether trial culminated in a \$495 million judgment against Abbott Laboratories, a verdict that could affect many other lawsuits awaiting litigation in state and federal courts throughout the U.S.

PROFESSIONAL HONORS & ACTIVITIES

Awards

- Missouri Lawyers Media's 2025 Up & Coming Attorneys
- 2024 Missouri & Kansas Super Lawyers® Class Action/Mass Torts Rising Stars
- 2023 Missouri & Kansas Super Lawyers® Class Action/Mass Torts Rising Stars
- 2023 National Trial Lawyers Civil Plaintiff Top 40 Under 40 Trial Lawyers in the state of Missouri

COMMUNITY INVOLVEMENT

- Missouri State Public Defender System's Coalition for the Right to Counsel Program (*pro bono* representative, 2020 – present)



STRANCH, JENNINGS & GARVEY
PLLC



Michael Iadevaia

ATTORNEY

Michael Iadevaia focuses his practice on complex and class action litigation and labor union and worker representation across all labor and employment issues, including traditional labor, employment discrimination, wage and hour, and ERISA.

Immediately before joining the firm, Mr. Iadevaia served as a law clerk for the Hon. Jane Branstetter Stranch of the U.S. 6th Circuit Court of Appeals. He also worked for a prominent union-side labor law firm in Washington, D.C., where he represented local and international labor unions and their workers in federal courts, state courts, administrative tribunals and arbitrations, and clerked for a federal district court judge.

While in law school, Mr. Iadevaia worked for the Cornell Labor Law Clinic, where he represented workers and their unions in multiple arbitrations and unfair labor practice charges before the NLRB. He received the CALI Award for Excellence for receiving the highest grade in his labor law course, and won first place in the national College of Labor & Employment Lawyers and ABA Section of Labor & Employment Law Annual Law Student Writing Competition, publishing his piece on antitrust issues in no-poach agreements in the ABA Journal of Labor & Employment Law.

Mr. Iadevaia also served as a teaching assistant for an undergraduate course in labor and employment law, for which he earned the General Mills Award for Exemplary Graduate Assistant Teaching, and interned with the U.S. Department of Justice, Civil Rights Division, Disability Rights Section.

Mr. Iadevaia's sustained interest in workers' rights preceded his legal career. During his undergraduate studies at Cornell University's School of Industrial and Labor Relations, he served as a field examiner intern for Region 29 (Brooklyn) of the National Labor Relations Board, and as a research assistant for a professor regarded as a leading authority on union organizing and collective bargaining.

Originally from New York, Michael enjoys exploring Nashville and greater Tennessee. In his free time, he takes pride in cooking Italian cuisine and playing clarinet for the Nashville Community Concert Band.

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LOCATION

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PRACTICE AREAS

- Appellate Practice
- Class Action
- Complex Litigation
- Employment Law
- ERISA Trust Funds
- Labor Law

EDUCATION

- Cornell Law School (J.D., *cum laude*, 2019)
 - Articles Editor, Cornell Law Review
 - General Mills Award for Exemplary Graduate Teaching
 - CALI Award for Excellence in Labor Law
 - First Place, College of Labor & Employment Lawyers and ABA Section of Labor & Employment Law Annual Law Student Writing Competition
- Cornell University, School of Industrial and Labor Relations (B.S., *with honors*, 2016)

CLERKSHIP

- Hon. Jane B. Stranch of the U.S. 6th Circuit Court of Appeals

BAR ADMISSIONS

- New York
- Tennessee
- U.S. District Court – District of Columbia
- U.S. District Court – Middle District of Tennessee
- U.S. District of Columbia Circuit Court of Appeals
- U.S. 3rd Circuit Court of Appeals
- U.S. 6th Circuit Court of Appeals
- U.S. 7th Circuit Court of Appeals
- U.S. 10th Circuit Court of Appeals

PROFESSIONAL HONORS & ACTIVITIES

Activities

- Contributing Editor, *The Developing Labor Law*

Memberships

- American Bar Association
- D.C. Bar Association

PUBLISHED WORKS

- Poach-No-More: Antitrust Considerations of Intra-Franchise No-Poach Agreements, 35 *ABA Journal of Labor & Employment Law* 151 (2020)

LANGUAGES

- English
- Italian



STRANCH, JENNINGS & GARVEY
PLLC



John C. Roberts

ATTORNEY

John C. Roberts joined Stranch, Jennings & Garvey in 2025 after completing his clerkship with Judge Lynne Ingram of the Eighth Circuit Court for Davidson County, Tennessee. He specializes in complex civil litigation and class actions in both state and federal courts.

A third-generation trial lawyer, Dr. Roberts is a 2024 graduate of Vanderbilt University, where he obtained both his J.D. and Ph.D. in Law & Economics. While in law school, he spent his summers working for judges in Nashville — first for Magistrate Judge Jeffery S. “Chip” Frensey of the U.S. District Court for the Middle District of Tennessee, and later for Judge Sheila D.J. Calloway of the Davidson County Juvenile Court. In addition, he worked as a law student attorney for a small law firm in Texas, where he represented small businesses in commercial disputes.

Dr. Roberts’ work for the Davidson County Juvenile Court led to his dissertation, titled “The Efficacy of Risk Assessment Instruments in Juvenile Pretrial Detention,” in which he analyzed a risk assessment tool used by local officials in determining whether to detain juvenile arrestees pending trial. His research was supervised by leading economists and juvenile justice experts, including Christopher Slobogin, one of the nation’s foremost scholars on risk assessment algorithms.

Prior to law school, Dr. Roberts received his master’s and bachelor’s degrees in economics from the University of Texas at Austin. During college, he interned for the Antitrust Division of the Texas Attorney General’s Office, working with attorneys and staff economists on consumer protection investigations. After graduating with his master’s degree at age 21, he was hired as one of the youngest adjunct assistant professors of economics at his local community college, where he taught introductory macroeconomics.

A native Texan, Dr. Roberts now calls Nashville home. In his spare time, he is an aspiring farmer, raising pigs, improving his cattle-handling skills and, most importantly, driving his tractor. He also enjoys camping, off-roading, carpentry, and playing piano and guitar.

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LOCATION

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PRACTICE AREAS

- Civil Litigation
- Class Action
- Complex Litigation
- Consumer Protection
- ERISA Trust Funds
- Privacy & Cybersecurity Litigation

EDUCATION

- Vanderbilt University Law School (J.D., 2024)
 - Branstetter Litigation & Dispute Resolution Program
- Vanderbilt University (Ph.D., Law & Economics, 2024)
 - Behavioral Law & Economics; Criminal & Juvenile Justice Policy
 - Russell G. Hamilton Scholar
 - University Graduate Fellow
- University of Texas in Austin (M.A., Economics, 2018)
- University of Texas in Austin (B.A. with High Honors, Economics, 2017)
 - Minors in Mathematics and Business Administration
 - Special Honors in Economics

CLERKSHIP

- Hon. Lynne T. Ingram, Eighth Circuit Court for Davidson County, Twentieth Judicial District, State of Tennessee (2024-2025)

BAR ADMISSIONS

- Tennessee
- U.S. District Court – Middle District of Tennessee
- U.S. District Court – Western District of Tennessee
- U.S. District Court – Southern District of Texas

SJG
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JENNINGS
& GARVEY
PLLC



Nathan Martin

ATTORNEY

Nathan Martin concentrates his practice in class actions and civil litigation, with a focus on contract law. A Nashville native, he earned his J.D. in 2021 from the Nashville School of Law, and his B.A. in 2000 from the University of Tennessee. Prior to joining the firm, he worked for many years in the valet parking services industry, where he first managed the private events division, then the valet services division for medical centers and large accounts in the Middle Tennessee area.

As an attorney, Mr. Martin continues the legal tradition first established by his father, a criminal defense attorney, and models his practice after his father's longtime efforts to protect the rights of his clients and ensure fair treatment under the law.

Away from the office, he resides with his wife and daughter, and enjoys hiking, biking, camping and travel.

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The Freedom Center
223 Rosa L. Parks Avenue
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Nashville, TN 37203

PRACTICE AREAS

- Bank Fees
- Civil Litigation
- Class Action

EDUCATION

- Nashville School of Law (J.D. 2021)
- University of Tennessee (B.A., sociology with focus in criminal justice, 2000)

BAR ADMISSIONS

- Tennessee

PROFESSIONAL HONORS & ACTIVITIES

Memberships

- Tennessee Bar Association (2021)
- Nashville Bar Association (2022)



STRANCH, JENNINGS & GARVEY
PLLC

EXHIBIT

D



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Miami – Fort Lauderdale – Boca Raton

OUR FIRM

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

WHO WE ARE

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

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

CLASS ACTION PLAINTIFF

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

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

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

CLASS ACTION DEFENSE

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

MASS TORT LITIGATION

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

OTHER AREAS OF PRACTICE

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

FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit www.kolawyers.com.

FINANCIAL INSTITUTIONS

CLASS ACTION AND MASS TORTS

Aseltine v. Bank of America, N.A., 3:23-cv-00235 (W.D.N.C. 2024) – \$21 million

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In re: Fortra File Transfer Software Data Breach Litigation, MDL No. 3090 (S.D. Fla.) – \$27 million

In re: Evolve Bank & Trust Customer Data Breach Litig., MDL No. 3127 (W.D. Tenn.) - \$17.0 million

In re: Snowflake, Inc., Data Breach Litigation, MDL No. 3126 (D. Mont.) - Co-Lead Counsel

In re: Consumer Vehicle Driving Data Tracking Collection, MDL No. 3115 (N.D. Ga.) - Exec. Comm.

In re Change Healthcare, Inc. Data Breach Litigation, MDL No. 3108 (D. Minn.) - Exec. Comm.

In re: PowerSchool Holdings, Inc. Customer Data Breach Litig., MDL No. 3149 (S.D. Cal.) - Exec. Comm.

MDLs

DATA BREACH AND PRIVACY

In Re: AT&T Inc Customer Data Security Breach Litigation, 3:24-cv-00757 (N.D. Tex.) - \$177 million
McNally et al. v. Infosys McAmish Systems, LLC, 1:24-cv-00995 (N.D. Ga.) - \$17.5 million
Crowe, et al. v. Managed Care of North America, Inc., 0:23-cv-61065-AHS (S.D. Fla.) – Co-Lead Counsel
Malinowski, et al. v. IBM Corp. and Johnson & Johnson, 7:23-cv-08421 (S.D.N.Y.) – Co-Lead Counsel
Gordon, et al. v. Zeroed-In Technologies, LLC, et al., 1:23-CV-03284 (D. Md.) – Co-Lead Counsel
Harrell, et al. v. Webtpa Employer Services LLC, 3:24-CV-01158 (N.D. Tex.) - \$13.75 million
Gambino, et al. v. Berry Dunn Mcneil & Parker LLC, 2:24-CV-00146 (D. Me.) - \$7.25 million
Isaac v. Greylock McKinnon Associates, Inc., 1:24-CV-10797 (D. Mass.) - \$600,000
Rodriguez, et al. v. Caesars Entertainment, Inc., 2:23-CV-01447 (D. Nev.) - Steering Committee Chair
Owens v. MGM Resorts International, 2:23-cv-01480-RFB-MDC (D. Nev.) - \$45 million
Doyle v. Luxottica of America, Inc., 1:20-cv-00908-MRB (S.D. Ohio) - Executive Committee
Doe, et al. v. Highmark, Inc., 2:23-cv-00250-NR (W.D. Penn.) - Executive Committee
Silvers, et al. v. HCA Healthcare, Inc., 1:23-cv-01003-LPH (S.D. In.) - Executive Committee
In re: 21st Century Oncology, MDL No. 2737 (M.D. Fla. 2021) - \$21.8 million
In re: CaptureRx Data Breach, 5:21-cv-00523 (W.D. Tex. 2022) - \$4.75 million
Lopez, et al. v. Volusion, LLC, 1:20-cv-00761 (W.D. Tex. 2022) - \$4.3 million
Mathis v. Planet Home Lending, LLC, 3:24-CV-00127 (D. Conn.) - \$2.425 million
In re loanDepot Data Breach Litigation, 8:24-cv-00136 (C.D. Cal.) - \$25 million
Stadnik v. Sovos Compliance, LLC, 1:23-CV-12100 (D. Mass.) - \$3.5 million
Turner v. Johns Hopkins, et al., 24-C-23-002983 (Md. Cir. Ct.) - \$2.9 million
Peterson v. Vivendi Ticketing US LLC, 2:23-CV-07498 (C.D. Cal.) - \$3.25 million
Katz, et al. v. Einstein Healthcare Network, 02045 (Pa. Ct. C.P., Phila.) - \$1.6 million
Opris et al v. Sincera Reproductive Medicine et al, 2:21-cv-03072 (E.D. Pa.) - \$1.2 million
Garza et al v. Healthalliance, Inc. et al, 7245012023 (N.Y. Sup. Ct.) - \$1.29 million
McLean et al. v. Signature Performance, Inc. et al., 8:24-cv-00230 (D. Neb.) - \$8.5 million
Wahab et al. v. Boston Children's Health Phys., LLP, 73692/2024 (N.Y. Sup. Ct.) - \$5.15 million

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

In re Zantac Prods. Liab. Litig., MDL No. 2924 (S.D. Fla.) - Co-Lead Counsel
In re: National Prescription Opiate Litigation, No. MDL No. 2804 (N.D. Ohio) - \$100 million
In re: Juul Labs, No. MDL No. 2913 (N.D. Cal.) - \$26 million
In re: Davenport Hotel Building Collapse, LACE137119 (Dist. Ct. Scott Cty., Iowa) - Class Counsel
In re: 3M Combat Arms Earplug Prod. Liab. Litig., MDL No. 2885 (N.D. Fla.) - Numerous Plaintiffs
In re: Stryker Prod. Liab. Lit., 13-MD-2411 (Fla. Cir Ct.) - Numerous Plaintiffs

CONSUMER PROTECTION

MASS TORT



JEFF OSTROW

Managing Partner

ostrow@kolawyers.com

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Bar Admissions

Florida Bar

District of Columbia Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

U.S. District Court, Western District of Kentucky

U.S. District Court, Northern District of New York

U.S. District Court, District of Colorado

U.S. District Court, Southern District of Indiana

U.S. District Court, Eastern District of Texas

U.S. District Court, District of Nebraska

Education

Nova Southeastern University, J.D. - 1997

University of Florida, B.A. - 1994

Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own firm in 1997, immediately upon graduation from law school and has since grown KO to 30 attorneys with offices in South Florida, Philadelphia, and New York. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the area of consumer class actions. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, which is the highest possible rating by the most widely recognized attorney rating organization in the world.

Mr. Ostrow is an accomplished trial attorney who has experience representing both Plaintiffs and Defendants. He has successfully tried many cases to verdict involving multi-million-dollar damage claims in state and federal courts. He is currently court-appointed lead counsel or sits on plaintiffs' executive committees in multiple high profile nationwide multi-district litigation actions involving cybersecurity breaches and related privacy issues.

Additionally, he has spent the past 15 years serving as lead counsel in dozens of nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$1 billion for tens of millions of bank and credit union customers, as well as monumental changes in the way they assess fees. Those changes have forever revolutionized an industry, resulting in billions of dollars of savings. In addition, Mr. Ostrow has served as lead class counsel in many consumer class actions against some of the world's largest airlines, pharmaceutical companies, clothing retailers, health and auto insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies. A selection of

settled class actions in which Mr. Ostrow has participated are listed herein above.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, Fox, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic swimming, professional boxing, the NFL, NBA and MLB.

Mr. Ostrow received a Bachelor of Science in Business Administration from the University of Florida in 1994 and Juris Doctorate from Nova Southeastern University in 1997. He is a licensed member of The Florida Bar and the District of Columbia Bar, is fully admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Ninth Circuit and Eleventh Circuit, the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, District of Colorado, Southern District of Indiana, Western District of Kentucky, Eastern District of Michigan, Northern District of Illinois, District of Nebraska, Northern District of New York, Western District of Tennessee, Eastern District of Texas, Western District of Wisconsin, Southern District of Indiana, Eastern District of Texas, and District of Nebraska. Mr. Ostrow is also member of several bar associations.

In addition to the law practice, he is the founder and president of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic Gold Medalist Swimmers, World Champion Boxers, and select NFL athletes, and is licensed by both the NFL Players Association as a certified Contract Advisor. At the agency, Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing and NIL engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating, and arbitrating a wide range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the World Anti-Doping Agency. He has been an invited sports law guest speaker at New York University and Nova Southeastern University and has also served as a panelist at many industry-related conferences.

He is a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have had multi-million dollar jury verdicts. Additionally, he is consistently named as one of the top lawyers in Florida by Super Lawyers®, a publication that recognizes the best lawyers in each state. Mr. Ostrow is an inaugural recipient of the University of Florida's Warrington College of Business Administration Gator 100 award for the fastest growing University of Florida alumni- owned law firm in the world.

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is the Managing Member of One West LOA LLC, a commercial real estate development company with holdings in downtown Fort Lauderdale. He has previously sat on the boards of a national banking institution and a national healthcare marketing company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. Mr. Ostrow resides in Fort Lauderdale, Florida, and has 3 sons.



DAVID FERGUSON

Partner

Bar Admissions

The Florida Bar

Court Admissions

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

Education

Nova Southeastern University, J.D. - 1993

Nova Southeastern University, B.S. - 1990

Email: ferguson@kolawyers.com

David L. Ferguson is an accomplished trial attorney and chairs the firm's litigation department. He routinely leads high stakes litigation across a wide array of practice areas, including, but not limited to, employment law, complex business litigation, class actions, product liability, catastrophic personal injury, civil rights, and regulatory enforcement actions.

Mr. Ferguson is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, a testament to the fact that his peers (lawyers and judges in the community) have ranked him at the highest level of professional excellence. Mr. Ferguson is well regarded as a formidable advocate in court and for providing creative and insightful strategic advice, particularly in emergency and extremely complex situations.

While in law school, Mr. Ferguson served as a Staff Member of the Nova Law Review. He was also a member of the Moot Court Society and the winner of the Moot Court Intramural Competition.

Representation of the Broward Sheriff's Office

Since 2013, Mr. Ferguson has had the privilege of representing the Broward Sheriff's Office ("BSO") in over 150 matters involving many different types of disputes and issues, including: defense of civil rights lawsuits in state and federal court; negotiating collective bargaining agreements with unions; and arbitrations brought by unions or employees subjected to termination or other significant discipline. Mr. Ferguson has had many arbitration final hearings and state and federal jury trials for BSO representing the agency as well as the Sheriff and numerous Deputies individually.

Class/Mass Actions

Mr. Ferguson has experience in class actions against large banks and some of the world's largest companies, including technology companies and oil conglomerates.

Additionally, during his career Mr. Ferguson has defended many large companies in MDL's, and mass and class actions, including medical equipment manufacturers, pharmaceutical companies, an aircraft parts and engine manufacturer and defense contractor, nationwide retailers, and a massive sugar manufacturer.

Large Fraud and Ponzi Cases

Mr. Ferguson has a great deal of experience litigating cases involving massive fraud claims, most often for victims, but also for select defendants. Mr. Ferguson's clients have included individual victims who have lost multiple millions of dollars in fraud schemes to large businesses with tremendous damages, including one international lending institution with damages in excess of \$150 million. Additionally, Mr. Ferguson successfully represented several individuals and entities subjected to significant claims by a receiver and the United States Marshals Service in a massive billion-dollar Ponzi scheme involving a notorious Ft. Lauderdale lawyer and his law firm.

Regulatory Agency Enforcement Actions

Mr. Ferguson has extensive experience defending individuals and entities in significant enforcement actions brought by regulatory agencies, including the CFTC, FTC, and SEC.

Employment, Human Resources, and Related Matters

Mr. Ferguson has represented numerous business and individuals in employment and human resource related matters. Mr. Ferguson has represented several Fortune 50 companies, including Pratt & Whitney/UTC, Home Depot, and Office Depot in all phases of employment related matters. Mr. Ferguson has litigated virtually every type of discrimination and employment related claim, including claims based upon race, pregnancy, disability, national origin, religion, age, sexual preference, sexual harassment, worker's compensation, unemployment, FMLA leave, FLSA overtime, unpaid wages, whistleblower, and retaliation.

Mr. Ferguson primarily represents companies, but also represents select individuals who have claims against their present or former employers. In addition to the wide variety of employment claims discussed above, as plaintiff's counsel Mr. Ferguson has also handled federal False Claims Act (Qui Tam) and the Foreign Corrupt Practices Act claims brought by individuals.

Business Disputes

Throughout his legal career, as counsel for plaintiffs and defendants, Mr. Ferguson has handled a myriad of commercial cases involving all types of business disputes, including claims for breach of partnership agreements, breach of shareholder or limited liability company operating agreements; dissolution of corporations and limited liability companies; appointment of receivers; breaches of fiduciary duty; conversion; constructive trust; theft; negligent or intentional misrepresentation or omissions; fraudulent inducement; tortious interference; professional negligence or malpractice; derivative actions, breach of contract, real estate disputes, and construction disputes.

Noncompetition and Trade Secret Litigation

Mr. Ferguson routinely represents companies and individuals in commercial disputes involving unfair and deceptive trade practices, unfair competition and/or tortious interference with contracts or valuable business relationships. Often these cases involve the enforcement of noncompetition agreements and protection of valuable trade secrets. Mr. Ferguson has extensive experience representing businesses seeking to enforce their noncompetition agreements and/or protect trade secrets through suits for injunctive relief and damages and representing subsequent employers and individuals defending against such claims. He has obtained numerous injunctions for his clients and has also successfully defended against them numerous times, including getting injunctions dissolved that were entered against his clients without notice or prior to his representation. Mr. Ferguson has also obtained contempt sanctions and entitlement to punitive damages against individuals and entities who have stolen trade secrets from his clients.



ROBERT C. GILBERT

Partner

Bar Admissions

The Florida Bar

District of Columbia Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the 11th Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

Education

University of Miami School of Law, J.D. - 1985

Florida International University, B.S. - 1982

Email: gilbert@kolawyers.com

Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Breach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



JONATHAN M. STREISFELD

Partner

Bar Admissions

The Florida Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the First, Second, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, Western District of New York

U.S. District Court, Western District of Tennessee

Education

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

Email: streisfeld@kolawyers.com

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast and successful experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$500,000,000 for tens of millions of bank and credit union customers, as well as profound changes in the way banks assess fees. Additionally, he has and continues to serve as lead and class counsel for consumers in many class actions involving false advertising and pricing, defective products, data breach and privacy, automobile defects, airlines, mortgages, and payday lending. Mr. Streisfeld has also litigated class actions against some of the largest health and automobile insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships and resolving disputes. Mr. Streisfeld has also provided legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters. As a member of The Florida Bar, Mr. Streisfeld served for many years on the Executive Council of the Appellate Practice Section and is a past Chair of the Section's Communications Committee.



KEN GRUNFELD

Partner

Bar Admissions

The Pennsylvania Bar

The New Jersey Bar

Court Admissions

U.S. Court of Appeals for the Third, Fourth, Fifth, Ninth, Tenth and Eleventh Circuits

U.S. District Ct, Eastern District of Pennsylvania

U.S. District Ct, Middle District of Pennsylvania

U.S. District Ct, Western District of Pennsylvania

U.S. District Ct, District of New Jersey

U.S. District Ct, Eastern District of Michigan

U.S. District Ct, Western District of Wisconsin

Education

Villanova University School of Law, J.D., 1999

University of Michigan, 1996

Email: grunfeld@kolawyers.com

Ken Grunfeld is one of the newest KO partners, having just started working at the firm in 2023. Having worked at one of Philadelphia's largest and most prestigious defense firms for nearly a decade defending pharmaceutical manufacturers, national railroads, asbestos companies and corporate clients in consumer protection, products liability, insurance coverage and other complex commercial disputes while working, Mr. Grunfeld "switched sides" about 15 years ago.

Since then, he has become one of the city's most prolific and well-known Philadelphia class action lawyers. His cases have resulted in the recovery of hundreds of millions of dollars for injured individuals.

Mr. Grunfeld brings with him a wealth of pre-trial, trial, and appellate work experience in both state and federal courts. He has successfully taken many cases to verdict. Currently, he serves as lead counsel in a number of nationwide class actions. Whether by settlement or judgment, Mr. Grunfeld makes sure the offending companies' wrongful practices have been addressed. He believes the most important part of bringing a wrongdoer to justice is to ensure that it never happens again; class actions can be a true instrument for change if done well.

Mr. Grunfeld has been named a Super Lawyer numerous times throughout his career. He has been a member of the Philadelphia, Pennsylvania, and American Bar Associations, as well as a member of the American Association for Justice (AAJ). He was a Finalist for AAJ's prestigious Trial Lawyer of the Year Award in 2012 and currently serves as AAJ's Vice Chair of the Class Action Law Group. To his strong view that attorneys should act ethically, he volunteers his time as a Hearing Committee Member for the Disciplinary Board of the Supreme Court of Pennsylvania.

Mr. Grunfeld received his undergraduate degree from the University of Michigan. He is an active member of the Michigan Alumni Association, Philadelphia chapter and serves as a Michigan Alumni Student recruiter for local high schools. He received his Juris Doctor from the Villanova University School of Law. He was a member of the Villanova Law Review and graduated Order of the Coif.

Ken is a life-long Philadelphian. He makes his home in Bala Cynwyd, Pennsylvania, where he resides with his wife, Jennifer, and his year-old twins.

KRISTEN LAKE CARDOSO

Partner



Bar Admissions

The Florida Bar

The State Bar of California

Court Admissions

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Central District of California

U.S. District Court, Eastern District of California

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

Education

Nova Southeastern University, J.D., 2007

University of Florida, B.A., 2004

Email: cardoso@kolawyers.com

Kristen Lake Cardoso is a litigation attorney focusing on consumer class actions and complex commercial litigation. She has gained valuable experience representing individuals and businesses in state and federal courts at both the trial and appellate levels in a variety of litigation matters, including contractual claims, violations of consumer protection statutes, fraud, breach of fiduciary duty, negligence, professional liability, real estate claims, enforcement of non-compete agreements, trade secret infringement, shareholder disputes, deceptive trade practices, and other business torts.

Currently, Ms. Cardoso serves as counsel in nationwide and statewide class action lawsuits concerning violations of state consumer protection statutes, false advertising, defective products, data breaches, and breaches of contract. Ms. Cardoso is actively litigating cases against major U.S. airlines for their failure to refund fares following flight cancellations and schedule changes, as well as cases against manufacturers for their sale and misleading marketing of products, including defective cosmetics and nutritional supplements. Ms. Cardoso has also represented students seeking reimbursements of tuition, room and board, and other fees paid to their colleges and universities for in-person education, housing, meals, and other services not provided when campuses closed during the COVID-19 pandemic. Additionally, Ms. Cardoso has represented consumers seeking recovery of gambling losses from tech companies that profit from illegal gambling games offered, sold, and distributed on their platforms.

Ms. Cardoso is admitted to practice law throughout the states of Florida and California, as well as in the United States District Courts for the Southern District of Florida, Middle District of Florida, Central District of California, Eastern District of California, Northern District of Illinois, and Eastern District of Michigan.

Ms. Cardoso attended the University of Florida, where she received her Bachelor's degree in Political Science, cum laude, and was inducted as a member of Phi Beta Kappa honor society. She received her law degree from Nova Southeastern University, magna cum laude. While in law school, Ms. Cardoso served as an Articles Editor for the Nova Law Review, was on the Dean's List, and was the recipient of a scholarship granted by the Broward County Hispanic Bar Association for her academic achievements. When not practicing law, Ms. Cardoso serves as a volunteer at Saint David Catholic School, including as a member of the school Advisory Board and an executive member of the Faculty Student Association. She has also served on various committees with the Junior League of Greater Fort Lauderdale geared towards improving the local community through leadership and volunteering.



STEVEN SUKERT

Partner

Bar Admissions

The Florida Bar

The New York Bar

Court Admissions

United States District Court, Southern District of Florida

United States District Court, Middle District of Florida

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States District Court, Northern District of Illinois

United States District Court, Central District of Illinois

Education

Georgetown University Law Center, J.D., 2018

Northwestern University, B.S., 2010

Email: sukert@kolawyers.com

Steven Sukert has experience in all aspects of complex litigation in federal and state court, including drafting successful dispositive motions and appeals, handling discovery, and arguing court hearings. Steven focuses his practice at KO on complex class actions and multi-district litigations in courts around the country, including in data privacy, bank overdraft fee, and other consumer protection cases.

Before joining KO, Steven gained experience at Gunster, Yoakley & Stewart, P.A. in Miami in high-stakes commercial cases often involving trade secret and intellectual property claims, consumer contract claims, and legal malpractice claims, as well as in international arbitrations. Steven co-authored an amicus brief in the Florida Supreme Court case *Airbnb, Inc. v. Doe* (Case No. SC20-1167), and helped organize the American Bar Association's inaugural International Arbitration Masterclass, in 2021.

Steven was born and raised in Miami. He returned to his home city after law school to clerk for the Honorable James Lawrence King in the U.S. District Court for the Southern District of Florida.

In 2018, Steven earned his J.D. from Georgetown University Law Center. While living in the nation's capital, he worked at the U.S. Department of Labor, Office of the Solicitor, where he won the Gary S. Tell ERISA Litigation Award; the Civil Fraud Section of the U.S. Department of Justice, where he worked on large Medicare fraud cases and pioneered the use of the False Claims Act in the context of pharmaceutical manufacturers who engaged in price fixing; and the Lawyers' Committee for Civil Rights Under Law, where his proposal for writing an amicus brief in the *Janus v. AFSCME* U.S. Supreme Court case was adopted by the organization's board of directors.

Steven has a degree in Molecular Biology from Northwestern University. Prior to his legal career, he worked as a biomedical laboratory researcher at the Diabetes Research Institute in Miami.

CAROLINE HERTER

Associate



Bar Admissions

The Florida Bar

Court Admissions

U.S. District Court, Middle District of Florida

U.S. District Court, Southern District of Florida

U.S. Bankruptcy Court, Southern District of Florida

Education

University of Miami School of Law, J.D. - 2020

University of Miami, B.S. – 2016

Email: Herter@kolawyers.com

Caroline Herter is a litigation attorney at the firm's Fort Lauderdale office. Caroline focuses her practice on consumer class actions, mass torts, and white-collar commercial litigation in state and federal courts nationwide. She has gained valuable experience representing individuals and businesses to hold wrongdoers accountable through claims involving personal injury, wrongful death, consumer fraud, products liability, breach of fiduciary duty, civil theft/conversion, corporate veil-piercing, fraudulent transfer, tortious interference, False Claims Act violations, and the like.

Before joining KO, Caroline worked at a boutique law firm in Miami where she represented plaintiffs in matters involving creditor's rights, insolvency, and asset recovery. She now applies this experience throughout her practice at KO, often combining equitable remedies with legal claims to ensure the best chance of recovery for her clients.

Notable cases that Caroline has been involved in include *In Re: Champlain Towers South Collapse Litigation*, where she was a member of the team serving as lead counsel for the families of the 98 individuals who lost their lives in the tragic condominium collapse. The case resulted in over \$1 billion recovered for class members, the second-largest settlement in Florida history. She also co-authored a successful petition for certiorari to the United States Supreme Court in *Olhausen v. Arriva Medical, LLC et al.*, a False Claims Act case involving the standard for determining a defendant's scienter, which led the high Court to reverse the Eleventh Circuit Court of Appeal's earlier ruling against her client.

Caroline earned her law degree from the University of Miami School of Law, summa cum laude, where she received awards for the highest grade in multiple courses. During law school Caroline was an editor of the University of Miami Law Review and a member of the Moot Court Board.

Outside of her law practice, Caroline serves on the Board of Directors of the non-profit organization Americans for Immigrant Justice.

COURTNEY MACCARONE

Partner

Bar Admissions

New York

New Jersey

Court Admissions

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, District of New Jersey

U.S. District Court, District of Colorado

Education

Brooklyn Law School, J.D., *magna cum laude* – 2011

New York University, B.A., *magna cum laude* – 2008

Email: maccarone@kolawyers.com

Courtney Maccarone is a New York-based Partner of Kopelowitz Ostrow P.A. Ms. Maccarone became a class action attorney to advocate for individuals who might otherwise have no voice or recourse against powerful corporations, and she has devoted her entire legal career to representing consumers. Since graduating from law school in 2011, she has focused exclusively on prosecuting consumer class actions, advocating for consumer rights in state and federal courts across the country, with a particular focus on cases relating to data privacy, deceptive and unfair trade practices, and defective products.

Ms. Maccarone attended New York University where she received her Bachelor's degree, *magna cum laude*, in 2008. She received her law degree from Brooklyn Law School, *magna cum laude*, in 2011. While attending Brooklyn Law School, Ms. Maccarone served as the Executive Symposium Editor of the Brooklyn Journal of International Law and was a member of the Moot Court Honor Society.

Ms. Maccarone has been recognized as a Super Lawyer "Rising Star" for the New York Metro area each year since 2014.

Ms. Maccarone lives on Long Island with her husband, two children, and rambunctious golden retriever.