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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated, Plaintiffs, v. GOODRX HOLDINGS, INC., et al. Defendants.	Lead Case No.: 4:23-cv-00501-AMO **INTERIM CO-LEAD COUNSEL'S NOTICE OF MOTION AND MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS** CONSOLIDATED CLASS ACTION COMPLAINT FILED: February 2, 2023 Judge: Hon. Araceli Martínez-Olguín Date: February 11, 2027 Time: 11:00 AM Courtroom: 5

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 11, 2027, at 11:00 a.m., or as soon thereafter as counsel may be heard, in Courtroom 5 of the Ronald V. Dellums Federal Building and United States Courthouse, 1301 Clay Street, Oakland, California 94612, before the Honorable Araceli Martínez-Olguín, Plaintiffs John Doe, Jose Marquez, and Hollis Wilson (collectively, "Plaintiffs"), through Interim Co-Lead Counsel Lowey Dannenberg, P.C. and Bursor & Fisher, P.A. (together, "Interim Co-Lead Counsel"), will and hereby do move under Federal Rules of Civil Procedure 23(h) and 54(d)(2) for an order:

1. awarding Interim Co-Lead Counsel attorneys' fees of 30% of the $32,000,000 Settlement Fund created by the Settlement with GoodRx Holdings, Inc. ("GoodRx") and Criteo Corp. ("Criteo," and with GoodRx, "Defendants"), plus interest at the same rate as earned on the Settlement Fund until paid;
2. awarding reimbursement of Litigation Expenses of $92,794.01, plus interest at the same rate as earned on the Settlement Fund until paid; and
3. approving Service Awards of $2,000 to each of the three Plaintiffs for a total of $6,000.

The Motion is based on this Notice of Motion; the Memorandum of Points and Authorities below; the Declaration of L. Timothy Fisher in Support of Plaintiffs' Motion for Final Approval of Class Settlement with Defendants GoodRx Holdings, Inc. and Criteo Corp. ("Fisher FA Decl."); Declaration of L. Timothy Fisher on Behalf of Bursor & Fisher, P.A. in Support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application For Service Awards ("Fisher Fee Decl."); the Declaration of Christian Levis ("Levis Decl."); the declarations of each Plaintiffs' Counsel firm (Declaration of Willem Jonckheer on behalf of Schubert Jonckheer & Kolbe LLP ("Jonckheer Decl."); Declaration of Thomas A. Zimmerman, Jr. on behalf of Zimmerman Law Offices, P.C. ("Zimmerman Decl."); Declaration of Israel David on behalf of Israel David LLC ("David Decl."); and Declaration of Benjamin F. Johns on behalf of Shub Johns & Holbrook LLP ("Johns Decl.")); Plaintiffs' declarations; the Declaration of Ada Diring on behalf of A.B. Data, Ltd.

("Diring Decl."); Plaintiffs' Motion for Final Approval of Settlement and the papers filed in support, filed concurrently herewith; the Amended Class Action Settlement Agreement and Release dated November 19, 2025 and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. dated March 24, 2026 (together, the "Settlement Agreement") (ECF Nos. 357-2, 357-6); the pleadings and papers on file; and such other matters as the Court may consider.

Dated: November 24, 2026

/s/ L. Timothy Fisher

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STATEMENT OF ISSUES TO BE DECIDED

1. Whether the Court should award Interim Co-Lead Counsel attorneys' fees of 30% of the $32,000,000 Settlement Fund ($9,600,000), plus interest.

2. Whether the Court should award $92,794.01 as reimbursement for Plaintiffs' Counsel's reasonably incurred Litigation Expenses.

3. Whether the Court should approve Service Awards of $2,000 to each of the Plaintiffs, for a total of $6,000.

MEMORANDUM OF POINTS AND AUTHORITIES

Interim Co-Lead Counsel respectfully submit this memorandum of law in support of their Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards ("Fee and Expense Application").[1] They request: (1) an attorneys' fee award of 30% of the $32,000,000 Settlement Fund (or $9,600,000), plus interest at the same rate as earned on the Settlement Fund until paid; (2) an award of $92,794.01 for Litigation Expenses, plus interest at the same rate as earned on the Settlement Fund until paid; and (3) Service Awards of $2,000 to each of the three Plaintiffs, totaling $6,000.

I. INTRODUCTION

The Settlement with GoodRx and Criteo creates a $32,000,000 all-cash, non-reversionary common fund for a nationwide class of GoodRx users whose prescription and health-related information was allegedly disclosed to Meta Platforms, Inc. ("Meta"), Google LLC ("Google"), Criteo, and other third parties through pixels, SDKs, and similar tracking technologies. Settlement Agreement § B ¶ 50; § D ¶ 6; Addendum § C. If the Settlement is approved, every Authorized Claimant will receive a *pro rata* share of the Net Settlement Fund; if there are uncashed payments, such funds will be redistributed to those Authorized Claimants who cashed their payments to the extent feasible, and under no circumstances will any money return to Defendants. Settlement Agreement § H ¶ 7. The Settlement also requires GoodRx and Criteo to cooperate in Plaintiffs' continuing case against Meta and Google, including producing documents given to regulators and providing Rule 30(b)(6) testimony. Settlement Agreement § F ¶ 1.

Achieving this Settlement was no easy accomplishment. GoodRx and Criteo were represented by, respectively, Kirkland & Ellis LLP and Sheppard Mullin Richter & Hampton LLP, top-tier law firms known for their fierce advocacy on behalf of their clients. The data privacy claims Interim Co-Lead Counsel prosecuted are particularly challenging, and the courts have yet to reach any consensus as to what is or is not actionable conduct. GoodRx, Criteo, and Google moved to compel arbitration (Meta moved to sever its claims and moved to stay proceedings pending the outcome of GoodRx,

[1] Unless otherwise defined, capitalized terms have the same meaning as in the Settlement Agreement, and unless otherwise indicated, ECF citations are to the docket in this Litigation.

Criteo, and Google's motions to compel), which would have forced Plaintiffs and the Settlement Class to litigate their claims individually if they had been successful, and filed motions to dismiss. And, if those obstacles were insufficient, while Interim Co-Lead Counsel were working to oppose both motions, plaintiffs in a later-filed action in Florida attempted to settle the class claims with GoodRx for less than half the amount ultimately paid by GoodRx and Criteo to reach this Settlement.

As discussed *infra*, in determining a fee award in this district, courts consider multiple factors to determine whether the fee request is appropriate, including the result achieved, the risks of the litigation, the skill and quality of the work, the contingent nature of the representation, and awards in comparable cases. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir. 2002). Application of these factors to the circumstances of this case supports granting the requested 30% fee award. Performing a lodestar cross-check further confirms the reasonableness of the fee request; Plaintiffs' Counsel's total lodestar relating to their work to prosecute and settle the claims against GoodRx and Criteo is $ 3,126,626.50 and, when compared against the requested fee award, this yields a lodestar multiplier of 3.07. Interim Co-Lead Counsel also request an award of $92,794.01 for its Litigation Expenses, which is less than the amount disclosed to Settlement Class Members in the class notice. These expenses should be reimbursed as they were reasonably incurred to prosecute the claims and achieve the Settlement with GoodRx and Criteo. Similarly, the Service Awards should be granted. The request of $2,000 per Plaintiff is modest; the proposed total Service Awards would comprise only 0.019% of the Settlement Fund.

II. ARGUMENT

A. The Requested Attorneys' Fees Are Fair and Reasonable

Where a class action settlement creates a common fund for the benefit of a settlement class, courts may award attorneys' fees from the fund. *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980); *Staton v. Boeing Co.*, 327 F.3d 938, 967 (9th Cir. 2003). The Ninth Circuit recognizes two approaches for determining a common fund fee award: the percentage-of-the-recovery method and the lodestar method. *In re Apple Inc. Device Performance Litig.*, 50 F.4th 769, 784 (9th Cir. 2022); *Vizcaino*, 290 F.3d at 1047. District courts have discretion to choose between these methods. *Apple Device*, 50 F.4th

at 784. Where, as here, the benefit to the class is easily quantified, the percentage method is appropriate. *In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 942 (9th Cir. 2011); *see also In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1046 (N.D. Cal. 2008) ("use of the percentage method in common fund cases appears to be dominant").

Whichever method is used, the central inquiry is the reasonableness of the fee in light of the result achieved. *In re Cal. Pizza Kitchen Data Breach Litig.*, 129 F.4th 667, 679 (9th Cir. 2025); *Lowery v. Rhapsody Int'l*, 75 F.4th 985, 988 (9th Cir. 2023) ("The touchstone for determining the reasonableness of attorneys' fees in a class action is the benefit to the class."). Because the entire $32,000,000 fund is non-reversionary and will be paid to Authorized Claimants, the fee is properly measured against the full fund. *Lowery*, 75 F.4th at 992 ("courts must consider the actual or realistically anticipated benefit to the class").

1. The Percentage-of-the-Recovery Method Supports a Thirty Percent Fee

The Ninth Circuit's "benchmark award [in common fund cases] is 25 percent of the recovery obtained." *Vizcaino*, 290 F.3d at 1047. But the benchmark is a "non-binding and informal guideline," *In re Google Play Dev. Antitrust Litig.*, 2024 WL 150585, at *3 (N.D. Cal. Jan. 11, 2024), and "a starting point" that "should be adjusted when the percentage recovery would be either too small or too large in light of the . . . relevant factors." *In re MacBook Keyboard Litig.*, 2023 WL 3688452, at *13 (N.D. Cal. May 25, 2023) (internal quotation marks omitted). Courts weigh: (1) the result achieved; (2) the risk of the litigation; (3) the skill required and quality of work; (4) the contingent nature of the fee and the burdens counsel carried; (5) whether counsel generated benefits beyond the cash fund; and (6) awards in similar cases. *Vizcaino*, 290 F.3d at 1048–50; *In re Facebook Biometric Info. Priv. Litig.*, 522 F. Supp. 3d 617, 631 (N.D. Cal. 2021); *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 954–55 (9th Cir. 2015). Each factor supports the requested fee award.

a. Interim Co-Lead Counsel Achieved an Excellent Result for the Settlement Class and Obtained Cooperation that Will Aid in the Continued Prosecution of the Action.

The result achieved is the most important factor. *Vizcaino*, 290 F.3d at 1048. Interim Co-Lead Counsel secured a $32,000,000 all-cash, non-reversionary fund. Settlement Agreement § D ¶¶ 1, 6.

Every Authorized Claimant will receive a *pro rata* share, uncashed payments are redistributed, and residual funds (if any) will be distributed *cy pres* to the Center for Internet and Society at Stanford Law School. Settlement Agreement § H ¶ 7(f)–(g). Based on the data available, the class size is estimated to be approximately 56.3 million individuals. Fisher FA Decl. ¶¶ 16, 31. The Settlement Administrator, A.B. Data, Ltd. ("A.B. Data"), estimated at preliminary approval that the claims rate for a settlement of this size would be between 3-10% and accordingly estimated that payments to Settlement Class Members will be between $4 and $12. *See* Declaration of Justin Parks of A.B. Data Regarding the Proposed Notice Plan and in Support of Plaintiffs' Motion for Preliminary Approval (ECF No. 357-9) (the "Parks Declaration" or "Parks Decl.") ¶¶ 35, 38. This recovery is in the range of payments made in similar cases. *See Grace v. Apple, Inc.*, 2021 WL 1222193, at *3 (N.D. Cal. Mar. 31, 2021) ("Class members will receive, for each qualifying iPhone they own, an initial payment of about $3—with the possibility of another payment thereafter"); *Perkins v. Linkedin Corp*., 2016 WL 613255, at *9 (N.D. Cal. Feb. 16, 2016) (approving fee award where class members would receive an average payment of $20 from $13 million settlement); *In re LinkedIn User Priv. Litig.*, 309 F.R.D. 573, 588 (N.D. Cal. 2015) (approving settlement of $14.81 per claimant).

The recovery in this instance is excellent for several reasons. First, Settlement Class Members can obtain certain relief now. ANN. MANUAL COMPLEX LIT. § 21.612 (4th ed.) ("An early settlement produces certainty for the plaintiffs and defendants and greatly reduces litigation expenses."); *see also* ANN. MANUAL COMPLEX LIT. § 14.121 (4th ed.) ("one purpose of the percentage method is to encourage early settlements by not penalizing efficient counsel, thus ensuring that competent counsel continue to be willing to undertake risky, complex, and novel litigation").

Second, the Settlement will facilitate the ongoing prosecution against Meta and Google, which itself may lead to additional recoveries either in the form of judgments or settlements. *In re Packaged Seafood Prods. Antitrust Litig.*, 2022 WL 2803110, at *5 (S.D. Cal. July 15, 2022) ("the Court also considers that, as the 'first settlement in the litigation,' this agreement carries additional 'significant value' because it may '"break the ice" and bring other defendants to the point of serious negotiations.'") (quoting *In re Linerboard Antitrust Litig.*, 292 F. Supp. 2d 631, 643 (E.D. Pa. 2003).

In valuing a settlement, courts also consider "whether counsel's performance generated benefits beyond the cash settlement fund." *Facebook Biometric*, 522 F. Supp. 3d at 631; *Vizcaino*, 290 F.3d at 1049; *In re Cathode Ray Tube (CRT) Antitrust Litig.*, 2015 WL 9266493, at *6 (N.D. Cal. Dec. 17, 2015) (considering "the value of [d]efendants' cooperation with [p]laintiffs in pursuit of claims against the remaining defendant" in approving a settlement because it will "save time, reduce the [plaintiffs'] costs, and provide information, witnesses, and documents that the [plaintiffs] may otherwise not be able to access."). Here, Defendants must cooperate with Interim Co-Lead Counsel as they continue to pursue claims against Meta and Google. GoodRx and Criteo must produce the documents and data that they gave regulators, data shared with Meta and Google relating to the Data Disclosure, and relevant declarations, and they must provide Rule 30(b)(6) testimony and authenticate documents. Settlement Agreement § F ¶ 1(d)–(f). This cooperation gives the Settlement Class valuable evidence it would otherwise have to fight to access.

Third, as discussed in Plaintiffs' June 2026 motion for preliminary approval of the Settlement, Plaintiffs' claims were subject to a number of common and/or unique defenses that, if successful, would have substantially reduced the likely recovery at trial, including alleged geographic limitations, the running of applicable statutes of limitations, binding arbitration clauses, consent, and recent adverse judicial opinions. Pls.' Mot. for Preliminary Approval of Class Settlement, ECF No. 357 at 12-23.

Fourth, the Settlement is approximately 21 times what the FTC recovered from GoodRx and almost 2.5 times the nationwide settlement pursued in *Hodges v. GoodRx Holdings, Inc.*, No. 1:23-cv-24127 (S.D. Fla.), that Interim Co-Lead Counsel successfully intervened to block. *See* Fisher FA Decl. ¶ 38.

Fifth, given the total market capitalization of GoodRx and Criteo, it is unlikely that either Defendant had the capacity to pay the maximum theoretical damages in this case. Fisher FA Decl. ¶ 50 ("As of May 21, 2026, GoodRx has a total market capitalization of $867 million, and Criteo has a total market capitalization of $863 million."). The Settlement reached here ensures a payment to the Settlement Class.

Courts in this Circuit regularly approve fee awards in cases where the settlement recovers a fraction of the maximum potential recovery, recognizing that a certain and immediate recovery is worth substantially more to the class than the speculative prospect of a larger judgment years later, after trial and appeal. *In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1041-1042 (N.D. Cal. 2008) ("It is well-settled law that a cash settlement amounting to only a fraction of the potential recovery does not per se render the settlement inadequate or unfair.") (quoting *Officers for Just. v. Civ. Serv. Comm'n of City & Cnty. of San Francisco*, 688 F.2d 615, 628 (9th Cir. 1982)); *see also Farrar v. Workhorse Grp., Inc.*, 2023 WL 5505981, at *7 (C.D. Cal. July 24, 2023) (approving settlement reflecting a 3% recovery); *Wong v. Arlo Techs., Inc*., 2021 WL 1531171, at *9 (N.D. Cal. Apr. 19, 2021) (approved settlement represents 2.35% of estimated damages). In this case, the Settlement represents a fraction of the potential maximum statutory penalties based on the estimated Settlement Class size. Fisher FA Decl. ¶ 47. But, as described in Plaintiffs' claim-by-claim analysis of the various possible maximum recoveries, the risks of this Litigation could substantially reduce the maximum likely recovery. Declaration of L. Timothy Fisher in Support of Pls' Unopposed Motion for Preliminary Approval of Class Settlement with Defendants GoodRx Holdings, Inc. and Criteo Corp., ECF No. 357-1 ("Fisher PA Decl.") ¶ 36; ECF No. 357-7. In light of those risks, the recovery is substantial. Further, the recovery provided by the Settlement is only the floor; the total recovery in this Litigation on behalf of the Settlement Class may increase as Interim Co-Lead Counsel continues to pursue claims against Meta and Google. *CRT*, 2015 WL 9266493, at *6 ("The Settlement also preserves the DPPs' right to litigate against the non-settling defendants for the entire amount of Plaintiffs' damages based on joint and several liability.").

In addition, the Settlement lacks any evidence of collusion that could lead the Court to doubt the Settlement's fairness, reasonableness, and adequacy. *See In re Bluetooth*, 654 F.3d at 947 (holding court must be vigilant for potential signs of collusion, such as disproportionate fee awards compared to class recovery, clear sailing agreements, and reversions). Here, the Court will ultimately determine the fee awarded to Plaintiffs' Counsel, and Class Counsel have committed that such fees will not exceed approximately one-third of the Settlement (*see* Settlement Agreement § L ¶¶ 1, 3; Diring Decl.

Ex. E (Long-Form Notice) § 25), which is within the range of court-awarded attorneys' fees. *See* Part II.A.1.d, *infra.* Further, the Settlement Agreement does not contain "clear sailing" provisions and is non-reversionary. Attorneys' fees were not discussed at any point in the Parties' negotiations, and any portion of the requested fee that the Court does not award remains in the Settlement Fund for distribution to Settlement Class Members. Settlement Agreement § L ¶ 3.

When viewed in its totality, the Settlement that Interim Co-Lead Counsel negotiated provides excellent benefits to the Settlement Class, which weighs in favor of granting their requested fee award.

b. The Risks Faced by Plaintiffs' Counsel and the Contingent Nature of the Litigation Support the Requested Fee

Courts evaluate "the strength, both legal and factual, of the case . . . from the 'outset' of litigation" to assess the risks faced by counsel in deciding to pursue an action. *Fischel v. Equitable Life Assur. Soc'y of U.S.*, 307 F.3d 997, 1009 (9th Cir. 2002). Additionally, courts consider the absence of supporting precedent, adverse rulings, and the defendant's opposition in weighing whether this factor supports the fee award. *Vizcaino*, 290 F.3d at 1048. However measured, the risks in this Litigation were substantial.

The risk of nonpayment is an important consideration. *See Vizcaino*, 290 F.3d at 1048. Interim Co-Lead Counsel and the other Plaintiffs' Counsel have prosecuted this Litigation for nearly four years without payment, advanced all expenses, and necessarily declined other opportunities to work on cases that could have generated revenue. *Online DVD-Rental*, 779 F.3d at 955 (counsel's burdens include the cost of "foregoing other work"). "When counsel takes cases on a contingency fee basis, and litigation is protracted, the risk of nonpayment . . . justifies a significant fee award." *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D. 245, 261 (N.D. Cal. 2015); *see In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1299 (9th Cir. 1994) ("It is an established practice in the private legal market to reward attorneys for taking the risk of non-payment by paying them a premium over their normal hourly rates for winning contingency cases."); *In re Lidoderm Antitrust Litig.*, 2018 WL 4620695, at *3 (N.D. Cal. Sept. 20, 2018).

Prosecuting data privacy claims is also notoriously tricky. "Data privacy law is a relatively undeveloped and technically complex body of law, which creates uncertainty and, therefore, additional risk for Class Counsel." *Katz-Lacabe v. Oracle Am., Inc.*, 2024 WL 4804974, at *3 (N.D. Cal. Nov. 15, 2024) (quoting *In re TikTok, Inc., Consumer Priv. Litig.*, 617 F. Supp. 3d 904, 941 (N.D. Ill. 2022)). The application of statutes such as California's Invasion of Privacy Act ("CIPA"), Confidentiality of Medical Information Act ("CMIA"), and Unfair Competition Law ("UCL") to pursue privacy claims arising out of the use of pixel and SDK tracking technologies on behalf of a nationwide class is unsettled. *In re Google Assistant Priv. Litig.*, 457 F. Supp. 3d 797 (N.D. Cal. 2020) (dismissing among others CIPA, and UCL claims); *Doe v. Eating Recovery Ctr. LLC*, 806 F. Supp. 3d 1109, 1111 (N.D. Cal. 2025) (questioning CIPA's application to online tracking).

The possibility that valid arbitration agreements governed Plaintiffs' and the Settlement Class's ability to seek relief also loomed. While Interim Co-Lead Counsel recognized the potential that arbitration clauses could be an impediment to the size and scope of claims that could be pursued in this Litigation, discovery revealed that GoodRx was prepared to argue that numerous class members had agreed to terms of use containing arbitration provisions. Fisher FA Decl. ¶¶ 16-17. If proven to be true, this Litigation likely could not have proceeded as a class action or would have involved a much smaller class.

Finally, courts also credit the substantial risks of certifying a class, surviving summary judgment, and prevailing at trial and on appeal when considering the fee award. *In re Apple Device Inc. Performance Litig.*, 2023 WL 2090981, at *14 (N.D. Cal. Feb. 17, 2023); *Destefano v. Zynga, Inc.*, 2016 WL 537946, at *17 (N.D. Cal. Feb. 11, 2016). There was no guarantee that a litigation class would be certified even if Plaintiffs survived any renewed motions to dismiss the complaint and compel arbitration. *See*, *e.g.*, *Kumandan v. Google LLC*, 2023 WL 8587625 (N.D. Cal. Dec. 11, 2023) (declining to certify a privacy class). Whether class members consented to the disclosure of their information likely would have been central to Defendants' opposition and a critical factor that a jury would consider in deciding whether any damages could be attributed to Defendants' conduct.

These risks presented substantial challenges to the successful prosecution of this Litigation. While some of these risks are typical of class actions, others were unique to the facts and circumstances of the case, and from the outset of the case, any one of the risks could have stalled the Litigation. That Interim Co-Lead Counsel were able to achieve this Settlement in spite of those risks provides yet another point of support for granting the requested fee award.

c. The Skill Required and Quality of Interim Co-Lead Counsel's Work Support the Fee

The novelty and difficulty of the issues, the skill required to litigate them, and the quality of the work performed are central to the reasonableness of a fee. *See Vizcaino*, 290 F.3d at 1048. Plaintiffs' Counsel are experienced class-action litigators who litigated this case at a high level for nearly four years against premier defense counsel. Plaintiffs' Counsel's work had to be of high quality to succeed in this Litigation, and it was at every stage of the case.

Shortly after the Court consolidated later-filed actions with this Litigation, Defendants moved to compel arbitration and moved to dismiss the complaint. ECF Nos. 107-110, 113-116. In connection with the motions to compel arbitration, Plaintiffs served interrogatories and requests for production on June 16, 2023. Fisher FA Decl. ¶ 7. After GoodRx served its responses and objections to the interrogatories and document requests, Interim Co-Lead Counsel reviewed documents and deposed two GoodRx employees in connection with GoodRx's motion to compel arbitration. *Id.*

Interim Co-Lead Counsel then filed Plaintiffs' oppositions to Defendants' motions to compel arbitration and/or stay (ECF No. 126) and Defendants' motions to dismiss (ECF No. 130) within one week of each other and, in between, filed a motion to strike a declaration filed in support of GoodRx's motion to compel arbitration. ECF No. 128. They also filed an administrative motion for leave to file an objection opposing GoodRx's introduction of new evidence on various occasions after filing its initial motion. ECF No. 143.

While the various motions were pending in this Court, Interim Co-Lead Counsel discovered that other counsel in Florida had attempted to settle the Settlement Class's claims against GoodRx for $13 million, using individuals who were not involved in this Litigation to pursue the claims. *See*

Hodges v. GoodRx Holdings, Inc., No. 1:23-cv-24127 (S.D. Fla.) ("*Hodges*"), ECF No. 4; Fisher FA Decl. ¶ 9. Interim Co-Lead Counsel promptly intervened, moved to transfer the case, and moved to reconsider/oppose preliminary approval in that action to block the unauthorized settlement. *Hodges*, ECF No. 9. Interim Co-Lead Counsel also filed a motion with this Court to enjoin GoodRx from violating the Court's leadership order by settling the Class's claims without Interim Co-Lead Counsel. ECF No. 151. The result was that both this Court and the *Hodges* court issued orders to show cause why GoodRx or the *Hodges* Plaintiffs should not be sanctioned. ECF No. 152; *Hodges*, ECF No. 10. This Court also ordered the parties to mediate, dismissed all other pending motions, and ordered GoodRx to provide discovery to facilitate mediation. ECF No. 166.

In preparation for mediation, Interim Co-Lead Counsel conducted extensive legal and factual research and reviewed the discovery provided by GoodRx. Fisher FA Decl. ¶ 11. Following extensive arm's-length negotiations, including private mediations on January 10, 2024 with the Hon. Ellen Sickles James (Ret.) and on March 7, 2024 with the Hon. Wayne Andersen (Ret.), Plaintiffs and GoodRx ultimately executed a binding term sheet and a comprehensive settlement agreement. *Id.* ¶ 13. Plaintiffs and the remaining defendants, including Criteo, held a mediation with the Hon. Wayne Andersen (Ret.) on August 6, 2024, and Plaintiffs and Criteo continued negotiating after that, both with and without Judge Andersen's assistance. *Id.* ¶ 14. While settlement talks with Criteo were initially unsuccessful, Plaintiffs and Criteo later resumed negotiations and, after several months of vigorous negotiations, were able to reach an agreement in principle in October 2025. *Id.* ¶ 18. Plaintiffs, GoodRx, and Criteo agreed to amend the initial settlement agreement with GoodRx to add Criteo as a Party, modify the Settlement Class definition, and increase the total recovery obtained by the Settlement Class, in the process promoting judicial efficiency by only seeking approval of the single Settlement. *Id.* ¶¶ 19-22.

The proceedings thus far leave no doubt that Interim Co-Lead Counsel prosecuted this case with skill and expertise and obtained an excellent recovery for the Class despite the vigorous opposition of GoodRx's and Criteo's skilled defense team. *Destefano*, 2016 WL 537946, at *17 ("The quality of opposing counsel is also relevant to the quality and skill that class counsel provided.");

Lofton v. Verizon Wireless, 2016 WL 7985253, at *1 (N.D. Cal. May 27, 2016) (the "risks of class litigation against an able defendant well able to defend itself vigorously" support an upward adjustment); *see also Andrews v. Plains All Am. Pipeline L.P.*, 2022 WL 4453864, at *3 (C.D. Cal. Sept. 20, 2022) ("[E]specially when considering that Defendants were represented by a prominent litigation firm, Class Counsel's ability to get the case this far along evinces their high quality of work."); *In re American Apparel, Inc. S'holder Litig.*, 2014 WL 10212865, at *22 (C.D. Cal. July 28, 2014) ("In addition to the difficulty of the legal and factual issues raised, the court should also consider the quality of opposing counsel as a measure of the skill required to litigate the case successfully.").

That this hard-won result was achieved after years of adversarial litigation, mediated and direct negotiations, and thorough judicial scrutiny underscores both its fairness and the skill of the counsel who produced it. Interim Co-Lead Counsel are experienced privacy and class action litigators who have led comparable cases in this District, including *Frasco v. Flo Health, Inc.*, No. 3:21-cv-00757-JD (N.D. Cal.); *In re Google Assistant Privacy Litig.*, No. 5:19-cv-04286-BLF (N.D. Cal.); *Lopez v. Apple, Inc.*, No. 4:19-cv-04577-JSW (N.D. Cal.); *Kaupelis v. Harbor Freight Tools USA, Inc.*, No. SACV 19-1203 JVS (DFMx) (C.D. Cal.); *Elder v. Hilton Worldwide Holdings, Inc.*, No. 16-cv-00278-JST (N.D. Cal.); *Perez v. Rash Curtis & Associates*, No. 4:16-cv-03396-YGR (N.D. Cal.). Taken together, this sustained, high-quality work against formidable opposition reflects precisely the skill that the *Vizcaino* factor is intended to recognize and reward.

d. The Requested Fee is Supported by Fee Awards in Similar Cases

The requested fee is also consistent with awards in comparable complex class actions, including data-privacy litigation. Courts in this Circuit regularly award above the 25% benchmark and up to one-third of common funds of similar or larger size, including in data privacy cases. *See, e.g.*, *Kumandan v. Google LLC, et al. (In re Google Assistant Privacy Litig.)*, 2026 WL 3084349, at *13 (N.D. Cal. Oct. 13, 2026) (awarding 33.33% of the $68 million settlement fund in data privacy case); *Lopez v. Apple, Inc.*, No. 4:19-cv-04577 (N.D. Cal.), ECF No. 420 (Oct. 16, 2025) (awarding 30% of $95 million settlement fund in data privacy action); *Barrett v. Apple Inc.*, 2025 WL 1002786, at *2 (N.D. Cal. Apr. 3, 2025) (awarding 33.33% of a $35 million settlement in consumer data privacy

class action); *In re Facebook Internet Tracking Litig.*, 2022 WL 16902426, at *10-13 (N.D. Cal. Nov. 10, 2022) (awarding fees totaling 29% of $90 million settlement); *Carlin v. DairyAmerica, Inc.*, 380 F. Supp. 3d 998, 1023 (E.D. Cal. 2019) (awarding 33.33% of a $40 million settlement in misrepresentation/RICO class action); *Grey Fox, LLC v. Plains All-Am. Pipeline, L.P.*, 2024 WL 4267431, at *3 (C.D. Cal. Sept. 17, 2024) (awarding 33% of a $70 million settlement in an environmental oil-spill class action); *Lidoderm*, 2018 WL 4620695, at *1 (awarding one-third of $104.75 million settlement in antitrust class action); *Schmitt v. Kaiser Found. Health Plan of Wash.*, 2024 WL 1676754, at *4-5 (W.D. Wash. Apr. 18, 2024) (awarding one-third of settlement fund where "counsel undertook a significant risk in bringing this class action lawsuit on a contingent basis" since it was complex and "heavily litigated" for years); *see also TikTok*, 617 F. Supp. 3d at 943 (awarding 33% of $92 million settlement in consumer data privacy class action).

Interim Co-Lead Counsel request a 30% award, which is below the 33.33% cap disclosed in the notice to the Settlement Class. *See* Settlement Agreement § L ¶ 1; Diring Decl. Ex. E § 25. The requested fee is consistent with the fee awards approved in cases of comparable scope and complexity, which further supports its reasonableness.

2. A Lodestar Cross-Check Confirms the Requested Fee Is Reasonable

The Ninth Circuit encourages courts to perform a lodestar cross-check to confirm that the requested percentage produces a reasonable fee. *See Vizcaino*, 290 F.3d at 1050; *Online DVD-Rental*, 779 F.3d at 949. The cross-check is performed by multiplying the hours reasonably expended by reasonable hourly rates and comparing the resulting lodestar to the requested fee to derive an implied multiplier. *See Stetson v. Grissom*, 821 F.3d 1157, 1165–67 (9th Cir. 2016).

In support of the Fee and Expense Application, Plaintiffs' Counsel have submitted declarations summarizing the hours worked and corresponding lodestar, as well as the expenses incurred in prosecuting the Action. *See* Levis Decl.; Fisher Fee Decl.; Jonckheer Decl.; Zimmerman Decl.; David Decl.; Johns Decl., simultaneously filed herewith. Plaintiffs' Counsel have collectively devoted 3,285.98 hours to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo, yielding an aggregate lodestar of $ 3,126,626.50. *See* Levis Decl., Ex. A; Fisher Fee Decl.,

Ex. A; Jonckheer Decl., Ex. A; Zimmerman Decl., Ex. A; David Decl., Ex. A; Johns Decl., Ex. A. The cross-check here strongly confirms the reasonableness of the request. This allocated lodestar is lower than the approximately $5.36 million unaudited lodestar reported at preliminary approval, Fisher PA Decl. ¶ 55 (ECF No. 357-1), because that figure reflected all time in the Litigation as of June 2026, while the lodestar submitted here is limited to work attributable to the claims against GoodRx and Criteo, as described below.

First, the hourly rates used to calculate the lodestar for Plaintiffs' Counsel are reasonable. The lodestar has been calculated using each firm's current (2026) hourly rates. *See Stetson*, 821 F.3d at 1166 (lodestar is calculated "either using an hourly rate that reflects the prevailing rate as of the date of the fee request, to compensate class counsel for delays in payment inherent in contingency-fee cases, or using historical rates and compensating for delays with a prime-rate enhancement."). As detailed in the accompanying firm declarations, the rates for attorneys range from $425 to $1,795, and the rates for other professional staff are between $275 and $525. *See* Levis Decl., Ex. A; Fisher Fee Decl., Ex. A ; Jonckheer Decl., Ex. A; Zimmerman Decl., Ex. A; David Decl., Ex. A; Johns Decl., Ex. A. Each of the rate scales implemented by Plaintiffs' Counsel have been used in this District in similar cases and/or are based on the prevailing rates in the District. *See, e.g.*, *Kumandan v. Google LLC, et al. (In re Google Assistant Privacy Litig.)*, 2026 WL 3084349, at *13 (accepting Lowey attorney hourly rates up to a cap of $1,600, and acknowledging that the court in *Lopez v. Apple, Inc.*, No. 4:19-cv-04577 (N.D. Cal. Oct. 16, 2025) had accepted a top attorney hourly rate of $1,650); *Kaupelis v. Harbor Freight Tools USA, Inc.*, 2022 WL 2288895, at *9 (C.D. Cal. Jan. 12, 2022) (finding Bursor & Fisher rates ranging from $250/hr to $1,000/hr as "reasonable compared to other awards in California courts"); *see also Toledo v. Delta Air Lines, Inc.*, 2026 WL 585462, *5 (N.D. Cal. Mar. 2, 2026) (reasonable hourly rates must "relate to the relevant community, [and] reflect rate determinations found reasonable and actually awarded to these lawyers by another court"). Each declaration also includes the firm's resume, providing more information concerning the firm's experience and qualifications supporting the application of these rates. When viewed as a whole, Plaintiffs' Counsel's rates are commensurate with those regularly charged by attorneys with

comparable experience for complex litigation of this kind, and courts in this District have repeatedly approved rates at these levels. *See, e.g.*, *Bartz v. Anthropic PBC*, 2026 WL 2087580, *9 (N.D. Cal. Jul. 20, 2026) (finding hourly rates ranging from $550 to $2,250 "fit within the prevailing rates in this District, and the qualifications and experience of counsel").

Second, the hours component of the lodestar calculation is reasonable. In making this application, Interim Co-Lead Counsel have chosen to limit the relevant hours included in the lodestar to those hours related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta and Google have not been included. In making this determination, Interim Co-Lead Counsel and other Plaintiffs' Counsel: (1) excluded obvious time spent on only Google or Meta work (depositions, discovery disputes, etc.); (2) included early case work up through the motions to dismiss, motions to compel arbitration, and the start of the *Hodges* action; and (3) for any entries relating to the motions to dismiss/motions to compel or other work that would have been relevant to all defendants, isolated the entry for GoodRx and/or Criteo only and adjusted the time entry to reflect one-third of the total time for such activities, rounding down to the nearest tenth of an hour. In light of this process, should there be a fee application in connection with the claims against Meta and/or Google, Interim Co-Lead Counsel will exclude any time used in this application from any subsequent lodestar analysis.

In addition to the summary of the efforts provided by key team members included in the respective firm declarations, Plaintiffs' Counsel have submitted under seal the detailed time entries for each of the timekeepers included in the lodestar calculation. The time entries have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time expended in this litigation. As a result of this review, certain reductions were made to the time and lodestar incurred in the exercise of billing judgment and to conform with each firm's general billing practices.

As described in summary in Part II.A.1.c. *supra* and as is evident from the time entries, attorneys and staff members spent substantial time negotiating with GoodRx and Criteo at the outset

of the litigation concerning the case schedule and deadline for responsive documents to be served, researching and opposing the motion to compel arbitration, preparing discovery requests and taking the deposition of GoodRx employees concerning the motion to compel arbitration, opposing the motions to dismiss, strategizing and intervening in *Hodges*, engaging in settlement negotiations with GoodRx and Criteo, reviewing the confirmatory discovery produced, and executing the Settlement and implementing the various provisions of the notice program. Moreover, this lodestar does not include a projection of the time and effort that will be spent supervising claims administration and distribution of the Settlement, or any of the lodestar attributable to the prosecution of Meta and Google.

The following chart summarizes the aggregate hours and lodestar of Plaintiffs' Counsel from inception of the Action through October 31, 2026, as set forth in more detail in each firm's declaration:

Firm Name	Hours	Lodestar
Lowey Dannenberg, P.C.	1,481.50	$1,539,303.50
Bursor & Fisher, P.A.	862.40	$734,485.00
Schubert Jonckheer & Kolbe LLP	389.20	$380,665.00
Israel David LLC	233.90	$210,788.50
Shub Johns & Holbrook LLP	154.58	$132,699.50
Zimmerman Law Offices, P.C.	164.40	$128,685.00
TOTAL:	3,285.98	$ 3,126,626.50

Dividing the requested fee ($9,600,000) by the total lodestar yields a multiplier of 3.07. The multiplier is reasonable given the (1) the complex, technical subject matter at issue; (2) the skilled representation Plaintiffs' Counsel provided throughout the litigation; (3) the excellent results obtained, resulting in a settlement that will provide monetary relief to GoodRx users while also supporting the ongoing litigation against Meta and Google; (4) the substantial risks Plaintiffs' Counsel took on in representing Plaintiffs on a contingency fee basis, thereby risking potential nonpayment; and (5) the additional work this Settlement will require to complete the administration and distribution process. The multiplier also falls within the range of multipliers previously approved by courts. *See*

Bartz, 2026 WL 2087580, *10 ("find[ing] that a multiplier of 3.75 . . . is reasonable"); *Toledo*, 2026 WL 585462, *7 (awarded fee represented a 2.5 multiplier); *Vizcaino*, 290 F.3d at 1051 (affirming a 3.65 multiplier); *In re Wells Fargo & Co. S'holder Derivative Litig.*, 445 F. Supp. 3d 508, 532 (N.D. Cal. 2020) (awarding fee reflecting multiplier of 2.7); *TikTok*, 617 F. Supp. 3d at 943 (fee represents lodestar multiplier of 2.04).

B. Counsel's Litigation Expenses are Reasonable and Should Be Reimbursed

In common fund cases, "[c]lass counsel is entitled to reimbursement of reasonable expenses." *Lidoderm*, 2018 WL 4620695, at *4 (quotation omitted). Counsel may recover "those out-of-pocket expenses that would normally be charged to a fee paying client." *Schneider v. Chipotle Mexican Grill, Inc.*, 336 F.R.D. 588, 602 (N.D. Cal. 2020); *see In re High-Tech Emp. Antitrust Litig.*, 2015 WL 5158730, at *16 (N.D. Cal. Sept. 2, 2015). "The prevailing view is that expenses are awarded in addition to the fee percentage." *Williams v. SuperShuttle Int'l, Inc.*, 2015 WL 685994, at *2 (N.D. Cal. Feb. 12, 2015). The Settlement Agreement likewise provides for "reasonable Litigation Expenses" in addition to the fee. Settlement Agreement § L ¶ 1; *see* § B ¶ 25 (defining Litigation Expenses).

Plaintiffs' Counsel request a total of $92,794.01 in Litigation Expenses incurred from inception through October 31, 2026.

The total combined expenses of Plaintiffs' Counsel are as follows:

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	$11,978.37
Computer Research/Databases/Docket Costs	$11,549.10
Court & Deposition Reporting/Transcripts	$8,777.67
Document Production/Hosting	$20,674.73
Expert/Consultant Costs	$0.00
Mediation Costs	$29,875.59
Outside Duplicating	$0.00
In-House Duplicating/Printing	$319.48
Court Costs & Witness/Service/Filing Fees	$5,596.60

Postage, Mailing, FedEx, UPS, Fares & Messengers	$1,587.01
Long Distance Telephone/Conference Calling/Internet	$0.00
Other	$2,435.46
TOTAL	**$92,794.01**

See Levis Decl., Ex. C; Fisher FA Decl., Ex. C; Jonckheer Decl., Ex. C; Zimmerman Decl., Ex. C; David Decl., Ex. C; Johns Decl., Ex. C. This requested expense award does not exceed the $125,000 limit disclosed to the Settlement Class. *See* Diring Decl. Ex. E § 25. Expense items are recorded separately, and they are not duplicated in the respective firm's current hourly rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge. Similar to what was done with each firm's lodestar, Plaintiffs' Counsel: (1) excluded obvious expenses related only to Google or Meta (depositions; discovery disputes; etc.); and (2) for any expenses relating to work relevant for all defendants, isolated the expenses for GoodRx and/or Criteo and the listed charge reflects only one-third of the total expenses, rounding down to the nearest penny.

Each firm's declaration itemizes expenses by category. The expenses include mediation fees, document hosting/production costs, filing and service of process fees, transcript fees, deposition charges, photocopying, mailing costs, legal research, and travel. These are precisely the categories of expenses that courts in this District routinely find compensable. *See Lidoderm*, 2018 WL 4620695, at *4 (awarding expenses for filing fees, computerized research, copies, postage and messenger services, document hosting services, experts, sales data purchased from third parties, transcripts, translations of documents, case-related travel, and distributing notice of the court's certification order); *High-Tech*, 2015 WL 5158730, at *16 (awarding expenses for expert witness fees, mediators' fees, document review, court reporting and videographer services, electronic research, copying, mailing, and serving documents, and case-related travel for the plaintiffs, witnesses, experts, and counsel); *Schneider*, 336 F.R.D. at 599 (awarding expenses for experts, legal research, court reporting services, travel for depositions, copying and mailing, for the costs of notice administration associated with class certification, and other customary litigation expenses). Notice and administration costs are paid from

the Settlement Fund separately from, and are not part of, this request. Settlement Agreement § H ¶ 1; ECF No. 379 ¶ 35.

C. The Requested Service Awards Are Reasonable and Warranted

Service awards "are fairly typical in class action cases" and serve to compensate named plaintiffs for the time and effort they devoted, and the risks they assumed, on behalf of the class. *Rodriguez v. West Publ'g Corp.*, 563 F.3d 948, 958–59 (9th Cir. 2009). Courts in this Circuit regularly approve such awards. *See Online DVD-Rental*, 779 F.3d at 943; *Radcliffe v. Experian Info. Sols. Inc.*, 715 F.3d 1157, 1163 (9th Cir. 2013). "Courts have discretion to approve service awards and consider such factors as: '1) the risk to the class representative in commencing suit, both financial and otherwise; 2) the notoriety and personal difficulties encountered by the class representative; 3) the amount of time and effort spent by the class representative; 4) the duration of the litigation and; 5) the personal benefit (or lack thereof) enjoyed by the class representative as a result of the litigation.'" *Baker v. Save Mart Supermarkets*, 2025 WL 4692691, at *5 (N.D. Cal. Sept. 16, 2025) (quoting *Van Vranken v. Atl. Richfield Co.*, 901 F. Supp. 294, 299 (N.D. Cal. 1995)). In granting such awards, courts remain concerned with ensuring that "there needs to be a good reason" to grant an award to a named plaintiff that will be greater than what absent class members may receive. *Arnold v. DMG Mori USA, Inc.*, 2022 WL 18027883, at *6 (N.D. Cal. Dec. 30, 2022).

Each Plaintiff requests $2,000 for a total of $6,000. These awards are warranted. Without Plaintiffs' participation in this Litigation, this Settlement would not have been possible. As described in their accompanying declarations, each Plaintiff has been an active representative, reviewing the applicable pleadings and motion, regularly communicating with counsel, searching for and producing documents, and ultimately reviewing and approving this Settlement. *See* Declaration of Hollis Wilson ¶¶ 6-9; Declaration of John Doe ¶¶ 6-9; Declaration of Jose Marquez ¶¶ 6-9. They have remained engaged, without any guarantee or expectation of any compensation above and beyond any settlement or judgment achieved, and they have represented the Settlement Class admirably over nearly four

years of litigation. Moreover, Plaintiffs are committed to representing the class in the ongoing litigation against Meta and Google.

Collectively, the total requested service awards amount to 0.019% of the $32,000,000 Settlement Fund and will not meaningfully reduce the recovery available to the class. *See Katz-Lacabe* 2024 WL 4804974, at *6 (total requested service awards amounted to 0.017% of settlement fund); *see also Wren v. RGIS Inventory Specialists*, 2011 WL 1230826, at *37 (N.D. Cal. Apr. 1, 2011) (total requested service awards were 0.56% of settlement fund). The requested $2,000 awards are reasonable in amount and below awards routinely approved in this District, consistent with the fact that the Settlement only partially resolves the Litigation. *See Barrett*, 2025 WL 1002786, at *4 (approving $10,000 service awards to each of four plaintiffs, noting their discovery efforts and active participation in the litigation); *Katz-Lacabe*, 2024 WL 4804974, at *6 (approving and noting $10,000 service awards to each of two plaintiffs as reasonable, noting their discovery efforts and active participation in the litigation).

Plaintiffs' efforts were essential to the result, and the modest awards requested are well within the range courts in this District approve. Accordingly, the Court should approve them.

III. CONCLUSION

For the foregoing reasons, Interim Co-Lead Counsel respectfully request that the Court enter an order: (1) awarding attorneys' fees of 30% of the $32,000,000. Settlement Fund ($9,600,000), plus interest at the same rate as earned on the Settlement Fund until paid; (2) awarding reimbursement of Litigation Expenses of $92,794.01, plus interest at the same rate as earned on the Settlement Fund until paid; and (3) approving Service Awards of $2,000 to each of Plaintiffs, for a total of $6,000.

Dated: November 24, 2026

BURSOR & FISHER, P.A.

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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF CHRISTIAN LEVIS ON BEHALF OF LOWEY DANNENBERG, P.C. IN SUPPORT OF INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, Christian Levis, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice before the courts of the states of New York and New Jersey and am admitted *pro hac vice* before this Court. I am a partner with the law firm Lowey Dannenberg, P.C. ("Lowey") and counsel of record for Plaintiff John Doe, Jose Marquez, and Hollis Wilson (collectively, "Plaintiffs"). I submit this declaration in support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards (the "Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. At all times relevant hereto, Lowey and Bursor & Fisher, P.A. ("Bursor & Fisher") have been appointed as Interim Co-Lead Counsel in this Litigation. ECF No. 112; *see also* ECF No. 86 (leadership motion). Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. The statements herein are true to the best of my personal knowledge, information, and belief based on Lowey's books and records and information received from Lowey attorneys and professional staff.

4. The schedule attached as **Exhibit A** summarizes Lowey's hours and lodestar from the inception of this Litigation to October 31, 2026. The total hours were determined by an examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm's current hourly rates and were prepared based upon daily time records maintained by attorneys and professional support staff at the firm. Lodestar figures do not include charges for Litigation Expenses. Lowey's time records have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time expended in this litigation. As a result of this review, certain reductions were made to the time and

lodestar incurred in the exercise of billing judgment and to conform with my firm's general billing practices. Further, for purposes of this Fee and Expense Application, Lowey and Bursor & Fisher limited the lodestar to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta Platforms, Inc. ("Meta") and Google LLC ("Google") have not been included. Where work concerning the claims against Criteo, Meta, and Google overlapped (as Criteo remained in the active litigation longer than GoodRx), only one-third of such time was included, rounded down to the nearest tenth of an hour, consistent with the methodology described in the Fee and Expense Application.

5. The hourly rates for the attorneys and professional support staff at my firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation. Further, these rates have been generally accepted by courts in this District in other complex class action litigation. *See, e.g.*, *Kumandan v. Google LLC, et al. (In re Google Assistant Privacy Litig.)*, No. 19-cv-04286-BLF, 2026 WL 3084349, at *13 (N.D. Cal. Oct. 13, 2026) (capping top attorney rate at $1,600 rather than at $1,795 as reported); *Lopez v. Apple, Inc.*, No. 4:19-cv-04577 (N.D. Cal.), ECF No. 429 (Oct. 16, 2025) (order granting fee request), ECF No. 354 (fee and expense motion listing attorney rates ranging from $430 to $1,650). For personnel no longer employed by Lowey, the lodestar calculation is based on the hourly rates for such personnel in the timekeeper's final year of employment.

6. Attached as **Exhibit B** (filed under seal) are the detailed time entries of Lowey's attorneys and professional staff appearing in Exhibit A. Below is a summary of the work performed by the key members of the litigation team:

a. Christian Levis: I have led Lowey's efforts in this action since its inception. In connection with GoodRx's motion to dismiss and motion to compel arbitration, I conducted jurisdictional discovery, including deposing GoodRx employee and declarant Gracye Chang. I also revised Plaintiffs' oppositions to those motions. I

also revised Plaintiffs' motion to intervene and response to the order to show cause related to the *Hodges* action, as well as appeared on behalf of Plaintiffs for the hearing on the Court's order to show cause. I attended all mediations with GoodRx and Criteo and negotiated the Settlement Agreement. I also revised each of the preliminary approval briefings and attended the hearings.

b. Amanda Fiorilla: Ms. Fiorilla drafted the opposition to GoodRx's motion to dismiss and motion to compel arbitrations. Ms. Fiorilla also conducted jurisdictional discovery in connection with GoodRx's motion to compel arbitration, deposing GoodRx employee Alden Gordon. Ms. Fiorilla also drafted the motion to intervene in the *Hodges* action, the motion to enjoin GoodRx from proceeding with the *Hodges* settlement, and Plaintiffs' response to the order to show cause. Ms. Fiorilla led discovery efforts as to GoodRx, including supervising document review of the documents GoodRx produced to the FTC. Ms. Fiorilla also attended the mediations with GoodRx and Criteo and significantly contributed to drafting the preliminary approval papers.

c. Rachel Kesten: Ms. Kesten drafted the motion to strike the Cheng declaration filed in connection with GoodRx's motion to compel arbitration. Ms. Kesten also contributed to the briefing in connection with GoodRx's and Criteo's motions to dismiss, researching relevant law and aiding in drafting sections of those briefs. Ms. Kesten also assisted in drafting the mediation statement for the mediation with GoodRx. Ms. Kesten also contributed to discovery efforts relating to GoodRx and Criteo, drafting discovery requests to Criteo and drafting correspondence to ensure Criteo's documents and data were preserved. Ms. Kesten also drafted the replies in support of Plaintiffs' motion to intervene in the *Hodges* action and the order to show cause.

7. The total time that my firm is submitting to the Court in connection with this application is 1,481.50 hours. The total lodestar value of these professional services is $1,539,303.50. This represents approximately 27% of the total hours worked and approximately 30% of Lowey's lodestar in the Litigation through October 2026.

8. Attached as Exhibit C is a schedule of Lowey's Litigation Expenses reasonably incurred in this case from inception through October 31, 2026 for which reimbursement is requested. My firm incurred these Litigation Expenses to pay for filing and process service fees; e-discovery platform hosting charges; court and deposition transcripts; mediation costs; flight, hotel and meal costs for travel (primarily to court hearings and mediations); shipping and delivery charges; and legal research in electronic databases such as Westlaw. Expense items are recorded separately, and such charges are not duplicated in the firm's billing rates. Further, the Litigation Expenses included here do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor. Similar to what was done with the lodestar, Lowey (1) excluded obvious expenses related only to Google or Meta (depositions, discovery disputes, etc.); and (2) for any expenses relating to work relevant for all defendants, the listed charge reflects only one-third of the total expenses, rounding down to the nearest penny.

9. As described in Exhibit C, the Litigation Expenses submitted in connection with this Fee and Expense Application by my firm total $64,077.93. This reflects approximately 51% of the total Litigation Expenses incurred through October 31, 2026 in this Litigation.

10. The Litigation Expenses summarized in Exhibit C and described above were reasonably and necessarily incurred in the prosecution of this Litigation, and therefore, the reimbursement of these expenses should be approved.

11. Attached as **Exhibit D** is Lowey's resume, which provides additional information about my firm's litigation experience and achievements. Based on my experience and the experience of my Lowey colleagues, we endorse the Settlement as fair, reasonable, and adequate, and believe that the requested fee award is similarly fair and reasonable.

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

Executed on November 24, 2026 in White Plains, New York.

/s/Christian Levis
Christian Levis

EXHIBIT A

LODESTAR SUMMARY – INCEPTION THROUGH [DATE]

Attorneys (Admission Year)	Role	Total Hours	Hourly Rate	Total Lodestar
Geoffrey Horn (1994)	Partner	37.8	1795	$67,851.00
Christian Levis (2013)	Partner	181.2	1395	$252,774.00
Sitso Bediako (2008)	Partner	201.3	1395	$280,813.50
Amanda Fiorilla (2020)	Partner	266.4	1395	$371,628.00
Frank Strangeman (2010)	Senior Associate	59.5	995	$59,202.50
Jennifer Tembeck (2005)	Senior Associate	3.8	830	$3,154.00
Rachel Kesten (2019)	Associate	237.1	725	$171,897.50
Yuanchen Lu (2022)	Associate	194.3	725	$140,867.50
Peyton Woodward (2023)	Associate	66.7	725	$48,357.50
Katherine Boyd (2025)	Associate	62.6	675	$42,255.00
Nicholas (Nick) Alicata (2024)	Associate	51.0	675	$34,425.00
Xin Huang (2025)	Associate	19.3	645	$12,448.50
Delaram Rezaeikhonakdar (2024)	Associate	5.8	590	$3,422.00
Megan McKenzie (2020)	Associate	55.1	560	$30,856.00
Christopher DeVivo (2023)	Associate	38.1	490	$18,669.00
TOTAL:		**1,480.0**		**$1,538,621.00**
Non-Attorneys	**Role**	**Total Hours**	**Hourly Rate**	**Total Lodestar**
Alicia Winfield	Paralegal	1.0	470	$470.00
Katherine Vogel	Paralegal	0.2	470	$94.00
Myra Fromholz	Paralegal	0.3	395	$118.50
TOTAL:		1.5		$682.50
GRAND TOTAL		**1,481.5**		**$1,539,303.50**

EXHIBIT B

DETAILED TIME ENTRIES (FILED UNDER SEAL)

EXHIBIT C

LITIGATION EXPENSES SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026
(EXCLUDES META- OR GOOGLE-ONLY EXPENSES TO THE EXTENT PRACTICABLE)

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	$9,061.41
Computer Research/Databases/Docket Costs	$9,413.61
Court & Deposition Reporting/Transcripts	$8,629.77
Document Production/Hosting	$20,662.74
Mediation Costs	$13,568.13
In-House Duplicating/Printing	$198.00
Court Costs & Witness/Service/Filing Fees	$1,831.00
Postage, Mailing, FedEx, UPS, Fares & Messengers	$117.81
Other (case marketing expenses)	$595.46
TOTAL	**$64,077.93**

EXHIBIT D

FIRM RESUME

LOWEY DANNENBERG

Firm Resume



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LOWEY DANNENBERG

Firm Overview

Since the firm's founding by Stephen Lowey in the 1960s, Lowey Dannenberg, P.C. ("Lowey Dannenberg") has represented sophisticated clients in complex federal antitrust, commodities, and securities litigation. Lowey Dannenberg also regularly represents some of the world's largest health insurers in healthcare cost recovery actions.

Lowey Dannenberg has recovered billions of dollars for its clients and the classes they represent. Those clients include some of the nation's largest pension funds, e.g., the California State Teachers' Retirement System ("CalSTRS"), the Treasurer of the Commonwealth of Pennsylvania and the Pennsylvania Treasury Department, the New York State Common Retirement Fund, and the New York City Pension Funds; sophisticated institutional investors, including Federated Investors, which manages more than $600 billion in assets; and Fortune 100 companies like Aetna, Anthem, CIGNA, Humana, and Verizon.

Aetna and Humana have publicly lauded Lowey in Corporate Counsel Magazine as their "Go To" outside counsel because of the firm's years of service to Fortune 100 health insurers in opt-out litigation involving state and federal fraud claims.



Antitrust Class Actions

Lowey Dannenberg regularly serves as court-appointed lead or co-lead counsel on some of the most important and complex antitrust class actions against some of the world's largest corporations, financial institutions, and producers. The firm has more than 30 attorneys who specialize in prosecuting these cases, including the following representative matters.

> *The Court itself had occasion to notice the high quality of [Lowey Dannenberg's] work, both in briefs and oral argument. Moreover, counsels' achievement in obtaining valuable recompense and forward-looking protections for its clients is particularly noteworthy given the caliber and vigor of its adversaries.*
>
> Judge Jed Rakoff, In re GSE Bonds Antitrust Litigation, No. 19-CV-1704 (S.D.N.Y.)

In re GSE Bonds Antitrust Litigation

Lowey Dannenberg served as Court-appointed Co-Lead Counsel in an antitrust class action alleging that several of the world's largest banks and brokers conspired to fix the prices of debt securities issued by government-sponsored entities (e.g., Fannie Mae, Freddie Mac, Federal Farm Credit Banks, and Federal Home Loan Banks) between 2009 and 2016. *In re GSE Bonds Antitrust Litigation*, No. 19-cv-1704 (S.D.N.Y.) (Rakoff, J.).

On June 16, 2020, Judge Jed S. Rakoff finally approved settlements with all defendants totaling more than $386 million. Judge Rakoff praised "the high quality of [Lowey's] work, both in briefs and oral argument," and Lowey's achievement in "obtaining valuable recompense and forward-looking protections for its clients" in the face of vigorous opposition from adversaries of the highest caliber. *See In re GSE Bonds Antitrust Litig.*, No. 19-CV-1704 (JSR), 2020 WL 3250593 (S.D.N.Y. June 16, 2020). Notably, in addition to the substantial financial recovery in the case, Lowey worked closely with its client, the Treasurer of the Commonwealth of Pennsylvania, to curb future misconduct and successfully negotiated settlement provisions that required each defendant to maintain or create a compliance program designed to prevent and detect future anticompetitive conduct in the GSE Bond Market.

In re Mexican Government Bonds Antitrust Litigation

Lowey Dannenberg serves as Court-appointed sole Lead Counsel in a class action against 10 global financial institutions that allegedly violated the Sherman Act by colluding to fix the prices of debt securities issued by the Mexican Government between 2006 and 2016. Plaintiffs are eight institutional investors that transacted in Mexican government debt, including directly with Defendants. On October 28, 2021, Judge Oetken granted final approval of a settlement with Defendants JPMorgan Chase and Barclays PLC for $20.7 million. *In re Mexican Government Bonds Antitrust Litigation*, 1:18-cv-02830 (S.D.N.Y.). On August 19, 2026, Judge Oetken preliminarily approved an $86.4 million settlement for the remaining six bank defendants.

In re European Government Bonds Antitrust Litigation

Lowey Dannenberg serves as court-appointed co-lead counsel in *In re European Government Bonds Antitrust Litigation*, Case No. 19-cv-2601 (VM) (S.D.N.Y.) before Judge Victor Marrero in the Southern District of New York. The case involves alleged price fixing by dealers responsible for bringing bonds issued by Eurozone member countries to the secondary market. On July 23, 2020, Judge Marrero sustained antitrust claims against certain dealers and allowed Plaintiffs to seek leave to replead their claims against the remaining defendants. In re European Gov't Bonds Antitrust Litig., No. 19-cv-2601 (VM), 2020 WL 4273811 (S.D.N.Y. July 23, 2020). Subsequently, Lowey reached settlements with State Street, JPMorgan, Natixis, and UniCredit that the Court finally approved in April 2024, resulting in a settlement fund of $40 million. On December 9, 2024, Judge Marrero granted final approval to an $80 million settlement with Bank of America, NatWest, Nomura, UBS, Citigroup, and Jefferies.

Sullivan, et al. v. Barclays plc, et al. (Euribor)

Lowey Dannenberg is co-lead counsel prosecuting claims against international financial institutions responsible for setting the Euro Interbank Offered Rate ("Euribor"), a global reference rate used to benchmark, price and settle over $200 trillion of financial products. Co-Lead Plaintiffs include the California State Teachers' Retirement System ("CalSTRS"). Lowey Dannenberg has recovered a total of $651.5 million for Euribor-based derivatives investors, which includes (1) a $94 million settlement with Barclays plc and related Barclays entities; (2) a $45 million settlement with Defendants HSBC Holdings plc and HSBC Bank plc; (3) a $170 million settlement with Defendants Deutsche Bank AG and DB Group Services (UK) Ltd.; (4) a $182.5 million settlement with Defendants Citigroup Inc., Citibank, N.A., JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A.; (5) a $55 million settlement with Defendants Crédit Agricole S.A. and Crédit Agricole CIB; and (6) a $105 million settlement with Defendant Société Générale. After largely prevailing on Plaintiffs' appeal to the United States Court of Appeals for the Second Circuit, Lowey Dannenberg continues to pursue claims against the remaining defendants.

Laydon v. Mizuho Bank, Ltd., et al.; Fund Liquidation Holdings LLC, et al. v. UBS AG, et al. (Yen-LIBOR and Euroyen TIBOR)

Lowey Dannenberg is sole lead counsel prosecuting claims against international financial institutions responsible for the intentional and systematic manipulation of the London Interbank Offered Rate ("LIBOR") for the Japanese Yen and Euroyen TIBOR (the Tokyo Interbank Offered Rate). The firm represents clients in two actions relating to manipulation of products priced based on these benchmarks ("Euroyen-based derivatives"): *Laydon v. Mizuho Bank, Ltd. et al.*, 12-cv-03419 (S.D.N.Y.) (Daniels, J.) (involving exchange-based Euroyen derivatives) and *Fund Liquidation Holdings LLC, et al. v. UBS AG et al., 15-cv-5844 (Daniels, J.) (involving over-the-counter Euroyen-based derivatives). Co-Lead Plaintiffs in the Fund Liquidation matter include CalSTRS.*

Lowey Dannenberg has thus far recovered $364.5 million for the Settlement Class and received substantial cooperation from settling defendants that it is using in the actions against the remaining defendants. In 2016, Judge Daniels granted final approval of a $35 million settlement with HSBC Holdings plc and HSBC Bank plc, a $23 million settlement with Citigroup, Inc. and several Citi entities, and a cooperation settlement with R.P. Martin. In 2017, Judge Daniels granted final approval of a $77 million settlement with Deutsche Bank AG and DB Group Services (UK) Ltd. and a $71 million settlement with JPMorgan Chase & Co. and related entities. On July 12, 2018, Judge Daniels granted final approval of a $30 million settlement with The Bank of Tokyo-Mitsubishi UFJ, Ltd. and Mitsubishi UFJ Trust and Banking Corporation. In December 2019, the court finally approved two sets of settlements, one with Bank of Yokohama, Ltd., Shinkin Central Bank, The Shoko Chukin Bank, Ltd., Sumitomo Mitsui Trust Bank, Ltd. and Resona Bank, Ltd. for $31.75 million, and the second with Mizuho Bank, Ltd., Mizuho Corporate Bank, Ltd., and Mizuho Trust & Banking Co., Ltd., The Norinchukin Bank, and Sumitomo Mitsui Banking Corporation for $39.25 million. On March 14, 2023, Judge Daniels granted final approval of three settlements with Barclays Bank PLC, Barclays Capital Inc., and Barclays PLC for $17,750,000; Nex International Limited (f/k/a ICAP plc) and ICAP Europe Limited for $2,375,000; and TP ICAP plc (f/k/a Tullett Prebon plc and n/k/a TP ICAP Finance plc) for $2,375,000. On June 18, 2024, the Court approved an additional settlement with Société Générale for $35 million. The *Fund Liquidation* action is presently on appeal before the United States Court of Appeals for the Second Circuit.

In re London Silver Fixing Ltd., Antitrust Litig.

Lowey Dannenberg is serving as co-lead counsel on behalf of a class of silver investors, including Commodity Exchange Inc. ("COMEX") silver futures contract traders, against banks that allegedly colluded to fix the London Silver Fix, a global benchmark that impacts the value of more than $30 billion in silver and silver-based financial instruments. Judge Valerie E. Caproni sustained Sherman Antitrust Act and CEA claims alleged in Lowey Dannenberg's complaint, which relied predominantly on sophisticated econometric analysis that Lowey Dannenberg developed in conjunction with a team of leading financial markets experts. *See In re London Silver Fixing Ltd., Antitrust Litig.*, No. 14-md-2573, 2016 WL 5794777 (S.D.N.Y. Oct. 3, 2016). In appointing Lowey Dannenberg, the Court praised Lowey Dannenberg's experience, approach to developing the complaint, attention to detail, and the expert resources that the firm brought to bear on behalf of the class. *See In re London Silver Fixing Ltd., Antitrust Litig.*, Case No. 14-md-2573 (VEC), ECF No. 17 (S.D.N.Y. Nov. 25, 2014) (Caproni, J.). On June 15, 2021, Judge Caproni granted final approval of a $38 million settlement with Deutsche Bank

AG and several of its subsidiaries. *See* Final Approval Order of Settlement with Deutsche Bank AG, Deutsche Bank Americas Holding Corporation, DB U.S. Financial Markets Holding Corporation, Deutsche Bank Securities, Inc., Deutsche Bank Trust Corporation, Deutsche Bank Trust Company Americas, and Deutsche Bank AG New York Branch, *In re London Silver Fixing, Ltd., Antitrust Litig.*, No. 14-md-2573 (S.D.N.Y. Jun. 15, 2021), ECF No. 536. The case is ongoing against the remaining defendants.

Sonterra Capital Master Fund Ltd. v. Credit Suisse Group AG et al.

Lowey Dannenberg served as the court-appointed sole lead counsel in a class action pending before Judge Sidney H. Stein against numerous global financial institutions responsible for setting the London Interbank Offered Rate for the Swiss Franc ("Swiss Franc LIBOR"). *Fund Liquidation Holdings LLC et al. v. Credit Suisse Group AG, et al.*, Case No. 15-cv-0871 (S.D.N.Y.). The case alleges that defendants manipulated Swiss Franc LIBOR and the prices of Swiss Franc LIBOR-Based Derivatives to benefit their derivatives positions. Lowey Dannenberg negotiated six class settlements with defendants totaling $73,950,000. On September 28, 2023, the Court finally approved settlements with (1) JPMorgan Chase & Co. for $22,000,000; (2) Credit Suisse Group AG and Credit Suisse AG for $13,750,000; (3) Deutsche Bank AG and DB Group Services (UK) Ltd. for $13,000,000; (4) TP ICAP plc (f/k/a Tullett Prebon plc and n/k/a TP ICAP Finance plc), Tullett Prebon Americas Corp., Tullett Prebon (USA) Inc., Tullett Prebon Financial Services LLC, Tullett Prebon (Europe) Limited, and Cosmorex AG; Gottex Brokers SA; and Velcor SA for $2,100,000; and (5) NEX Group plc, NEX International Limited (f/k/a ICAP plc), ICAP Capital Markets LLC (n/k/a Intercapital Capital Markets LLC), ICAP Securities USA LLC, and ICAP Europe Limited for $2,100,000. On October 24, 2023, the Court finally approved a $21,000,000 settlement with NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc).

Fund Liquidation Holdings LLC v. Citibank, N.A.

Lowey Dannenberg filed a proposed class action in July 2015 alleging that the 20 global financial institutions responsible for setting the Singapore Interbank Offered Rate ("SIBOR") and the Singapore Swap Offer Rate ("SOR") manipulated these benchmark rates to benefit their own derivatives positions at the expense of U.S. investors.

The Monetary Authority of Singapore investigated these banks and found that traders manipulated SIBOR and SOR, imposing sanctions. On March 17, 2021, the Second Circuit Court of Appeals vacated dismissal of the action and remanded the case to Judge Hellerstein for further proceedings. On November 29, 2022, Judge Hellerstein granted final approval of seven settlements totaling $155,458,000 with all Defendants in the case. *Fund Liquidation Holdings LLC v. Citibank, N.A., et al.*, 16-cv-5263 (S.D.N.Y.).

Dennis, et al. v. JPMorgan Chase & Co., et al.

Lowey Dannenberg served as co-lead counsel in an antitrust class action against numerous global financial institutions responsible for setting the Australian Bank Bill Swap Reference Rate ("BBSW"), before Judge Lewis A. Kaplan in the Southern District of New York. Dennis, et al. v. JPMorgan Chase & Co., et al., No. 16-cv-6496 (LAK) (S.D.N.Y.). The case alleges that the defendants engaged in uneconomic transactions in Prime Bank Bills, a type of short-term debt instrument, to manipulate BBSW. In addition to prevailing against most of the defendants on their motions to dismiss, (see Dennis v. JPMorgan Chase & Co., 343 F. Supp. 3d 122 (S.D.N.Y. 2018), adhered to on denial of reconsideration, No. 16-CV-6496 (LAK), 2018 WL 6985207 (S.D.N.Y. Dec. 20, 2018); Dennis v. JPMorgan Chase & Co., 439 F. Supp. 3d 256 (S.D.N.Y. 2020)), Lowey Dannenberg negotiated class settlements totaling $185,875,000 with those defendants. Judge Kaplan granted final approval of the settlements on November 1, 2022.

Sonterra Capital Master Fund Ltd. v. Barclays Bank PLC et al.

Lowey Dannenberg served as co-lead counsel in an antitrust class action against numerous global financial institutions responsible for setting the Sterling London Interbank Offered Rate ("Sterling LIBOR"). *Sonterra Capital Master Fund Ltd. v. Barclays Bank PLC et al.*, Case No. 15-cv-3538 (S.D.N.Y.). The case alleges that defendants manipulated Sterling LIBOR and the prices of Sterling LIBOR-Based Derivatives to benefit their derivatives positions. Lowey Dannenberg and co-lead counsel negotiated a $5,000,000 settlement with defendant Deutsche Bank AG ("Deutsche Bank"). On November 21, 2023, the Court finally approved the $5,000,000 settlement with Deutsche Bank.

In re Crop Protection Products Loyalty Program Antitrust Litigation

Lowey Dannenberg serves as court-appointed interim co-lead counsel in an antitrust action on behalf of farmers against Syngenta and Corteva, two major manufacturers of crop protection products. Plaintiffs allege that Defendants implemented exclusionary loyalty and rebate programs with distributors and retailers to foreclose generic competitors and maintain supracompetitive prices for crop protection products. On January 28, 2025, the court denied the Defendants' motion to dismiss in part and allowed federal injunctive relief claims and numerous state-law antitrust and consumer protection claims to proceed. *In re Crop Prot. Prods. Loyalty Program Antitrust Litig.*, 779 F. Supp. 3d 624 (M.D.N.C. 2025). Plaintiffs filed an amended complaint on July 28, 2025. The case is pending before Chief Judge Thomas D. Schroeder in the Middle District of North Carolina, *In re Crop Protection Products Loyalty Program Antitrust Litigation*, No. 1:23-md-03062 (M.D.N.C.).

Artuso Pastry Foods Corp. v. Packaging Corporation of America, et al.

Lowey Dannenberg represents Artuso Pastry Foods Corp. and a proposed class of U.S. purchasers in an antitrust class action against the nation's largest producers of containerboard, linerboard, and containerboard products (including cardboard boxes). Plaintiff alleges that Defendants colluded to raise prices more than 30% through multiple parallel price increases between 2020 and the present. On September 4, 2026, Lowey Dannenberg defeated Defendants' motions to dismiss in *Artuso Pastry Foods Corp. v. Packaging Corporation of America, et al., No. 1:25-CV-00856, 2026 WL 2622458 (N.D. Ill. Sept. 4, 2026)*

Batton, et al. v. The National Association of Realtors, et al.

Lowey Dannenberg and co-counsel brought the first case on behalf of homebuyers against the National Association of Realtors and four of the largest residential real estate brokerages in the country. The case alleges that defendants engaged in a decades-long conspiracy to fix broker commissions, which in turn inflated home prices across the United States. Lowey Dannenberg and co-lead counsel have so far achieved $28.5 million in settlements with two defendants, both of which have been preliminarily approved by the Court. In 2026, Plaintiffs reached an $85 million settlement with Defendant Corteva, which was preliminarily approved by the court.

In re Granulated Sugar Antitrust Litigation

Lowey Dannenberg was appointed by Judge Jerry W. Blackwell in the District of Minnesota as a member of the Plaintiffs' Steering Committee and interim co-lead counsel for a proposed class of Indirect Consumer Purchaser Plaintiffs. Plaintiffs allege a price-fixing and information-exchange conspiracy against the largest sugar producers in the United States. The Court held that Plaintiffs' pleadings survived Twombly on both their per se price-fixing claims and their rule-of-reason information-exchange claims. On October 15, 2025, Judge Blackwell denied the motion to dismiss as against the two largest sugar producers in the country, Domino Sugar and United Sugar, on nearly 100 state antitrust, consumer protection, and equitable claims. In re Granulated Sugar Antitrust Litig., No. 24-md-3110 (D. Minn.).

In re Shell Eggs Antitrust Litigation

On June 8, 2026, Lowey Dannenberg was appointed as Co-Lead Counsel for the Direct Purchaser Plaintiffs in In re Shell Eggs Antitrust Litigation, No. 1:26-md-03175-JDP (W.D. Wis.). Plaintiffs allege that the dominant producers of eggs in the United States have fixed and raised prices to artificially high levels since at least January 1, 2022.

Commodities Litigation

Lowey Dannenberg has successfully prosecuted the most important and complex commodity manipulation actions since the enactment of the Commodity Exchange Act ("CEA"). As court-appointed lead counsel, Lowey Dannenberg has a history of successfully certifying classes of investors harmed by market manipulation schemes.

Sumitomo

In *In re Sumitomo Copper Litigation* ("*Sumitomo*"), Master File No. 96 CV 4854 (S.D.N.Y.) (Pollack, J.), Lowey Dannenberg was appointed as one of three executive committee members. Stipulation and Pretrial Order No. 1, dated October 28, 1996, at ¶ 13. Plaintiffs' counsel's efforts in *Sumitomo* resulted in a settlement on behalf of the certified class of more than $149 million, which represented **the largest** class action recovery in the history of the CEA at the time. *In re Sumitomo Copper Litig.*, 182 F.R.D. 85, 95 (S.D.N.Y. 1998). One of the most able and experienced United States District Court judges in the history of the federal judiciary, the Honorable Milton Pollack, took note of counsel's skill and sophistication:

> *The unprecedented effort of Counsel exhibited in this case led to their successful settlement efforts and its vast results. Settlement posed a saga in and of itself and required enormous time, skill and persistence. Much of that phase of the case came within the direct knowledge and appreciation of the Court itself. Suffice it to say, the Plaintiffs' counsel did not have an easy path and their services in this regard are best measured in the enormous recoveries that were achieved under trying circumstances in the face of natural, virtually overwhelming, resistance.*

In re Sumitomo Copper Litig., 74 F. Supp. 2d 393, 396 (S.D.N.Y. 1999).

In re Natural Gas

Lowey Dannenberg served as co-lead counsel in In re Natural Gas Commodity Litigation, Case No. 03 CV 6186 (VM) (S.D.N.Y.) ("*In re Natural Gas*"), which involved manipulation of the price of natural gas futures contracts traded on the NYMEX by more than 20 large energy companies.

Plaintiffs alleged that Defendants, including El Paso, Duke, Reliant, and AEP Energy Services, Inc., manipulated the prices of NYMEX natural gas futures contracts by making false reports of the price and volume of their trades to publishers of natural gas price indices across the United States, including Platts. Lowey Dannenberg won significant victories throughout the litigation, including:

- defeating Defendants' motions to dismiss (*In re Natural Gas, 337 F. Supp. 2d 498 (S.D.N.Y. 2004)*);
- prevailing on a motion to enforce subpoenas issued to two publishers of natural gas price indices for the production of trade report data (*In re Natural Gas*, 235 F.R.D. 199 (S.D.N.Y. 2005)); and
- successfully certifying a class of NYMEX natural gas futures traders who were harmed by defendants' manipulation of the price of natural gas futures contracts traded on the NYMEX from January 1, 2000 to December 31, 2002. *In re Natural Gas*, 231 F.R.D. 171, 179 (S.D.N.Y. 2005), *petition for review denied*, *Cornerstone Propane Partners, LP, et al. v. Reliant Energy Services, Inc., et al.*, Docket No. 05-5732 (2d Cir. August 1, 2006).

The total settlement obtained in this complex litigation—$101 million—was at the time, the **third largest** recovery in the history of the CEA.

Amaranth

Lowey Dannenberg served as co-lead counsel in *In re Amaranth Natural Gas Commodities Litigation*, Master File No. 07 Civ. 6377 (S.D.N.Y.) (SAS) ("*Amaranth*"), a certified CEA class action alleging manipulation of NYMEX natural gas futures contract prices in 2006 by Amaranth LLC, one of the country's largest hedge funds prior to its widely publicized multi-billion-dollar collapse in September 2006. Significant victories Lowey Dannenberg achieved in the *Amaranth* litigation include:

> On April 27, 2009, Plaintiffs' claims for primary violations and aiding-and-abetting violations of the CEA against Amaranth LLC and other Amaranth defendants were sustained. Amaranth, 612 F. Supp. 2d 376 (S.D.N.Y. 2009).

> On April 30, 2010, the Court granted Plaintiffs' motion for pre-judgment attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure and Section 6201 of the New York Civil Practice Law and Rules against Amaranth LLC, a Cayman Islands company and the "Master Fund" in the Amaranth master-feeder-fund hedge fund family. *Amaranth*, 711 F. Supp. 2d 301 (S.D.N.Y. 2010).

> On September 27, 2010, the Court granted Plaintiffs' motion for class certification. Amaranth, 269 F.R.D. 366 (S.D.N.Y. 2010). In appointing Lowey Dannenberg as co-lead counsel for plaintiffs and the Class, the Court specifically noted "the impressive resume" of Lowey Dannenberg and that "Plaintiffs' counsel has vigorously represented the interests of the class throughout this litigation." On December 30, 2010, the Second Circuit Court of Appeals denied Amaranth's petition for appellate review of the class certification decision.

> On April 11, 2012, the Court entered a final order and judgment approving the $77.1 million settlement reached in the action. The $77.1 million settlement is more than ten times greater than the $7.5 million joint settlement achieved by the Federal Energy Regulatory Commission ("FERC") and the Commodity Futures Trading Commission ("CFTC") against Amaranth Advisors LLC and at that time, represented the fourth largest class action recovery in the 85-plus year history of the CEA.

Pacific Inv. Mgmt. Co. ("PIMCO")

Lowey Dannenberg served as counsel to certified class representative Richard Hershey in a class action alleging manipulation by PIMCO of the multi-billion-dollar market of U.S. 10-Year Treasury Note futures contracts traded on the Chicago Board of Trade ("CBOT"). *Hershey v. Pacific Inv. Management Co. LLC*, 571 F.3d 672 (7th Cir. 2009). The case settled in 2011 for $118.75 million, the **second largest** recovery in the history of the CEA at that time.

Optiver

Lowey Dannenberg acted as co-lead counsel in a proposed class action alleging that Optiver US, LLC and other Optiver defendants manipulated NYMEX light sweet crude oil, heating oil, and gasoline futures contracts prices in violation of the Sherman Antitrust Act and CEA. *In re Optiver Commodities Litigation*, Case No. 08 CV 6842 (S.D.N.Y.) (LAP), Pretrial Order No. 1, dated February 11, 2009. The Honorable Loretta A. Preska of the Southern District of New York granted final approval of a $16.75 million settlement in June 2015.

White v. Moore Capital Management, L.P.

Lowey Dannenberg acted as counsel to a class representative in an action alleging manipulation of NYMEX palladium and platinum futures prices in 2007 and 2008 in violation of the Sherman Antitrust Act, CEA, and RICO. *White v. Moore Capital Management, L.P.*, Case No. 10 CV 3634 (S.D.N.Y.) (Pauley, J.). Judge William H. Pauley III granted final approval of a settlement in the amount of $70 million in 2015.

In re Crude Oil Commodity Futures Litigation

Lowey Dannenberg served as counsel to a class representative and large crude oil trader in a Sherman Antitrust Act class action involving the alleged manipulation of NYMEX crude oil futures and options contracts. *In re Crude Oil Commodity Futures Litigation*, Case No. 11-cv-03600 (S.D.N.Y.) (Forrest, J.). The Court granted final approval to a $16.5 million settlement in January 2016.

Kraft Wheat Manipulation

Lowey Dannenberg serves as court-appointed co-lead counsel for a class of wheat futures and options traders pursuing claims against Kraft Foods Group, Inc. and Mondelēz Global LLC (collectively, "Kraft"), alleging Kraft manipulated the prices of Chicago Board of Trade wheat futures and options contracts. On June 27, 2016, Judge Edmond E. Chang denied Kraft's motion to dismiss Plaintiffs' CEA, Sherman Act and common law unjust enrichment claims relating to Kraft's alleged "long wheat futures scheme." *See Ploss v. Kraft Foods Grp., Inc.*, 197 F. Supp. 3d 1037 (N.D. Ill. 2016). On January 3, 2020, Judge Chang certified a class of wheat futures and options traders to bring the claims in the case. *See Ploss v. Kraft Foods Grp., Inc.*, 431 F. Supp. 3d 1003 (N.D. Ill. 2020). Kraft filed a petition to the United States Court of Appeals for the Seventh Circuit, seeking permission to immediately appeal Judge Chang's certification of the class, which was denied on February 21, 2020. The case is currently pending before Judge John F. Kness in the Northern District of Illinois.

Lansing Wheat Manipulation

Lowey Dannenberg served as co-lead counsel for a class of wheat futures and options traders pursuing claims against Lansing Trade Group, LLC and Cascade Commodity Consulting, LLC, alleging they manipulated the prices of Chicago Board of Trade wheat futures and options contracts in 2015. *See Budicak, et al. v. Lansing Trade Group, LLC, et al.*, No. 2:19-cv-02449 (JAR) (D. Kan.). On March 25, 2020, Chief District Judge Julie A. Robinson denied Defendants' motions to dismiss and sustained claims under the Sherman Act, the CEA, and for unjust enrichment. *Budicak, Inc. v. Lansing Trade Grp., LLC*, No. 2:19-CV-2449-JAR-ADM, 2020 WL 2892860 (D. Kan. Mar. 25, 2020). On June 16, 2023, Judge Toby Crouse granted final approval of proposed settlements with Lansing Trade Group and Cascade Commodity Consulting totaling $18 million.

The Andersons Wheat Manipulation

Lowey Dannenberg is leading the prosecution of claims on behalf of a class of wheat futures and options traders against The Andersons, Inc. for alleged manipulation of the wheat futures and options market in the fourth quarter of 2017. On July 9, 2021 and May 3, 2022, respectively, the Court denied Defendants' motions to dismiss in their entirety. *Dennis v. The Andersons Inc.*, Case No. 20-cv-04090 (N.D. Ill.).

SPOOFING LITIGATION

Lowey Dannenberg continues to innovate and is at the forefront of litigation under the CEA arising from claims of market participants spoofing various futures markets.

In re JPMorgan Precious Metals Spoofing Litigation

Lowey Dannenberg served as Court-appointed sole Lead Counsel in a commodities manipulation class action against JPMorgan and several of its traders, alleging spoofing in the market for precious metals futures and options between 2009 and 2015. On July 7, 2022, the Court granted final approval of a $60 million settlement with JPMorgan. *In re JPMorgan Precious Metals Spoofing Litigation*, No. 18-CV-10356 (S.D.N.Y.).

Boutchard, et al. v. Gandhi, et al. — E-mini Index Futures Spoofing

Lowey Dannenberg prosecuted claims on behalf of a class of investors that transacted E-mini Index Futures (e.g., Dow, S&P, Nasdaq) and options against Tower Research Capital LLC and several of its traders for alleged spoofing violations between 2012 and 2014. On July 30, 2021, Judge John J. Tharp, Jr. granted final approval of a $15 million settlement with Tower. *Boutchard v. Gandhi et al.*, No. 18-CV-07041 (N.D. Ill.).

In re Shale Oil/WTI Crude Oil Futures & Derivatives Litigation

Lowey Dannenberg serves as Interim Co-Lead Counsel in a pending federal antitrust lawsuit alleging that major U.S. shale oil producers conspired to constrain oil output and influence the prices of West Texas Intermediate (WTI) crude oil derivatives. *In re Shale Oil/WTI Crude Oil Futures & Derivatives Litigation*, No. 25-CV-00447 (D.N.M.).

JPMorgan Treasuries Spoofing

On October 9, 2020, the Court appointed Lowey Dannenberg to serve as Interim Co-Lead Counsel in a commodities manipulation class action against JPMorgan, alleging manipulation in the market for U.S. Treasuries futures and options between 2009 and the present. On June 3, 2022, the Court granted final approval of a $15.7 million settlement with JPMorgan. *In re JPMorgan Treasuries Spoofing Litigation*, No. 20-CV-3515 (S.D.N.Y.).

Deutsche Treasury and Eurodollar Spoofing

On September 1, 2020, Lowey Dannenberg was appointed Interim Co-Lead Counsel in a commodities manipulation class action against Deutsche Bank, alleging manipulation in the market for U.S. Treasury and Eurodollar futures and options throughout 2013. The case is pending before Judge Joan B. Gottschall in the Northern District of Illinois, *Rock Capital Markets, LLC v. Deutsche Bank Securities Inc.*, No. 20-CV-3638.

In re NatWest Treasury Futures Spoofing Litigation

On March 8, 2022, Lowey Dannenberg was appointed Interim Co-Lead Counsel in a commodities manipulation class action against NatWest, alleging manipulation in the market for U.S. Treasury futures and options from at least January 1, 2008 through May 31, 2014. The case is pending before The Honorable John F. Kness in the Northern District of Illinois, *In re NatWest Treasury Futures Spoofing Litigation*, No. 21-CV-6816.

Healthcare: Prescription Overcharge Antitrust Litigation

Lowey Dannenberg is the nation's premier pharmaceutical recovery law firm. It is known in the healthcare industry for its market-leading initiatives, depth of experience, and consistent results. The Firm's advice is valued by the largest health benefits companies in the United States, including Aetna CVS, Anthem, the Blue Cross and Blue Shield Association, Cigna, HCSC, Humana, and numerous other companies. Lowey Dannenberg's expertise was highlighted when Aetna and Humana each identified Lowey as a "Go-to Law Firm" for litigation services in Corporate Counsel magazine's "In House Law Departments at the Top 500 Companies."

Health insurers routinely turn to Lowey Dannenberg for its industry expertise, particularly in the areas of:

> **Defective Drugs and Products** – Litigating on behalf of insurers to recover overpayments for defective drugs and medical products, including those manufactured in violation of FDA standards

> **Prescription Drug and Device Price Manipulation** – Recovering overcharges from prescription drug and medical device price manipulation, including "generic delay" cases, price fixing, and "off-label" marketing

> **Lien Recovery** – Prosecuting and negotiating medical lien reimbursements in mass tort litigation

> **Class Action Defense** – Representing health insurers facing class actions in state and federal courts

Drugs Failing to Meet FDA's Manufacturing Standards

> ***Blue Cross Blue Shield Ass'n, et al. v. GlaxoSmithKline LLC:*** Lowey Dannenberg and its co-counsel represented 39 health insurers (accounting for 60% of the U.S. market for non-governmental health insurance) in a novel recovery action seeking billions in damages against British drug maker GlaxoSmithKline for selling prescription drugs manufactured under conditions that amounted to egregious violations of federal standards. After defeating summary judgment (Blue Cross Blue Shield Ass'n v. GlaxoSmithKline LLC, 417 F. Supp. 3d 531 (E.D. Pa. 2019)), the parties confidentially settled on the literal eve of trial.

> ***Rezulin Litigation:*** Lowey Dannenberg, representing a class of endpayers, made law that has influenced every third-party payer prescription drug case since. Louisiana BlueCross BlueShield ("LABCBS"), sued Warner Lambert and Pfizer for alleged misrepresentations about the qualities of their antidiabetic medication, Rezulin, injuring LABCBS in excessive purchases of the drug. Lowey successfully argued to reverse dismissal of LABCBS' class action in a precedent-setting appeal to the Second Circuit. This case established the direct rights (as contrasted with derivative, and more limited, subrogation rights) of third-party payers to sue pharmaceutical manufacturers for drug overcharges for defective drugs. *Desiano v. Warner-Lambert Co.*, 326 F.3d 339 (2d Cir. 2003).

"Pay-for-Delay" Antitrust Claims

> ***Aggrenox Generic Delay Litigation:*** Lowey Dannenberg represented Humana and 10 other health insurers in a generic delay antitrust case against defendant Boehringer Ingelheim Pharmaceuticals, Inc., the Aggrenox brand manufacturer, and generic manufacturer Barr Pharmaceuticals Inc. (later acquired by Teva Pharmaceuticals), before Judge Stefan R. Underhill in the District of Connecticut in connection with their antitrust claims. Class actions on behalf of direct purchasers reached a $146 million settlement and indirect purchasers reached a $54 million settlement. The litigation asserted claims under state antitrust law, claiming a $100 million co-promotion agreement was a disguised pay-for-delay, and as a result, insurers overpaid for Aggrenox. Lowey achieved confidential settlements on behalf of Humana and several other health insurers who opted-out of the class to separately litigate their claims. Humana Inc. v. Boehringer Ingelheim Pharma GmbH & Co. KG, et al., No. 3:14-cv-00572 (D. Conn.).

> ***Lidoderm Generic Delay Litigation*:** Lowey Dannenberg represented 21 health insurers in connection with their antitrust claims against sellers of branded and generic Lidoderm. Government Employees Health Association v. Endo Pharmaceuticals, Inc., et al., No. 3:14-cv-02180-WHO (N.D. Cal.).

> ***Hytrin Generic Delay Litigation*:** Lowey Dannenberg represented a class of health insurers asserting antitrust claims against Abbott Laboratories and Geneva Pharmaceuticals, sellers of branded and generic Hytrin, and ultimately settled the case for $28.7 million. In re Terazosin Hydrochloride Antitrust Litig., No. 1:99-MD-01317 (S.D. Fla.).

> **Cardizem CD Generic Delay Litigation:** In 1998, Lowey Dannenberg filed the first-ever generic delay class action antitrust cases for endpayers (a term reflecting consumers and health insurers). Those cases were centralized by the Judicial Panel on Multidistrict Litigation ("JPML") under the caption In re Cardizem CD Antitrust Litigation, MDL No. 1278 (E.D. Mich.). After the court certified a class (200 F.R.D. 326 (E.D. Mich. 2001)) and affirmed partial summary judgment for plaintiffs (332 F.3d 896 (6th Cir. 2003)), the case was settled for $80 million.

> ***Federal Trade Commission v. Actavis*, 570 U.S. 756 (2013).** America's Health Insurance Plans (AHIP), the national trade association representing health insurers, retained Lowey Dannenberg to represent it before the United States Supreme Court as amicus curiae in a seminal "pay-for-delay" pharmaceutical case. Federal Trade Commission v. Actavis, 570 U.S. 756 (2013).

Price Fixing of Pharmaceutical Drugs

> ***Generic Pharmaceuticals Price Fixing.*** Lowey Dannenberg represents 39 of the nation's largest health insurers, including Anthem, Aetna, Humana, and 23 BlueCross BlueShield licensees in connection with their claims relating to widespread price-fixing of generic pharmaceutical products. Lowey Dannenberg's clients collectively purchased billions of dollars of these drugs during the alleged price-fixing conspiracies. Some of this litigation has been centralized before the Honorable Cynthia M. Rufe in In re Generic Pharmaceuticals Pricing Antitrust Litig., MDL No. 2724 (E.D. Pa.).

> ***In re Amitiza Antitrust Litigation.*** Lowey Dannenberg on behalf of named plaintiff Premera Blue Cross, is leading a class of third-party payers of Amitiza (lubiprostone) against Takeda Pharmaceutical Company Ltd. and related entities. Plaintiffs allege that drug manufacturers Takeda and Sucampo, acting as partners, reached an anticompetitive agreement with generic manufacturer Par Pharmaceutical, Inc. in 2014, under which Par would delay market entry of its generic Amitiza until January 1, 2021, at which point it could either sell its own generic product or a Sucampo-supplied product, and the parties would split the generic revenue 50/50. On May 18, 2026, after a five-week trial, a nine-member federal jury in Boston, Massachusetts awarded a verdict of $63.2 million in damages to the certified class of end-payor purchasers. In re Amitiza Antitrust Litigation, No. 21-cv-11057-MJJ (D. Mass.).

Product Hopping Claims

> On July 8, 2024, Plaintiffs Aetna, Inc., Blue Cross Blue Shield of Massachusetts, Inc., Health Care Service Corp., Blue Cross Blue Shield of Florida, Inc., and Molina Healthcare, Inc., represented by Lowey Dannenberg, settled their Suboxone-related fraud and antitrust claims with Defendants Indivior Inc. and Indivior Solutions Inc. for $85 million. Plaintiffs, who opted out of an End-Payor class in the *In re Suboxone MDL*, filed suit in the Fall of 2020 in Circuit Court of Virginia, Roanoke County, alleging that Indivior, manufacturer of Suboxone, an opioid treatment medication, engaged in a fraudulent and anticompetitive "product hop" scheme designed to prevent generic competition by converting the market from Suboxone tablets to Suboxone film. The $85 million settlement is one of the highest "opt out" pharmaceutical drug recovery settlements on record. *Health Care Service Corp. v. Indivior Inc., et al.*, CL20-1474 (Va. Cir. Ct. Jul. 31, 2020).

Deceptive Marketing Claims

> ***In re Neurontin Marketing and Sales Practices Litig.*** Lowey *represented Aetna in an individual action seeking recovery against Pfizer for its off-label marketing of Neurontin and served as class counsel on the Plaintiffs' Steering Committee. The firm secured the first-ever verdict in history against a pharmaceutical manufacturer finding it engaged in a RICO enterprise by fraudulently marketing its drug, resulting in a $142 million trebled award. This pivotal decision reversed a negative trend in off-label drug marketing cases. The Court's conclusion that "Aetna's economic injury was a foreseeable and natural consequence" of Pfizer's scheme represents a common-sense application of the law to the economic realities of the prescription drug market.*

Lowey later argued and won a landmark RICO decision in the United States Court of Appeals for the First Circuit, holding drug manufacturers accountable to health insurers for damages attributable to marketing fraud. In re Neurontin Mktg. & Sales Practices Litig., 712 F.3d 51 (1st Cir. 2013).

> ***Warfarin Sodium Antitrust Litig.*** Lowey Dannenberg represented health insurers asserting antitrust and unfair trade practices claims against DuPont Pharmaceuticals Company. In re Warfarin Sodium Antitrust Litigation, 391 F.3d 516 (3d Cir. 2004).

Class Action Defense/Lien Recovery Cases

> Lowey Dannenberg secured judgments dismissing the class action lawsuits, which sought to apply New York State's anti-subrogation law to void health insurance plans' subrogation and reimbursement rights in New York. Meek-Horton v. Trover, et al., 910 F. Supp. 2d 690 (S.D.N.Y. 2013); Potts v. Rawlings Co. LLC, 897 F. Supp. 2d 185 (S.D.N.Y. 2012).

> Lowey Dannenberg defended Aetna and secured judgments dismissing the class action lawsuits seeking to bar certain reimbursement lien recoveries under New Jersey law. Minerley v. Aetna, Inc., No. 13-cv-1377, 2019 WL 2635991 (D.N.J. June 27, 2019), aff'd, No. 19-2730, 2020 WL 734448 (3d Cir. Feb. 13, 2020) and Roche v. Aetna, Inc., 165 F. Supp. 3d 180 (D.N.J. 2016), aff'd, 681 F. App'x 117 (3d Cir. 2017).

> Lowey Dannenberg successfully established Medicare Advantage Organizations' reimbursement recovery rights under the Medicare Secondary Payer Act. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 685 F.3d 353, 367 (3d Cir. 2012).



Securities Litigation

Lowey Dannenberg has represented clients in cases involving financial fraud, auction rate securities, options backdating, Ponzi schemes, challenges to unfair mergers and tender offers, statutory appraisal proceedings, proxy contests and election irregularities, failed corporate governance, stockholder agreement disputes, and customer/brokerage firm arbitration proceedings.

Lowey's securities litigation practice has recovered billions of dollars on behalf of defrauded investors. The firm has also achieved landmark, long term corporate governance changes at public companies, including reversing results of elections and returning corporate control to the companies' rightful owners, its stockholders.

Lowey Dannenberg's public pension fund clients include the California State Teachers' Retirement System (CalSTRS), the New York State Common Retirement Fund, the State of Connecticut Retirement Plans and Trust Funds, the Treasurer of the Commonwealth of Pennsylvania, and the Pennsylvania Treasury Department. Representative institutional investor clients include Federated Investors, Inc., Glickenhaus & Co., Millennium Partners LLP, Karpus Investment Management LLP, Amegy Bank, Monster Worldwide Inc., Zebra Technologies, Inc., and Delcath Systems, Inc.

Active Securities Cases

Shafer et al. v. Active Network LLC et al.

Lowey Dannenberg serves as court-appointed co-lead counsel in Shafer et al. v. Active Network LLC et al., No. 1:23-CV-00577 (N.D. Ga.). The case is currently pending before Judge Leigh Martin May. The securities lawsuit alleges that: (a) Active Network used deceptive and abusive acts and practices to dupe its customers into enrolling into Active Network's own discount club; (b) since July 2011, Active Network and by extension, Global Payments, was aware of such unauthorized conduct and that it was violating relevant regulations and laws aimed at protecting its consumers;
(c) since 2011, Global Payments failed to properly monitor its subsidiary from engaging in such unlawful conduct, detect and stop the misconduct, and identify and remediate harmed consumers; (d) all the foregoing subjected the Company to a foreseeable risk of heightened regulatory scrutiny or investigation; (e) Global Payments' revenues were in part the product of Active Network's unlawful conduct and thus unsustainable; and (f) as a result, the Company's public statements were materially false and misleading at all relevant times. On August 26, 2024, Judge Leigh Martin May issued an order granting preliminary approval of a $3.6 million settlement with Global Payments Inc.

In re Ramaco Resources, Inc. Securities Litigation

Lowey Dannenberg serves as court-appointed co-lead counsel in In re Ramaco Resources, Inc. Securities Litigation, 1:26-cv-00846. This case alleges that Ramaco Resources, Inc. and certain executives misled investors about the development and mining operations of the company's Brook Mine rare earth minerals project in Wyoming, causing investors to purchase Ramaco securities at inflated prices.

In re Fannie Mae/Freddie Mac Senior Preferred Stock Purchase Agreement Class Action Litigations

Lowey Dannenberg assisted lead counsel in the prosecution of a consolidated class action on behalf of shareholders of Fannie Mae and Freddie Mac, which were placed under government conservatorship in 2008. This action challenged the "Net Worth Sweep," in which all of Fannie Mae's and Freddie Mac's net incomes were transferred to the federal government on a quarterly basis. The suit alleged that this practice violated the shareholders' contractual rights and sought compensatory damages. In August 2023 a jury found in favor of the Plaintiffs, awarding a verdict in excess

of $600 million. *In re Fannie Mae/Freddie Mac Senior Preferred Stock Purchase Agreement Class Action Litigations, Case No. 1:13-mc-01288 (RCL).*

Notable Recoveries

Notable achievements for our securities clients include the following:

> *Norfolk County Retirement System v. Community Health Systems, Inc., et al.* 11-cv-0433 (M.D. Tenn.). Lowey Dannenberg recovered $53 million on behalf of Lead Plaintiff, the New York City Pension Funds, and the certified class of investors in Community Health Systems common stock. As Lead Counsel in this hard-fought and long-standing securities class action, Lowey Dannenberg charged Community Health Systems, one of the largest for-profit hospital systems in the United States, with failing to disclose that its highly-touted growth and performance were achieved through a scheme to improperly inflate Medicare patient admissions.
U.S. District Judge Eli J. Richardson addressed Lowey Dannenberg's efforts at the final approval hearing finding that *"counsel for plaintiff has been diligent, very diligent, has worked very hard, knows the case, knows the facts, is very experienced in these sorts of securities fraud class actions, and has gone to the mat for their client for many years."* During the litigation, Lowey Dannenberg achieved a unanimous reversal of the lower court's dismissal of the case before the Sixth Circuit Court of Appeals and successfully opposed Supreme Court review. *Norfolk Cty. Ret. Sys. v. Community Health Sys., Inc.*, 877 F.3d 687 (6th Cir. 2017), cert. denied 139 S. Ct. 310 (2018). Following extensive discovery, the court preliminarily approved the settlement in January 2020, which the Court approved and made final on June 19, 2020.

> *In re Beacon Associates Litigation*, 09-CV-0777 (S.D.N.Y.); *In re J.P. Jeanneret Associates, Inc., et al.*, 09-cv-3907 (S.D.N.Y.). Lowey Dannenberg represented several unions, which served as Lead Plaintiffs, in litigation arising from Bernie Madoff's Ponzi scheme. On March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the $219.9 million settlement of Madoff feeder-fund litigation encompassing the In re Beacon and In re Jeanneret class actions. Lowey Dannenberg, as Liaison Counsel, was instrumental in achieving this outstanding result. The settlement covered several additional lawsuits in federal and New York state courts against the settling defendants, including suits brought by the United States Secretary of Labor and the New York Attorney General. Plaintiffs in these cases asserted claims under the federal securities laws, ERISA, and state laws arising out of hundreds of millions of dollars of losses sustained by unions and other investors in Bernard Madoff feeder funds. The settlement recovered an extraordinary 70% of investors' losses. This settlement, combined with anticipated recovery from a separate liquidation of Madoff assets, is expected to restore the bulk of losses to the pension funds for the local unions and other class members. In granting final approval, Judge McMahon praised both the result and the lawyering in these coordinated actions, noting that "[i]n the history of the world there has never been such a response to a notice of a class action settlement that I am aware of, certainly, not in my experience," and that "[t]he settlement process really was quite extraordinary." In her written opinion, Judge McMahon stated that "[t]he quality of representation is not questioned here, especially for those attorneys (principally from Lowey Dannenberg) who worked so hard to achieve this creative and, in my experience, unprecedented global settlement." *In re Beacon Associates Litig.*, 09 CIV. 777 CM, 2013 WL 2450960, at *14 (S.D.N.Y. May 9, 2013).

> *In re Juniper Networks, Inc. Sec. Litig.*, No. C-06-04327 JW (N.D. Cal.). In 2010, as lead counsel for the Lead Plaintiff, the New York City Pension Funds, Lowey Dannenberg achieved a settlement in the amount of $169.5 million, one of the largest settlements in an options backdating case, after more than three years of hard-fought litigation.

> *In re ACS Shareholder Litigation*, Consolidated C.A. No. 4940-VCP (Del. Ch.). Lowey Dannenberg successfully challenged a multi-billion-dollar merger between Xerox Corp. and Affiliated Computer Systems ("ACS"), which favored Affiliated's CEO at the expense of our client, Federated Investors, and other ACS shareholders. In expedited proceedings, Lowey achieved a $69 million settlement as well as structural protections in the shareholder vote on the merger. The settlement was approved in 2010.

> *In re Bayer AG Securities Litigation*, 03 Civ. 1546 (WHP) (S.D.N.Y.). We represented the New York State Common Retirement Fund as Lead Plaintiff in a securities fraud class action arising from Bayer's marketing and recall of its Baycol drug. Lowey Dannenberg was appointed as lead counsel for the New York State Common Retirement Fund at the inception of merits discovery, following the dismissal of the New York State Common Retirement Fund's former counsel. The class action settled for $18.5 million in 2008.

> *In re WorldCom Securities Litigation*, Master File No. 02 Civ. 3288 (DLC) (S.D.N.Y.). Lowey Dannenberg's innovative strategy and zealous prosecution produced an extraordinary recovery in the fall of 2005 for the New York City Pension Funds in the *WorldCom Securities Litigation*, substantially superior to that of any other WorldCom investor in either class or

opt-out litigation. Following our advice to opt out of a class action in order to litigate their claims separately, the New York City Pension Funds recovered almost $79 million, including 100% of their damages resulting from investments in WorldCom bonds.

> *Federated American Leaders Fund, Inc.*, No. 08-cv-01337-PB (D.N.H.). In 2008, Lowey Dannenberg successfully litigated an opt-out case on behalf of client Federated Investors, Inc., arising out of the *Tyco Securities Litigation*. The client asserted claims unavailable to the class (including a claim for violation of § 18 of the Securities Exchange Act of 1934 and a claim for violations of the New Jersey RICO statute). Pursuit of an opt-out strategy resulted in a recovery of substantially more than the client would have received had it merely remained passive and participated in the class action settlement.

> *In re Philip Services Corp., Securities Litigation*, No. 98 Civ. 835 (AKH) (S.D.N.Y.). On March 19, 2007, the United States District Court for the Southern District of New York approved a $79.75 million settlement of a class action, in which Lowey Dannenberg acted as Co-Lead Counsel, on behalf of United States investors of Philip Services Corp., a bankrupt Canadian resource recovery company. $50.5 million of the settlement was paid by the Canadian accounting firm of Deloitte & Touche, LLP, perhaps the largest recovery from a Canadian auditing firm in a securities class action, and among the largest obtained from any accounting firm. Earlier in the litigation, the United States Court of Appeals for the Second Circuit issued a landmark decision protecting the rights of United States citizens to sue foreign companies who fraudulently sell their securities in the United States. DiRienzo v. Philip Services Corp., 294 F.3d 21 (2d Cir. 2002).

> *In re New York Stock Exchange/Archipelago Merger Litigation, No. 601646/05 (N.Y. Sup. Ct.). Lowey Dannenberg acted as co-lead counsel for a class of seatholders seeking to enjoin the merger between the New York Stock Exchange ("NYSE") and Archipelago Holdings, Inc. As a result of the action, the merger terms were revised, providing the seatholders with more than $250 million in additional consideration. Further, the NYSE agreed to retain an independent financial adviser to report to the court as to the fairness of the deal to the NYSE seatholders. Plaintiffs also provided the court with their expert's analysis of the new independent financial adviser's report so that seatholders could assess both reports prior to the merger vote. The court noted that "these competing presentations provide a fair and balanced view of the proposed merger and present the NYSE Seatholders with an opportunity to exercise their own business judgment with eyes wide open. The presentation of* such differing viewpoints ensures transparency and complete disclosure." *In re New York Stock Exchange/Archipelago Merger Litigation*, No. 601646/05, 2005 WL 4279476, at *14 (N.Y. Sup. Ct. Dec. 5, 2005).

> *Delcath Systems, Inc. v. Ladd, et al.*, No. 06 Civ. 6420 (S.D.N.Y.). On September 25, 2006, Lowey Dannenberg helped Laddcap Value Partners win an emergency appeal, reversing a federal district court's order disqualifying the votes Laddcap solicited to replace the board of directors of Delcath Systems, Inc. Prior to Lowey Dannenberg's involvement in the case, on September 20, 2006, the district court enjoined Laddcap, Delcath's largest stockholder, from submitting stockholder consents on the grounds of alleged and unproven violations of federal securities law. After losing an injunction proceeding in the district court on September 20, 2006, and with the election scheduled to close on September 25, 2006, Laddcap hired Lowey Dannenberg to prosecute an emergency appeal, which Lowey won on September 25, 2006, the last day of the election period. Delcath Systems, Inc. v. Ladd, 466 F.3d 257 (2d Cir. 2006). Shortly thereafter, the case settled with Laddcap gaining seats on the board, reimbursement of expenses, and other benefits.

> *Salomon Brothers Municipal Partners Fund, Inc. v. Thornton, No. 05-cv-10763 (S.D.N.Y.). Lowey Dannenberg represented Karpus Investment Management in its successful proxy contest and subsequent litigation to prevent the transfer of management by Citigroup to Legg Mason of the Salomon Brothers Municipal Partners Fund. We defeated the Fund's preliminary injunction action which sought to compel Karpus to vote shares it had solicited by proxy but withheld from voting in order to defeat a quorum and prevent approval of the transfer. Salomon Brothers Mun. Partners Fund, Inc. v. Thornton, 410 F. Supp. 2d 330 (S.D.N.Y. 2006).*

> *In re DaimlerChrysler AG Sec. Litigation*, Master Docket No. 00-993-JJF (D. Del.). Lowey Dannenberg represented Glickenhaus & Co., a major registered investment advisor and, at the time, the second largest stockholder of Chrysler, in an individual securities lawsuit against DaimlerChrysler AG. Successful implementation of the firm's opt-out strategy led to a recovery for its clients far in excess of that received by other class members. See Tracinda Corp. v. DaimlerChrysler AG, 197 F. Supp. 2d 42 (D. Del. 2002); In re DaimlerChrysler AG Sec. Litig., 269 F. Supp. 2d 508 (D. Del. 2003).

> *Doft & Co. v. Travelocity.com, Inc.*, No. Civ. A. 19734 (Del. Ch.). Following a three-day bench trial in a statutory appraisal proceeding, the Delaware Chancery Court awarded the firm's clients, an institutional investor and investment advisor, $30.43 per share plus compounded prejudgment interest, for a transaction in which the public shareholders who did not seek appraisal were cashed out at $28 per share. Doft & Co. v. Travelocity.com, Inc., No. Civ. A. 19734, 2004 WL 1152338 (Del. Ch. May 20, 2004), modified, 2004 WL 1366994 (Del. Ch. June 10, 2004).

> *MMI Investments, LP v. NDCHealth Corp., et al.*, 05 Civ. 4566 (S.D.N.Y.). Lowey Dannenberg filed an individual action on behalf of hedge fund, MMI Investments, asserting claims for violations of the federal securities laws and the common law, including claims not available to the class, most notably a claim for violation of § 18 of the Securities Exchange Act of 1934 and a claim for common law fraud. After zealously litigating the client's claims, the Firm obtained a substantial settlement, notwithstanding the fact that the class claims were dismissed.

> *Omnicare, Inc. v. NCS Healthcare, Inc.* Lowey Dannenberg, as Co-Lead Counsel on behalf of an institutional investor, obtained an injunction from the Delaware Supreme Court, enjoining a proposed merger between NCS Healthcare, Inc. and Genesis Health Ventures, Inc., in response to Lowey Dannenberg's argument that the NCS board breached its fiduciary obligations by agreeing to irrevocable merger lock-up provisions. As a result of the injunction, the NCS shareholders were able to benefit from a competing takeover proposal by Omnicare, Inc., a 300% increase from the enjoined transaction, providing NCS's shareholders with an additional $99 million. Omnicare, Inc. v. NCS Healthcare, Inc., 818 A.2d 914 (Del. 2003).

> *meVC Draper Fisher Jurvetson Fund 1, Inc. v. Millennium Partners.* Lowey Dannenberg successfully represented an affiliate of Millennium Partners, a major private investment fund, in litigation in the Delaware Chancery Court over a board election. Lowey's efforts resulted in the voiding of two elections of directors of meVC Draper Fisher Jurvetson Fund 1, Inc., a NYSE-listed closed end mutual fund, on grounds of breach of fiduciary duty. In a subsequent proxy contest litigation in the United States District Court for the Southern District of New York, the entire board of directors was ultimately replaced with Millennium's slate. *meVC Draper Fisher Jurvetson Fund 1, Inc. v. Millennium Partners*, 260 F. Supp. 2d 616 (S.D.N.Y. 2003); *Millenco L.P. v. meVC Draper Fisher Jurvetson Fund 1, Inc.*, 824 A.2d 11 (Del. Ch. 2002).

> *In re CINAR Securities Litigation*, Master File No. 00 CV 1086 (E.D.N.Y. Dec. 2, 2002). Lowey Dannenberg acted as Lead Counsel, obtaining a $27.25 million settlement on behalf of client the Federated Kaufmann Fund and a class of purchasers of securities of CINAR Corporation. The court found that "the quality of [Lowey Dannenberg's] representation has been excellent."

> *In re Reliance Securities Litigation*, MDL No. 1304 (D. Del. 2002). In proceedings in which Lowey Dannenberg acted as co-counsel to a Bankruptcy Court-appointed estate representative, the firm obtained recoveries in a fraudulent conveyance action totaling $106 million.

Consumer Protection

Lowey Dannenberg has served as lead or co-lead counsel in many challenging consumer protection cases. The firm has recovered millions of dollars on behalf of consumers injured as a result of unfair business practices. The firm's Consumer Protection Group has experience litigating class actions under state and federal consumer protection law and before state and federal courts.

In re FedLoan Student Loan Servicing Litigation

Attorneys from Lowey Dannenberg were appointed by Judge C. Darnell Jones, II as Co-Lead Counsel and Executive Committee members in *In re FedLoan Student Loan Servicing Litigation*, No. 18-MD-2833 (E.D. Pa.) *("FedLoan")*. Lowey Dannenberg filed the first action in the *FedLoan* litigation alleging that one of the nation's largest student loan servicers, the Pennsylvania Higher Education Assistance Agency, failed to properly service student loans in order to maximize the fees it received from the Department of Education under its loan servicing contract. Lowey Dannenberg also brought claims against the U.S. Department of Education for failing to comply with the Higher Education Act and its own regulations and rules. The alleged scheme harmed student loan borrowers by causing them to accrue additional interest on their loans, improperly extending their repayment terms, and erroneously placing their loans into forbearance. The litigation is ongoing.

Broder v. MBNA Corp.

Lowey Dannenberg served as Lead Counsel in *Broder v. MBNA Corp.*, No. 605153/98 (Sup. Ct., N.Y. County), and recovered $22.8 million on behalf of a class of holders of credit cards issued by MBNA Bank, who took cash advances in response to a deceptive MBNA promotion. The Court noted that Lowey Dannenberg is an "able law firm having long-standing experience in commercial class action litigation."

Snyder v. Nationwide Insurance Company

In *Snyder v. Nationwide Insurance Company*, Index No. 97/0633 (Sup. Ct. Onondaga Co. December 17, 1998), Lowey Dannenberg, as co-lead counsel, secured a $100 million settlement for consumers purchasing "vanishing premium" life insurance policies. In approving the settlement, the Court found that the attorneys of Lowey Dannenberg are "great attorneys" who did a "very, very good job" for the class.

In re Archstone Westbury Tenant Litigation

As lead counsel, Lowey Dannenberg successfully represented a class of renters of mold-infested apartments in a $6.3 million settlement of a complex landlord-tenant class action in *In re Archstone Westbury Tenant Litigation*, Index No. 21135/07 (N.Y. Sup. Ct. Nassau County).

Lyons v. Litton Loan Servicing LP

In *Lyons v. Litton Loan Servicing LP, et al.*, No. 13-cv-00513 (S.D.N.Y.), Lowey Dannenberg served as Class Counsel and recovered $4.1 million on behalf of a class of homeowners alleging that mortgage servicers colluded to force them to buy unnecessary lender-placed insurance.

In re Warfarin Sodium Antitrust Litigation

In *In re Warfarin Sodium Antitrust Litigation*, 391 F.3d 516 (3d Cir. 2004), the Third Circuit Court of Appeals affirmed the United States District Court for the District of Delaware's approval of a $44.5 million class action settlement paid by DuPont Pharmaceuticals to consumers and third-party payers nationwide to settle claims of unfair marketing practices in connection with the prescription blood thinner, Coumadin. Lowey Dannenberg, appointed by the District Court to the Plaintiffs' executive committee as the representative of third-party payers, successfully argued the appeal.

Greg Walker et al. v. Central Hudson Gas and Electric Corp.

Lowey Dannenberg represents a class of consumers seeking to redress the deceptive business acts and practices of Central Hudson Gas & Electric Corp. that have caused thousands of New York consumers to pay considerably more for their electricity and gas than they should otherwise have paid absent Central Hudson's misconduct. The case is currently pending before Judge Acker in Dutchess County Supreme Court. *Greg Walker et al. v. Central Hudson Gas and Electric Corp.*, Index No. 2023-50074 (Sup. Ct. Dutchess Co. Jan. 6, 2023).

Privacy Class Actions

Lowey Dannenberg is at the forefront of some of the most high-profile and largest privacy cases in the country, including those involving new and emerging technology.

In re Google Assistant Privacy Litigation, No. 19-cv-04286 (N.D. Cal.)

Lowey Dannenberg serves as co-lead class counsel in one of the largest privacy cases in the country, representing a class of consumers against tech giant Google. Plaintiffs' claims arise out of Google's unlawful and intentional recording of Plaintiffs' and class members' confidential communications without their consent through its Google Assistant software. On October 13, 2026, the Court finally approved a $68 million settlement.

Lopez v. Apple, Inc., No. 19-cv-04577 (N.D. Cal.)

Similar to the case above, Lowey Dannenberg serves as co-lead class counsel in a class action on behalf of consumers alleging that Apple unlawfully and intentionally recorded Plaintiffs' and class members' confidential communications without their consent through its Siri-enabled devices. On October 14, 2025, U.S. District Judge Jeffrey S. White granted final approval of Plaintiffs' $95 million settlement.

Frasco v. Flo Health, Inc., No. 21-cv-00757 (N.D. Cal.)

Lowey serves as co-class counsel in this data privacy action on behalf of a certified class of individuals who used the Flo period and pregnancy tracking app between 2016 and 2019. In July 2025, Lowey served as co-trial counsel in a 2-week jury trial against Meta and Flo relating to the alleged violation of the California Invasion of Privacy Act, California Medical Information Act, and other state laws, relating to Meta's unauthorized recording of women's health information from within the Flo app through the Facebook SDK. A jury unanimously found Meta violated CIPA, returning the first verdict in history to find unauthorized recording of information through the Facebook SDK violated this law. Plaintiffs separately settled with Flo and the other defendants, Google and Flurry, prior to the verdict. This resulted in a $59.5 million settlement with Flo, Google and Flurry that's pending final approval.

Doe v. Google LLC, 3:23-cv-02343 (N.D. Cal.)

Lowey Dannenberg serves as co-lead counsel in this class action alleging that Google unlawfully collected health information, including private communications, through tracking technology embedded on thousands of healthcare providers' web properties. On June 6, 2025, Plaintiffs defeated Google's motion to dismiss the case.

Jewell, et al. v. Florida Health Sciences Center Inc., d/b/a Tampa General Hospital, No. 2023-CA-014439 (Hillsborough Cnty. Cir. Ct.)

Lowey Dannenberg represented a class of Tampa General Hospital patients who allege that their highly sensitive data, including information relating to their patient status, medical conditions, prescriptions, appointments, specific treatment, messages to healthcare providers and PII was disclosed to Meta Platforms, Inc. through Tampa General Health's intentional incorporation of Meta's tracking software (e.g., the Meta Pixel) on its website and patient portal. The class settlement was finally approved on October 6, 2025.

Doe v. The Regents of the University of California, 3:23-cv-00598 (N.D. Cal.)

Lowey Dannenberg represents a class of University of California San Francisco Medical Center ("UCSF") patients who allege that their highly sensitive data, including information relating to their medical conditions, appointments, specific treatment, messages to health care providers, and PII was disclosed to Meta Platforms, Inc. through UCSF's incorporation of Meta's tracking software (e.g., the Meta Pixel) on its website and patient portal.

Chamberlain v. Granola, Inc., No. 3:26-cv-07926 (N.D. Cal.)

Lowey Dannenberg filed a class action against Granola, Inc. regarding its AI note-taking app recording meetings of its users without other participants' consent or knowledge.

Doe v. Hims & Hers Health, Inc., No. 3:26-cv-07941 (N.D. Cal.)

Lowey Dannenberg filed a class action against Hims & Hers Health, Inc. over allegations that it collected personal information and sensitive health-related responses from subscribers and survey participants and shared that information with various third parties.

In re Adobe Data Tracking Litigation, No. 5:25-cv-03911 (N.D. Cal.)

Lowey serves as interim co-lead in this action, which alleges that Adobe secretly collects data across thousands of websites to create individually identifiable user profiles. Plaintiffs allege Adobe uses this data for its own benefit, including to facilitate real-time bidding.

Doe v. Hey Favor, Inc., 3:23-cv-00059 (N.D. Cal.)

Lowey Dannenberg represents a class of Hey Favor, Inc. website and app users alleging their personal data, including prescription information, was unlawfully disclosed to and intercepted by Meta Platforms, Inc., TikTok, Inc., and FullStory, Inc. using sophisticated tracking technology (e.g., the Meta Pixel, the TikTok Pixel, and Session Replay Software). Plaintiffs recently secured settlements with Meta and TikTok.

Maurer v. Edward D. Jones & Co., L.P., et al., No. 4:26-cv-01294 (E.D. Mo.)

Lowey Dannenberg serves as co-lead counsel in this action, which alleges that Edward D. Jones & Co., L.P. may have shared account holders' private financial data with third parties, including Google. The information includes financial transactions and account balances.

Doe v. GoodRx Holdings, Inc., et al., No. 3:23-cv-00501 (N.D. Cal.)

Lowey Dannenberg serves as court-appointed co-lead counsel in a class action against GoodRx Holdings, Inc. ("GoodRx"), Meta Platforms, Inc. ("Meta"), Google LLC ("Google"), and Criteo Corp. ("Criteo"). Plaintiffs represent a class of GoodRx website and app users alleging their personal data, including prescription information, was unlawfully disclosed to and intercepted by Meta, Google, and Criteo using sophisticated tracking technology (e.g., pixels, software development kits, and session replay software). Plaintiffs have been preliminarily approved for a $32 million settlement involving GoodRx and ad-tech company Criteo.

Zeolla et al. v. Southern New Hampshire Univ., No. 1:25-cv-00541-TSM (D.N.H.)

Lowey Dannenberg is currently litigating against Southern New Hampshire University over allegations that it may have shared students' and applicants' private data with large advertising companies, such as Facebook, TikTok, and Snapchat.

DellaSala v. Samba TV, Inc., No. 3:25-cv-03470 (N.D. Cal.)

Lowey Dannenberg is litigating claims against Samba TV for collecting video-viewing data without consent. The complaint alleges that this data was used to create hyper-specific consumer profiles and facilitate targeted advertising. On April 21, 2026, Lowey Dannenberg defeated a motion to dismiss this action.

Data Breach Class Actions

Lowey Dannenberg represents both consumers and financial institutions in some of the largest data breach class actions, including those affecting tens of millions of customers across the hospitality, healthcare, and retail industries.

Barr v. Drizly, LLC, No. 20-CV-11492 (D. Mass.)

Lowey Dannenberg served as court-appointed class counsel on behalf of millions of consumers impacted by a data breach at one of the largest alcohol delivery companies, Drizly LLC ("Drizly"). On March 30, 2021, U.S. District Judge Leo T. Sorokin granted preliminary approval of a settlement in which Drizly agreed to pay a total of no less than $1,050,000 and no more than $3,150,000, and issue service credits up to $447,750. Drizly also agreed to implement and maintain sufficient data security measures to prevent future data breaches. On November 22, 2021, the Court granted final approval of the settlement. As a result of Lowey Dannenberg's robust notice program, Drizly paid the maximum amount under the terms of the settlement.

In re Wawa, Inc. Data Security Litigation, No. 19-cv-06019 (E.D. Pa.)

Lowey Dannenberg serves as co-lead counsel in a class action against Wawa, Inc. ("Wawa") on behalf of a class of financial institutions affected by Wawa's failure to properly secure their card processing system. As a result of Wawa's conduct, unauthorized third parties were able to gain access to customers' payment card information for over nine months. The data breach is estimated to have impacted more than 30 million individuals at 850 locations. Judge Gene E.K. Pratter of the U.S. District Court for the Eastern District of Pennsylvania sustained several of Plaintiffs' claims, including negligence and injunctive relief. On December 9, 2025, Lowey received final approval of the settlement with Wawa for a class of financial institutions. Due to Lowey's efforts, Wawa committed up to $28.5 million to compensate class members that submitted valid claims for costs associated with canceling and replacing payment cards in response to the data breach, losses resulting from payment card fraud, and other costs. This settlement was the third largest data breach settlement in 2023. See Duane Morris Class Action Review - Executive Summary 2024 at p. 517.

In re Rutter's Inc. Data Security Breach Litigation, No. 20-cv-00382 (M.D. Pa.)

Lowey Dannenberg is serving as co-lead class counsel in a class action on behalf of consumers against Rutter's Holdings, Inc. ("Rutter's"). The action arises out of Rutter's failure to secure its point-of-sale system, which allowed hackers to compromise customers' payment card information. The breach is estimated to have lasted approximately eight months.

Chief Judge John E. Jones, III of the U.S. District Court for the Middle District of Pennsylvania sustained several of Plaintiffs' key claims, including negligence, breach of implied contract, and unjust enrichment. During discovery, Lowey Dannenberg successfully argued that Rutter's must turn over investigative reports prepared by third party consultants, which Rutter's argued were protected by the attorney-client privilege and work product doctrine.

Hozza v. PrimoHoagies Franchising, Inc., No. 20-cv-04966 (D.N.J.)

Lowey Dannenberg served as sole class counsel in a class action against PrimoHoagies Franchising, Inc. ("PrimoHoagies") arising out of the company's deficient data security that exposed consumers' personal data, including credit card information. The data breach is estimated to have lasted seven months, impacting dozens of locations across seven states. On March 22, 2023, Lowey received final approval for a settlement for a class of consumers that allows for up to $120 for out-of-pocket expenses and an additional $7.50 for lost time related to the data breach. In addition to payments, class members received one year of credit-monitoring services valued at $119.40.

In re USAA Data Security Litigation, No. 21-cv-05813 (S.D.N.Y.)

The case alleges that United Services Automobile Association ("USAA") allowed unauthorized third parties to intentionally target and improperly obtain Plaintiffs' and class members' personally identifiable information, including Driver's License numbers, through the use of USAA's online insurance quote and/or policy process. Plaintiffs defeated Defendant's Motion to Dismiss, including sustaining claims pursuant to the Drivers Privacy Protection Act. The Court appointed Lowey Dannenberg as Class Counsel and on May 21, 2025, granted final approval to a $3,250,000 settlement.

In re NCB Management Services, Inc. Data Breach Litigation, No. 2:23-cv-01236 (E.D. Pa.)

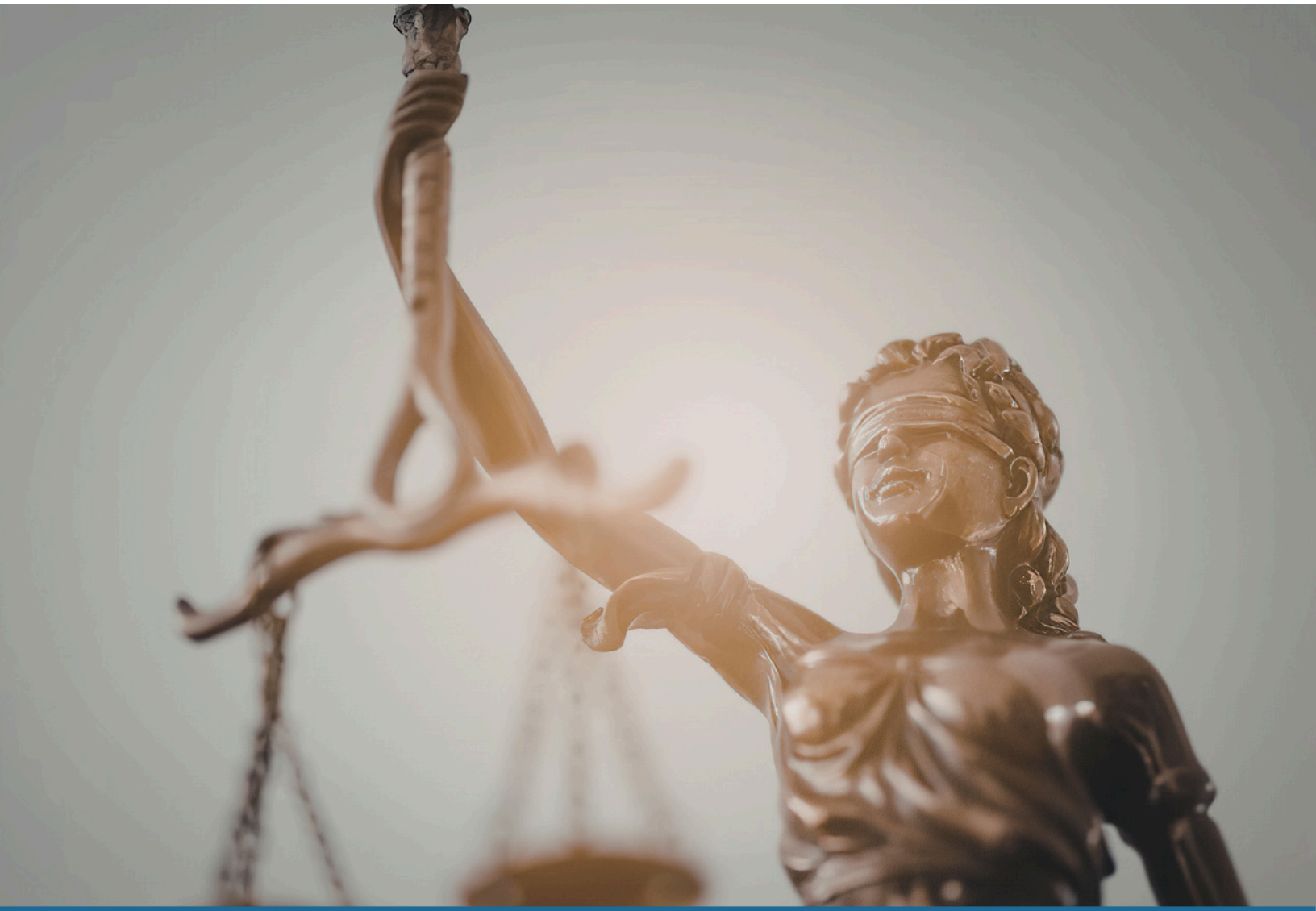
On June 5, 2023, the Court appointed Lowey Dannenberg as co-lead counsel representing a proposed class of consumer plaintiffs. The case alleges that debt-collector NCB Management Services, Inc. ("NCB") allowed unauthorized third parties to intentionally target and improperly obtain Plaintiff's and class members' personally identifiable information through a ransomware attack. Plaintiff defeated Defendant's Motion to Dismiss on certain grounds. On September 29, 2025, Judge Kai N. Scott of the U.S. District Court for the Eastern District of Pennsylvania granted final approval to a $2.625 million settlement.

Vallely v. Restaurant Depot, LLC, No. 26-CV-4880 (FB) (TAM) (E.D.N.Y.)

Lowey Dannenberg serves as Co-Lead Counsel in this class action against Restaurant Depot, LLC. Plaintiffs allege that Restaurant Depot failed to safeguard personal information during a cybersecurity incident, potentially exposing Social Security numbers, addresses, and email addresses to unauthorized parties.

Rand v. The Travelers Indemnity Company, No. 7:21-cv-10744 (S.D.N.Y.)

This case arises out of a data incident, which Plaintiff alleges caused Class Members' personal information, including Driver's License numbers, to be accessed, stolen, or compromised as a result of the unauthorized third-party access to Travelers' independent agent portal. Plaintiff defeated Travelers' Motion to Dismiss, including sustaining claims pursuant to the Drivers Privacy Protection Act. The Court appointed Lowey Dannenberg as Class Counsel, and on February 5, 2025, Judge Vincent L. Briccetti finally approved a $6 million class settlement.



Lowey Dannenberg's Recognized Expertise

Courts have repeatedly recognized the attorneys of Lowey Dannenberg as outstanding practitioners in the field of complex litigation.

For example, on March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the $219.9 million settlement of Madoff feeder-fund litigation encompassing the In re Beacon and In re Jeanneret class actions. In a subsequent written decision, with glowing praise, Judge McMahon stated:

> "The quality of representation is not questioned here, especially for those attorneys (principally from Lowey Dannenberg) who worked so hard to achieve this creative and, in my experience, unprecedented global settlement."

> "I thank everyone for the amazing work that you did in resolving these matters. **Your clients—all of them—have been well served.**"

> "Not a single voice has been raised in opposition to this remarkable settlement, or to the Plan of Allocation that was negotiated by and between the Private Plaintiffs, the NYAG and the DOL."

> "All formal negotiations were conducted with the assistance of two independent mediators—one to mediate disputes between defendants and the investors and another to mediate claims involving the Bankruptcy Estate. Class Representatives and other plaintiffs were present, in person or by telephone, during the negotiations. The US Department of Labor and the New York State Attorney General participated in the settlement negotiations. **Rarely has there been a more transparent settlement negotiation. It could serve as a prototype for the resolution of securities-related class actions, especially those that are adjunctive to bankruptcies.**"

> **"The proof of the pudding is that an astonishing 98.72% of the Rule 23(b)(3) Class Members who were eligible to file a proof of claim did so (464 out of 470), and only one Class Member opted out [that Class Member was not entitled to recover anything under the Plan of Allocation]. I have never seen this level of response to a class action Notice of Settlement, and I do not expect to see anything like it again."**

> **"I am not aware of any other Madoff-related case in which counsel have found a way to resolve all private and regulatory claims simultaneously and with the concurrence of the SIPC/Bankruptcy Trustee. Indeed, I am advised by Private Plaintiffs' Counsel that the Madoff Trustee is challenging settlements reached by the NYAG in other feeder fund cases [Merkin, Fairfield Greenwich] which makes the achievement here all the more impressive."**

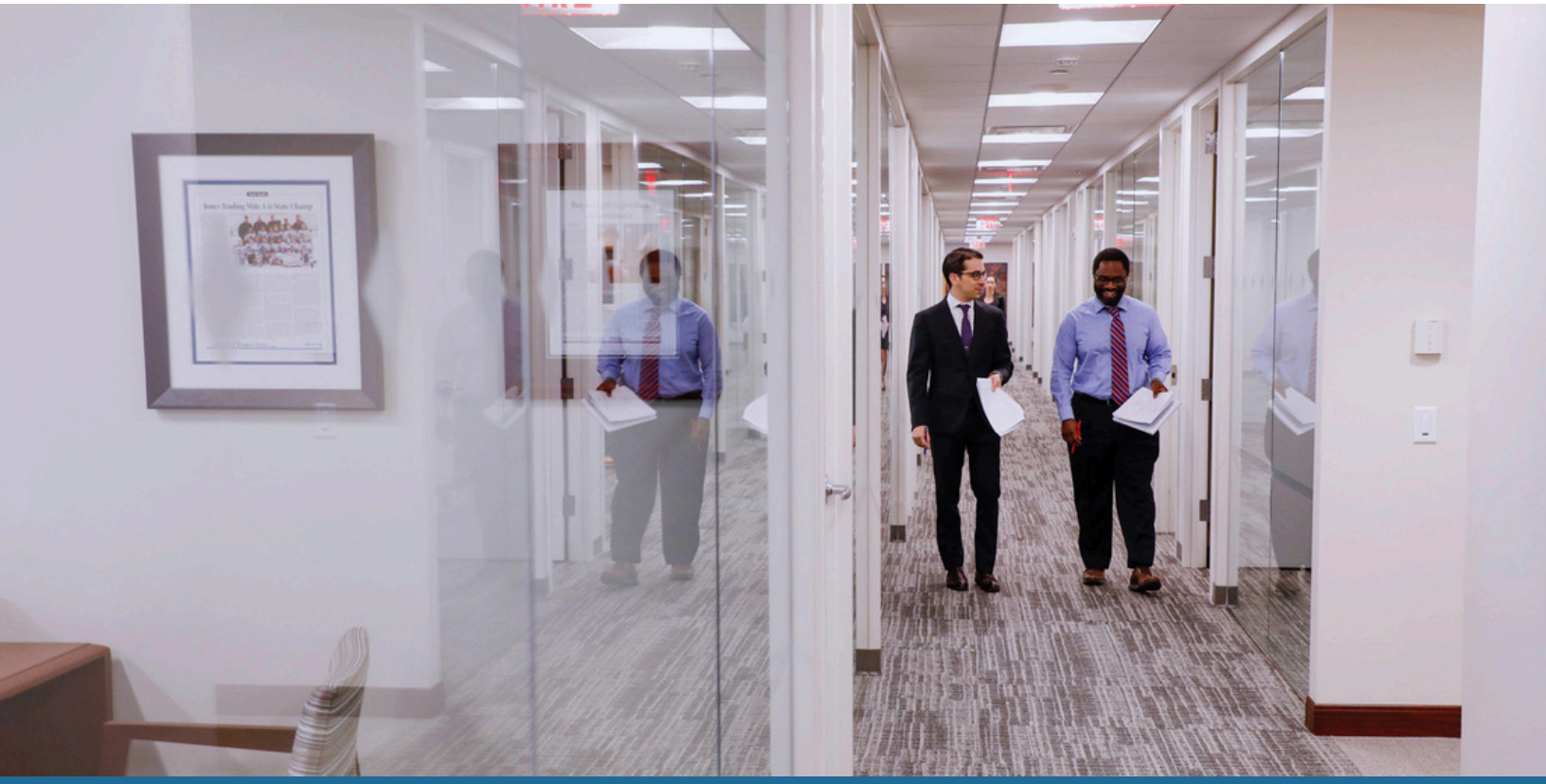
In *Juniper Networks, Inc. Securities Litigation*, the court, in approving the settlement, acknowledged that "[t]he successful prosecution of the complex claims in this case required the participation of highly skilled and specialized attorneys." *In re Juniper Networks, Inc., C06-04327, Order dated August 31, 2010 (N.D. Cal.). In the WorldCom Securities Litigation*, the court repeatedly praised the contributions and efforts of the firm. On November 10, 2004, the court found that "the Lowey Firm . . . has worked tirelessly to promote harmony and efficiency in this sprawling litigation. . . . [Lowey Dannenberg] has done a superb job in its role as Liaison Counsel, conducting itself with professionalism and efficiency . . . ." *In re WorldCom, Inc. Securities Litigation*, No. 02 Civ. 3288, 2004 WL 2549682, at *3 (S.D.N.Y. Nov. 10, 2004).

In the *In re Bayer AG Securities Litigation*, 03 Civ. 1546, 2008 WL 5336691, at *5 (S.D.N.Y. Dec. 15, 2008) order approving a settlement of $18.5 million for the class of plaintiffs, Judge William H. Pauley III noted that the attorneys from Lowey Dannenberg are "nationally recognized complex class action litigators, particularly in the fields of securities and shareholder representation," that "provided high-quality representation."

In the *In re Luminent Mortgage Capital, Inc., Securities Litigation*, No. C07-4073 (N.D. Cal.) hearing for final approval of settlement and award of attorneys' fees, Judge Phyllis J. Hamilton noted that "[t]he $8 million settlement . . . is excellent, in light of the circumstance." Judge Hamilton went on to say that "most importantly, the reaction of the class has been exceptional with only two opt-outs and no objections at all received." *See* Tr. of Hearing on Plaintiff's Motion for Final Approval of Settlement/Plan of Allocation and for an Award of Attorneys' Fees and Reimbursement of Expenses, *In re Luminent Mortgage Capital, Inc., Securities Litigation*, No. C07-4073-PJH (N.D. Cal. Apr. 29, 2009), ECF No. 183.



LOWEY DANNENBERG



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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF L. TIMOTHY FISHER ON BEHALF OF BURSOR & FISHER, P.A. IN SUPPORT OF INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, L. Timothy Fisher, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice before the courts of the State of California and am admitted to practice before this Court. I am a partner with the law firm Bursor & Fisher, P.A. ("B&F") and Interim Co-Lead Counsel of record for Plaintiffs. I submit this declaration in support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards (the "Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. At all times relevant hereto, B&F and Lowey Dannenberg, P.C. ("Lowey") have been appointed as Interim Co-Lead Counsel in this Litigation. ECF No. 112; *see also* ECF No. 86 (leadership motion). Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. The statements herein are true to the best of my personal knowledge, information, and belief based on B&F's books and records and information received from B&F attorneys and professional staff.

4. The schedule attached as **Exhibit A** summarizes the hours and lodestar of B&F from the inception of this Litigation to October 31, 2026. The total hours were determined by an examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm's current hourly rates and were prepared based upon daily time records maintained by attorneys and professional support staff at the firm. Lodestar figures do not include charges for Litigation Expenses. B&F time records have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time expended in this litigation. As a result of this review, certain reductions were made to the

time and lodestar incurred in the exercise of billing judgment and to conform with my firm's general billing practices. Further, for purposes of this Fee and Expense Application, B&F limited the lodestar to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta Platforms, Inc. ("Meta") and Google LLC ("Google") have not been included. Where work concerning the claims against Criteo, Meta, and Google overlapped (as Criteo remained in the active litigation longer than GoodRx), only one-third of such time was included, rounded down to the nearest tenth of an hour, consistent with the methodology described in the Fee and Expense Application.

5. The hourly rates for the attorneys and professional support staff at my firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation. Further, these rates have been accepted by courts in this Circuit in other complex class action litigation. *See, e.g.*, *Kaupelis v. Harbor Freight Tools USA, Inc.*, 2022 WL 2288895, at *9 (C.D. Cal. Jan. 12, 2022) (finding Bursor & Fisher rates ranging from $250/hr to $1,000/hr as "reasonable compared to other awards in California courts"); *Elder v. Hilton Worldwide Holdings, Inc.*, 2021 WL 4785936, at *9 (N.D. Cal. Feb. 4, 2021) (finding Bursor & Fisher rates ranging from $200/hr to $1,000/hr "are reasonable"); *Perez v. Rash Curtis & Associates*, 2020 WL 1904533, at *20 (N.D. Cal. Apr. 17, 2020) (finding Bursor & Fisher's rates within "a reasonable range for rates charged in this district for comparable work"). For personnel no longer employed by B&F, the lodestar calculation is based on the hourly rates for such personnel in the timekeeper's final year of employment. Attached as **Exhibit D** is B&F's resume, which provides some additional details about my firm's litigation experience and achievements.

6. Attached as **Exhibit B** (filed under seal) are the detailed time entries of B&F's attorneys and professional staff appearing in Exhibit A. Below is a summary of the work performed by the key members of the litigation team:

a. L. Timothy Fisher: I am a partner at B&F and was admitted to practice in 1997. I have been the partner responsible for this matter at B&F since its inception. I

oversaw B&F's pre-filing investigation and coordinated case strategy with Lowey as Interim Co-Lead Counsel. I attended the mediations before Judge Sickles James on January 10, 2024, and before Judge Andersen on March 7 and August 6, 2024, and participated in the negotiations with GoodRx's and Criteo's counsel that followed. I also reviewed and revised the settlement documents and preliminary approval papers, attended the preliminary approval hearings, and have overseen the implementation of the Notice Plan with A.B. Data, Ltd. ("A.B. Data").

b. Jenna L. Gavenman: Ms. Gavenman is a staff attorney at B&F and was admitted to practice in 2022. She drafted B&F's initial complaint and managed day-to-day coordination with co-counsel and defense counsel. She researched portions of Plaintiffs' oppositions to Defendants' motions to compel arbitration and to dismiss, prepared and filed Plaintiffs' papers in *Hodges v. GoodRx Holdings, Inc.*, No. 1:23-cv-24127 (S.D. Fla.) (the "*Hodges* Action"), and attended the mediations. She also drafted the notice documents and portions of the preliminary approval papers and coordinated with A.B. Data and Plaintiffs.

c. Jennifer S. Rosenberg: Ms. Rosenberg was a senior staff attorney at B&F and was admitted to practice in 1985. She drafted the initial motion for preliminary approval of the GoodRx settlement in 2024.

d. Daniel S. Guerra: Mr. Guerra is counsel at B&F and was admitted to practice in 2009. He reviewed and revised Plaintiffs' 2026 supplemental briefing, the renewed motion for preliminary approval, and supporting papers.

e. Litigation Support Staff: B&F's litigation support staff prepared, finalized, and filed Plaintiffs' submissions in this Court and in the *Hodges* Action.

7. The total time that my firm is submitting to the Court in connection with this application is 862.40 hours. The total lodestar value of these professional services is $734,485.00. This represents approximately 44% of the total hours worked and 47% of B&F's lodestar in the Litigation.

8. Attached as Exhibit C is a schedule of B&F's Litigation Expenses reasonably incurred in this case from inception through October 31, 2026 for which reimbursement is requested. To the extent practicable, Litigation Expenses solely relating to the prosecution of claims against Meta and Google have been excluded. My firm incurred these Litigation Expenses to cover the costs of mediation fees, filing and service fees, legal research databases, and travel to hearings. Expense items are recorded separately, and such charges are not duplicated in the firm's billing rates. Further, the Litigation Expenses included here do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor.

9. As described in Exhibit C, the Litigation Expenses submitted in connection with this Fee and Expense Application by my firm total $27,560.34. Similar to what was done with the lodestar, B&F (1) excluded obvious expenses related only to Google or Meta (depositions, discovery disputes, etc.); and (2) for any expenses relating to work relevant for all defendants, the listed charge reflects only one-third of the total expenses, rounding down to the nearest penny.

10. The Litigation Expenses summarized in Exhibit C and described above were reasonably and necessarily incurred in the prosecution of this Litigation, and therefore, the reimbursement of these expenses should be approved.

11. B&F undertook this Litigation on a wholly contingent basis. It has received no compensation for its work in this Litigation and has advanced its share of Litigation Expenses without any assurance of reimbursement. The time B&F's attorneys and staff devoted to this Litigation was time they could not devote to other matters.

12. As Interim Co-Lead Counsel, I support Plaintiffs' request for service awards of $2,000 each. Each Plaintiffs provided counsel with information about his or her use of GoodRx, reviewed the complaint before filing, communicated with counsel throughout the Litigation, and reviewed and approved the Settlement. In opposing GoodRx's motion to compel arbitration, which relied on records of when certain Plaintiffs registered for or used GoodRx (ECF No. 107-2 ¶¶ 10, 31, 50, 69), Plaintiffs also provided account information and responded to counsel's requests. Plaintiffs' individual declarations, filed herewith, describe their contributions and the time they devoted to the case.

13. Plaintiffs also undertook risks in serving as class representatives. Because this Litigation concerns the alleged disclosure of information about prescription medications and health conditions, associating oneself with the case risks exposing sensitive health information, and the Doe Plaintiffs proceeded pseudonymously for that reason. Plaintiffs also faced the prospect, had GoodRx's motion to compel arbitration succeeded, of having to pursue their claims individually. No Plaintiff was promised a service award, and the Settlement is not conditioned on the Court's approval of one. Plaintiffs remain class representatives in the continuing litigation against Meta and Google.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 24, 2026 in Walnut Creek, California.

/s/ L. Timothy Fisher
L. Timothy Fisher

EXHIBIT A

LODESTAR SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026

Attorneys (Admission Year)	Role	Total Hours	Hourly Rate	Total Lodestar
L. Timothy Fisher (1997)	Partner	223.60	$1,500.00	$335,400.00
Neal J. Deckant (2011)	Partner	6.50	$1,100.00	$7,150.00
Josh D. Arisohn (2007)	Partner	0.30	$1,050.00	$315.00
Jennifer S. Rosenberg (1985)	Sr. Staff Attorney	46.20	$900.00	$41,580.00
Daniel S. Guerra (2009)	Counsel	46.60	$900.00	$41,940.00
Kaili C. Lynn (2021)	Associate	0.20	$650.00	$130.00
Jenna L. Gavenman (2022)	Staff Attorney	450.40	$600.00	$270,240.00
Joshua B. Glatt (2023)	Associate	0.90	$550.00	$495.00
Joshua R. Wilner (2023)	Associate	4.60	$550.00	$2,530.00
Emily A. Horne (2022)	Associate	0.40	$525.00	$210.00
Julian Sanghvi (2026)	Associate	10.70	$425.00	$4,547.50
TOTAL:		**790.40**		**$704,537.50**
Non-Attorneys	**Role**	**Total Hours**	**Hourly Rate**	**Total Lodestar**
Debbie L. Schroeder	Sr. Litigation Support Specialist	22.40	$425.00	$9,520.00
Rebecca Michie	Sr. Litigation Support Specialist	0.20	$425.00	$85.00
Molly C. Sasseen	Sr. Litigation Support Specialist	17.00	$425.00	$7,225.00
Judy Fontanilla	Sr. Litigation Support Specialist	20.60	$425.00	$8,755.00
Ariana Danao	Litigation Support Specialist	8.00	$375.00	$3,000.00
Emma A. Fisher	Litigation Support Specialist	1.30	$375.00	$487.50
Reet K. Atwal	Litigation Support Specialist	2.50	$350.00	$875.00
TOTAL:		**72.00**		**$29,947.50**
GRAND TOTAL		**862.40**		**$734,485.00**

EXHIBIT B

DETAILED TIME ENTRIES (FILED UNDER SEAL)

EXHIBIT C

LITIGATION EXPENSES SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026
(EXCLUDES META- OR GOOGLE-ONLY EXPENSES TO THE EXTENT PRACTICABLE)

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	$149.86
Computer Research/Databases/Docket Costs	$163.20
Court & Deposition Reporting/Transcripts	$147.90
Document Production/Hosting	$11.99
Mediation Costs	$16,307.46
Court Costs & Witness/Service/Filing Fees	$666.70
Postage, Mailing, FedEx, UPS, Fares & Messengers	$113.23
Litigation Fund Contribution	$10,000.00
TOTAL	**$27,560.34**

EXHIBIT D

FIRM RESUME

BURSOR & FISHER P.A.

www.bursor.com

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NEW YORK, NY 10019

701 BRICKELL AVENUE
MIAMI, FL 33131

FIRM RESUME

With offices in Florida, New York, and California, BURSOR & FISHER lawyers have represented both plaintiffs and defendants in state and federal courts throughout the country.

The lawyers at our firm have an active civil trial practice, having won multi-million-dollar verdicts or recoveries in six of six class action jury trials since 2008. Our most recent class action trial victory came in May 2019 in *Perez v. Rash Curtis & Associates*, in which Mr. Bursor served as lead trial counsel and won a $267 million jury verdict against a debt collector found to have violated the Telephone Consumer Protection Act. During the pendency of the defendant's appeal, the case settled for $75.6 million, the largest settlement in the history of the Telephone Consumer Protection Act.

In August 2013 in *Ayyad v. Sprint Spectrum L.P.*, in which Mr. Bursor served as lead trial counsel, we won a jury verdict defeating Sprint's $1.06 billion counterclaim and securing the class's recovery of more than $275 million in cash and debt relief.

In *Thomas v. Global Vision Products, Inc. (II)*, we obtained a $50 million jury verdict in favor of a certified class of 150,000 purchasers of the Avacor Hair Regrowth System. The legal trade publication VerdictSearch reported that this was the second largest jury verdict in California in 2009, and the largest in any class action.

The lawyers at our firm have an active class action practice and have won numerous appointments as class counsel to represent millions of class members, including customers of Honda, Verizon Wireless, AT&T Wireless, Sprint, Haier America, and Michaels Stores as well as purchasers of Avacor™, Hydroxycut, and Sensa™ products. Bursor & Fisher lawyers have been court-appointed Class Counsel or Interim Class Counsel in:

1. *O'Brien v. LG Electronics USA, Inc.* (D.N.J. Dec. 16, 2010) to represent a certified nationwide class of purchasers of LG French-door refrigerators,
2. *Ramundo v. Michaels Stores, Inc.* (N.D. Ill. June 8, 2011) to represent a certified nationwide class of consumers who made in-store purchases at Michaels Stores using a debit or credit card and had their private financial information stolen as a result,
3. *In re Haier Freezer Consumer Litig.* (N.D. Cal. Aug. 17, 2011) to represent a certified class of purchasers of mislabeled freezers from Haier America Trading, LLC,
4. *Rodriguez v. CitiMortgage, Inc.* (S.D.N.Y. Nov. 14, 2011) to represent a certified nationwide class of military personnel against CitiMortgage for illegal foreclosures,

5. *Rossi v. The Procter & Gamble Co.* (D.N.J. Jan. 31, 2012) to represent a certified nationwide class of purchasers of Crest Sensitivity Treatment & Protection toothpaste,
6. *Dzielak v. Whirlpool Corp. et al.* (D.N.J. Feb. 21, 2012) to represent a proposed nationwide class of purchasers of mislabeled Maytag Centennial washing machines from Whirlpool Corp., Sears, and other retailers,
7. *In re Sensa Weight Loss Litig.* (N.D. Cal. Mar. 2, 2012) to represent a certified nationwide class of purchasers of Sensa weight loss products,
8. *In re Sinus Buster Products Consumer Litig.* (E.D.N.Y. Dec. 17, 2012) to represent a certified nationwide class of purchasers,
9. *Ebin v. Kangadis Food Inc.* (S.D.N.Y. Feb. 25, 2014) to represent a certified nationwide class of purchasers of Capatriti 100% Pure Olive Oil,
10. *Forcellati v. Hyland's, Inc.* (C.D. Cal. Apr. 9, 2014) to represent a certified nationwide class of purchasers of children's homeopathic cold and flu remedies,
11. *Ebin v. Kangadis Family Management LLC, et al.* (S.D.N.Y. Sept. 18, 2014) to represent a certified nationwide class of purchasers of Capatriti 100% Pure Olive Oil,
12. *In re Scotts EZ Seed Litig.* (S.D.N.Y. Jan. 26, 2015) to represent a certified class of purchasers of Scotts Turf Builder EZ Seed,
13. *Dei Rossi v. Whirlpool Corp.*, *et al.* (E.D. Cal. Apr. 28, 2015) to represent a certified class of purchasers of mislabeled KitchenAid refrigerators from Whirlpool Corp., Best Buy, and other retailers,
14. *Hendricks v. StarKist Co.* (N.D. Cal. July 23, 2015) to represent a certified nationwide class of purchasers of StarKist tuna products,
15. *In re NVIDIA GTX 970 Graphics Card Litig.* (N.D. Cal. May 8, 2015) to represent a proposed nationwide class of purchasers of NVIDIA GTX 970 graphics cards,
16. *Melgar v. Zicam LLC, et al.* (E.D. Cal. March 30, 2016) to represent a certified ten-jurisdiction class of purchasers of Zicam Pre-Cold products,
17. *In re Trader Joe's Tuna Litigation* (C.D. Cal. December 21, 2016) to represent purchaser of allegedly underfilled Trader Joe's canned tuna.
18. *In re Welspun Litigation* (S.D.N.Y. January 26, 2017) to represent a proposed nationwide class of purchasers of Welspun Egyptian cotton bedding products,
19. *Retta v. Millennium Products, Inc.* (C.D. Cal. January 31, 2017) to represent a certified nationwide class of Millennium kombucha beverages,
20. *Moeller v. American Media, Inc.*, (E.D. Mich. June 8, 2017) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
21. *Hart v. BHH, LLC* (S.D.N.Y. July 7, 2017) to represent a nationwide class of purchasers of Bell & Howell ultrasonic pest repellers,
22. *McMillion v. Rash Curtis & Associates* (N.D. Cal. September 6, 2017) to represent a certified nationwide class of individuals who received calls from Rash Curtis & Associates,

23. *Lucero v. Solarcity Corp.* (N.D. Cal. September 15, 2017) to represent a certified nationwide class of individuals who received telemarketing calls from Solarcity Corp.,
24. *Taylor v. Trusted Media Brands, Inc.* (S.D.N.Y. Oct. 17, 2017) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
25. *Gasser v. Kiss My Face, LLC* (N.D. Cal. Oct. 23, 2017) to represent a proposed nationwide class of purchasers of cosmetic products,
26. *Gastelum v. Frontier California Inc.* (S.F. Superior Court February 21, 2018) to represent a certified California class of Frontier landline telephone customers who were charged late fees,
27. *Williams v. Facebook, Inc.* (N.D. Cal. June 26, 2018) to represent a proposed nationwide class of Facebook users for alleged privacy violations,
28. *Ruppel v. Consumers Union of United States, Inc.* (S.D.N.Y. July 27, 2018) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
29. *Bayol v. Health-Ade* (N.D. Cal. August 23, 2018) to represent a proposed nationwide class of Health-Ade kombucha beverage purchasers,
30. *West v. California Service Bureau* (N.D. Cal. September 12, 2018) to represent a certified nationwide class of individuals who received calls from California Service Bureau,
31. *Gregorio v. Premier Nutrition Corporation* (S.D.N.Y. Sept. 14, 2018) to represent a nationwide class of purchasers of protein shake products,
32. *Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast* (S.D.N.Y. Oct. 24, 2018) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
33. *Bakov v. Consolidated World Travel Inc. d/b/a Holiday Cruise Line* (N.D. Ill. Mar. 21, 2019) to represent a certified class of individuals who received calls from Holiday Cruise Line,
34. *Martinelli v. Johnson & Johnson* (E.D. Cal. March 29, 2019) to represent a certified class of purchasers of Benecol spreads labeled with the representation "No Trans Fat,"
35. *Edwards v. Hearst Communications, Inc.* (S.D.N.Y. April 24, 2019) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
36. *Galvan v. Smashburger* (C.D. Cal. June 25, 2019) to represent a proposed class of purchasers of Smashburger's "Triple Double" burger,
37. *Kokoszki v. Playboy Enterprises, Inc.* (E.D. Mich. Feb. 7, 2020) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
38. *Russett v. The Northwestern Mutual Life Insurance Co.* (S.D.N.Y. May 28, 2020) to represent a class of insurance policyholders that were allegedly charged unlawful paper billing fees,
39. *In re: Metformin Marketing and Sales Practices Litigation* (D.N.J. June 3, 2020) to represent a proposed nationwide class of purchasers of generic diabetes medications that were contaminated with a cancer-causing carcinogen,

40. *Hill v. Spirit Airlines, Inc.* (S.D. Fla. July 21, 2020) to represent a proposed nationwide class of passengers whose flights were cancelled by Spirit Airlines due to the novel coronavirus, COVID-19, and whose tickets were not refunded,
41. *Kramer v. Alterra Mountain Co.* (D. Colo. July 31, 2020) to represent a proposed nationwide class of purchasers to recoup the unused value of their Ikon ski passes after Alterra suspended operations at its ski resorts due to the novel coronavirus, COVID-19,
42. *Qureshi v. American University* (D.D.C. July 31, 2020) to represent a proposed nationwide class of students for tuition and fee refunds after their classes were moved online by American University due to the novel coronavirus, COVID-19,
43. *Hufford v. Maxim Inc.* (S.D.N.Y. Aug. 13, 2020) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
44. *Desai v. Carnegie Mellon University* (W.D. Pa. Aug. 26, 2020) to represent a proposed nationwide class of students for tuition and fee refunds after their classes were moved online by Carnegie Mellon University due to the novel coronavirus, COVID-19,
45. *Heigl v. Waste Management of New York, LLC* (E.D.N.Y. Aug. 27, 2020) to represent a class of waste collection customers that were allegedly charged unlawful paper billing fees,
46. *Stellato v. Hofstra University* (E.D.N.Y. Sept. 18, 2020) to represent a proposed nationwide class of students for tuition and fee refunds after their classes were moved online by Hofstra University due to the novel coronavirus, COVID-19,
47. *Kaupelis v. Harbor Freight Tools USA, Inc.* (C.D. Cal. Sept. 23, 2020), to represent consumers who purchased defective chainsaws,
48. *Soo v. Lorex Corporation* (N.D. Cal. Sept. 23, 2020), to represent consumers whose security cameras were intentionally rendered non-functional by manufacturer,
49. *Miranda v. Golden Entertainment (NV), Inc.* (D. Nev. Dec. 17, 2020), to represent consumers and employees whose personal information was exposed in a data breach,
50. *Benbow v. SmileDirectClub, Inc.* (Cir. Ct. Cook Cnty. Feb. 4, 2021), to represent a certified nationwide class of individuals who received text messages from SmileDirectClub, in alleged violation of the Telephone Consumer Protection Act,
51. *Suren v. DSV Solutions, LLC* (Cir. Ct. DuPage Cnty. Apr. 8, 2021), to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
52. *De Lacour v. Colgate-Palmolive Co.* (S.D.N.Y. Apr. 23, 2021), to represent a certified class of consumers who purchased allegedly "natural" Tom's of Maine products,
53. *Wright v. Southern New Hampshire University* (D.N.H. Apr. 26, 2021), to represent a certified nationwide class of students for tuition and fee refunds after their classes were moved online by Southern New Hampshire University due to the novel coronavirus, COVID-19,

54. *Sahlin v. Hospital Housekeeping Systems, LLC* (Cir. Ct. Williamson Cnty. May 21, 2021), to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
55. *Landreth v. Verano Holdings LLC, et al.* (Cir. Ct. Cook Cnty. June 2, 2021), to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act.
56. *Rocchio v. Rutgers, The State University of New Jersey*, (Sup. Ct., Middlesex Cnty. October 27, 201), to represent a certified nationwide class of students for fee refunds after their classes were moved online by Rutgers due to the novel coronavirus, COVID-19,
57. *Malone v. Western Digital Corp.*, (N.D. Cal. Dec. 22, 2021), to represent a class of consumers who purchased hard drives that were allegedly deceptively advertised,
58. *Jenkins v. Charles Industries, LLC*, (Cir. Ct. DuPage Cnty. Dec. 21, 2021) to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
59. *Frederick v. Examsoft Worldwide, Inc.*, (Cir. Ct. DuPage Cnty. Jan. 6, 2022) to represent a certified class of exam takers who used virtual exam proctoring software, in alleged violation of the Illinois Biometric Information Privacy Act,
60. *Isaacson v. Liqui-Box Flexibles, LLC, et al.*, (Cir. Ct. Will Cnty. Jan. 18, 2022) to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
61. *Goldstein et al. v. Henkel Corp.*, (D. Conn. Mar. 3, 2022) to represent a proposed class of purchasers of Right Guard-brand antiperspirants that were allegedly contaminated with benzene,
62. *McCall v. Hercules Corp.*, (N.Y. Sup. Ct., Westchester Cnty. Mar. 14, 2022) to represent a certified class of who laundry card purchasers who were allegedly subjected to deceptive practices by being denied cash refunds,
63. *Lewis v. Trident Manufacturing, Inc.*, (Cir. Ct. Kane Cnty. Mar. 16, 2022) to represent a certified class of workers who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
64. *Croft v. Spinx Games Limited, et al.*, (W.D. Wash. Mar. 31, 2022) to represent a certified class of Washington residents who lost money playing mobile applications games that allegedly constituted illegal gambling under Washington law,
65. *Fischer v. Instant Checkmate LLC*, (N.D. Ill. Mar. 31, 2022) to represent a certified class of Illinois residents whose identities were allegedly used without their consent in alleged violation of the Illinois Right of Publicity Act,
66. *Rivera v. Google LLC*, (Cir. Ct. Cook Cnty. Apr. 25, 2022) to represent a certified class of Illinois residents who appeared in a photograph in Google Photos, in alleged violation of the Illinois Biometric Information Privacy Act,
67. *Loftus v. Outside Integrated Media, LLC*, (E.D. Mich. May 5, 2022) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,

68. *D'Amario v. The University of Tampa*, (S.D.N.Y. June 3, 2022) to represent a certified nationwide class of students for tuition and fee refunds after their classes were moved online by The University of Tampa due to the novel coronavirus, COVID-19,
69. *Fittipaldi v. Monmouth University*, (D.N.J. Sept. 22, 2022) to represent a certified nationwide class of students for tuition and fee refunds after their classes were moved online by Monmouth University due to the novel coronavirus, COVID-19,
70. *Armstead v. VGW Malta Ltd. et al.* (Cir. Ct. Henderson Cnty. Oct. 3, 2022) to present a certified class of Kentucky residents who lost money playing mobile applications games that allegedly constituted illegal gambling under Kentucky law,
71. *Cruz v. The Connor Group, A Real Estate Investment Firm, LLC*, (N.D. Ill. Oct. 26, 2022) to represent a certified class of workers who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
72. *Delcid et al. v. TCP HOT Acquisitions LLC et al.* (S.D.N.Y. Oct. 28, 2022) to represent a certified nationwide class of purchasers of Sure and Brut-brand antiperspirants that were allegedly contaminated with benzene,
73. *Kain v. The Economist Newspaper NA, Inc.* (E.D. Mich. Dec. 15, 2022) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
74. *Strano v. Kiplinger Washington Editors, Inc.* (E.D. Mich. Jan. 6, 2023) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
75. *Moeller v. The Week Publications, Inc.* (E.D. Mich. Jan. 6, 2023) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
76. *Ambrose v. Boston Globe Media Partners, LLC* (D. Mass. May 25, 2023) to represent a nationwide class of newspaper subscribers who were also Facebook users under the Video Privacy Protection Act,
77. *In re: Apple Data Privacy Litigation*, (N.D. Cal. July 5, 2023) to represent a putative nationwide class of all persons who turned off permissions for data tracking and whose mobile app activity was still tracked on iPhone mobile devices,
78. *Young v. Military Advantage, Inc. d/b/a Military.com* (Cir. Ct. DuPage Cnty. July 26, 2023) to represent a nationwide class of website subscribers who were also Facebook users under the Video Privacy Protection Act,
79. *Whiting v. Yellow Social Interactive Ltd.* (Cir. Ct. Henderson Cnty. Aug. 15, 2023) to represent a certified class of Kentucky residents who lost money playing mobile applications games that allegedly constituted illegal gambling under Kentucky law,
80. *Kotila v. Charter Financial Publishing Network, Inc.* (W.D. Mich. Feb. 21, 2024) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
81. *Schreiber v. Mayo Foundation for Medical Education and Research* (W.D. Mich. Feb. 21, 2024) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,

82. *Norcross v. Tishman Speyer Properties, et al.* (S.D.N.Y. May 17, 2024) to represent a class of online ticket purchasers under New York Arts & Cultural Affairs Law § 25.07(4).
83. *Safe Harbor International LLC v. Booz Allen Hamilton, Inc.* (D. Maryland Jan. 14, 2025) to represent a nationwide class of individuals who had their IRS tax returns unlawfully leaked.
84. *In re Meta Android Privacy Litigation* (N.D. Cal. June 3, 2025) to represent a class of Android users who had their browsing information and PII unlawfully obtained by Meta.
85. *In re Edward D. Jones & Co. Data Privacy Litigation* (N.D. Cal. May 12, 2026) to represent a nationwide class of individuals who had their browsing information and PII unlawfully disclosed to third parties.
86. *In re Flock Group Inc. Automated License Plate Reader Litigation* (N.D. Cal. June 25, 2026) to represent a class of individuals whose privacy rights were violated through the use of automatic license plate reading technology.

SCOTT A. BURSOR

Mr. Bursor has an active civil trial practice, having won multi-million verdicts or recoveries in six of six civil jury trials since 2008. Mr. Bursor's most recent victory came in May 2019 in *Perez v. Rash Curtis & Associates*, in which Mr. Bursor served as lead trial counsel and won a $267 million jury verdict against a debt collector for violations of the Telephone Consumer Protection Act (TCPA).

In *Ayyad v. Sprint Spectrum L.P.* (2013), where Mr. Bursor served as lead trial counsel, the jury returned a verdict defeating Sprint's $1.06 billion counterclaim and securing the class's recovery of more than $275 million in cash and debt relief.

In *Thomas v. Global Vision Products, Inc.* (2009), the jury returned a $50 million verdict in favor of the plaintiff and class represented by Mr. Bursor. The legal trade publication VerdictSearch reported that this was the second largest jury verdict in California in 2009.

Class actions are rarely tried to verdict. Other than Mr. Bursor and his partner Mr. Fisher, we know of no lawyer that has tried more than one class action to a jury. Mr. Bursor's perfect record of six wins in six class action jury trials, with recoveries ranging from $21 million to $299 million, is unmatched by any other lawyer. Each of these victories was hard-fought against top trial lawyers from the biggest law firms in the United States.

Mr. Bursor graduated from the University of Texas Law School in 1996. He served as Articles Editor of the Texas Law Review, and was a member of the Board of Advocates and Order of the Coif. Prior to starting his own practice, Mr. Bursor was a litigation associate at a large New York based law firm where he represented telecommunications, pharmaceutical, and technology companies in commercial litigation.

Mr. Bursor is a member of the state bars of New York, Florida, and California, as well as the bars of the United States Court of Appeals for the Second, Third, Fourth, Sixth, Ninth and Eleventh Circuits, and the bars of the United States District Courts for the Southern and Eastern

Districts of New York, the Northern, Central, Southern and Eastern Districts of California, the Southern and Middle Districts of Florida, and the Eastern District of Michigan.

Representative Cases

Mr. Bursor was appointed lead or co-lead class counsel to the largest, 2nd largest, and 3rd largest classes ever certified. Mr. Bursor has represented classes including more than 160 million class members, roughly 1 of every 2 Americans. Listed below are recent cases that are representative of Mr. Bursor's practice:

Mr. Bursor negotiated and obtained court-approval for two landmark settlements in *Nguyen v. Verizon Wireless* and *Zill v. Sprint Spectrum* (the largest and 2nd largest classes ever certified). These settlements required Verizon and Sprint to open their wireless networks to third-party devices and applications. These settlements are believed to be the most significant legal development affecting the telecommunications industry since 1968, when the FCC's Carterfone decision similarly opened up AT&T's wireline telephone network.

Mr. Bursor was the lead trial lawyer in *Ayyad v. Sprint Spectrum, L.P.* representing a class of approximately 2 million California consumers who were charged an early termination fee under a Sprint cellphone contract, asserting claims that such fees were unlawful liquidated damages under the California Civil Code, as well as other statutory and common law claims. After a five-week combined bench-and-jury trial, the jury returned a verdict in June 2008 and the Court issued a Statement of Decision in December 2008 awarding the plaintiffs $299 million in cash and debt cancellation. Mr. Bursor served as lead trial counsel for this class again in 2013 during a month-long jury trial in which Sprint asserted a $1.06 billion counterclaim against the class. Mr. Bursor secured a verdict awarding Sprint only $18.4 million, the exact amount calculated by the class's damages expert. This award was less than 2% of the damages Sprint sought, less than 6% of the amount of the illegal termination fees Sprint charged to class members. In December 2016, after more than 13 years of litigation, the case was settled for $304 million, including $79 million in cash payments plus $225 million in debt cancellation.

Mr. Bursor was the lead trial lawyer in *White v. Cellco Partnership d/b/a Verizon Wireless* representing a class of approximately 1.4 million California consumers who were charged an early termination fee under a Verizon cellphone contract, asserting claims that such fees were unlawful liquidated damages under the California Civil Code, as well as other statutory and common law claims. In July 2008, after Mr. Bursor presented plaintiffs' case-in-chief, rested, then cross-examined Verizon's principal trial witness, Verizon agreed to settle the case for a $21 million cash payment and an injunction restricting Verizon's ability to impose early termination fees in future subscriber agreements.

Mr. Bursor was the lead trial lawyer in *Thomas v. Global Visions Products Inc.* Mr. Bursor represented a class of approximately 150,000 California consumers who had purchased the Avacor® hair regrowth system. In January 2008, after a four-week combined bench-and-jury trial. Mr. Bursor obtained a $37 million verdict for the class, which the Court later increased to $40 million.

Mr. Bursor was appointed class counsel and was elected chair of the Official Creditors' Committee in *In re Nutraquest Inc.*, a Chapter 11 bankruptcy case before Chief Judge Garrett E. Brown, Jr. (D.N.J.) involving 390 ephedra-related personal injury and/or wrongful death claims, two consumer class actions, four enforcement actions by governmental agencies, and multiple adversary proceedings related to the Chapter 11 case. Working closely with counsel for all parties and with two mediators, Judge Nicholas Politan (Ret.) and Judge Marina Corodemus (Ret.), the committee chaired by Mr. Bursor was able to settle or otherwise resolve every claim and reach a fully consensual Chapter 11 plan of reorganization, which Chief Judge Brown approved in late 2006. This settlement included a $12.8 million recovery to a nationwide class of consumers who alleged they were defrauded in connection with the purchase of Xenadrine® dietary supplement products.

Mr. Bursor was the lead trial lawyer in *In re: Pacific Bell Late Fee Litigation*. After filing the first class action challenging Pac Bell's late fees in April 2010, winning a contested motion to certify a statewide California class in January 2012, and defeating Pac Bell's motion for summary judgment in February 2013, Mr. Bursor obtained final approval of the $38 million class settlement. The settlement, which Mr. Bursor negotiated the night before opening statements were scheduled to commence, included a $20 million cash payment to provide refunds to California customers who paid late fees on their Pac Bell wireline telephone accounts, and an injunction that reduced other late fee charges by $18.6 million.

L. TIMOTHY FISHER

L. Timothy Fisher has an active practice in consumer class actions and complex business litigation and has also successfully handled a large number of civil appeals.

Mr. Fisher has been actively involved in numerous cases that resulted in multi-million dollar recoveries for consumers and investors. Mr. Fisher has handled cases involving a wide range of issues including nutritional labeling, health care, telecommunications, corporate governance, unfair business practices and consumer fraud. With his partner Scott A. Bursor, Mr. Fisher has tried five class action jury trials, all of which produced successful results. In *Thomas v. Global Vision Products*, Mr. Fisher obtained a jury award of $50,024,611 — the largest class action award in California in 2009 and the second-largest jury award of any kind. In 2019, Mr. Fisher served as trial counsel with Mr. Bursor in *Perez. v. Rash Curtis & Associates*, where the jury returned a verdict for $267 million in statutory damages under the Telephone Consumer Protection Act.

Mr. Fisher was admitted to the State Bar of California in 1997. He is also a member of the bars of the United States Court of Appeals for the Ninth Circuit, the United States District Courts for the Northern, Central, Southern and Eastern Districts of California, the Northern District of Illinois, the Eastern District of Michigan, and the Eastern District of Missouri. Mr. Fisher taught appellate advocacy at John F. Kennedy University School of Law in 2003 and 2004. In 2010, he contributed jury instructions, a verdict form and comments to the consumer protection chapter of Justice Elizabeth A. Baron's *California Civil Jury Instruction Companion Handbook* (West 2010). In January 2014, Chief Judge Claudia Wilken of the United States District Court for the Northern District of California appointed Mr. Fisher to a four-year term as a member of the Court's Standing Committee on Professional Conduct.

Mr. Fisher received his Juris Doctor from Boalt Hall at the University of California at Berkeley in 1997. While in law school, he was an active member of the Moot Court Board and participated in moot court competitions throughout the United States. In 1994, Mr. Fisher received an award for Best Oral Argument in the first-year moot court competition.

In 1992, Mr. Fisher graduated with highest honors from the University of California at Berkeley and received a degree in political science. Prior to graduation, he authored an honors thesis for Professor Bruce Cain entitled "The Role of Minorities on the Los Angeles City Council." He is also a member of Phi Beta Kappa.

Representative Cases

Thomas v. Global Vision Products, Inc. (Alameda County Superior Court). Mr. Fisher litigated claims against Global Vision Products, Inc. and other individuals in connection with the sale and marketing of a purported hair loss remedy known as Avacor. The case lasted more than seven years and involved two trials. The first trial resulted in a verdict for plaintiff and the class in the amount of $40,000,000. The second trial resulted in a jury verdict of $50,024,611, which led to a $30 million settlement for the class.

In re Cellphone Termination Fee Cases - Handset Locking Actions (Alameda County Superior Court). Mr. Fisher actively worked on five coordinated cases challenging the secret locking of cell phone handsets by major wireless carriers to prevent consumers from activating them on competitive carriers' systems. Settlements have been approved in all five cases on terms that require the cell phone carriers to disclose their handset locks to consumers and to provide unlocking codes nationwide on reasonable terms and conditions. The settlements fundamentally changed the landscape for cell phone consumers regarding the locking and unlocking of cell phone handsets.

In re Cellphone Termination Fee Cases - Early Termination Fee Cases (Alameda County Superior Court and Federal Communications Commission). In separate cases that are a part of the same coordinated litigation as the Handset Locking Actions, Mr. Fisher actively worked on claims challenging the validity under California law of early termination fees imposed by national cell phone carriers. In one of those cases, against Verizon Wireless, a nationwide settlement was reached after three weeks of trial in the amount of $21 million. In a second case, which was tried to verdict, the Court held after trial that the $73 million of flat early termination fees that Sprint had collected from California consumers over an eight-year period were void and unenforceable.

Selected Published Decisions

Melgar v. Zicam LLC, 2016 WL 1267870 (E.D. Cal. Mar. 30, 2016) (certifying 10-jurisdiction class of purchasers of cold remedies, denying motion for summary judgment, and denying motions to exclude plaintiff's expert witnesses).

Salazar v. Honest Tea, Inc., 2015 WL 7017050 (E.D. Cal. Nov. 12. 2015) (denying motion for summary judgment).

Dei Rossi v. Whirlpool Corp., 2015 WL 1932484 (E.D. Cal. Apr. 27, 2015) (certifying California class of purchasers of refrigerators that were mislabeled as Energy Star qualified).

Bayol v. Zipcar, Inc., 78 F.Supp.3d 1252 (N.D. Cal. 2015) (denying motion to dismiss claims alleging unlawful late fees under California Civil Code § 1671).

Forcellati v. Hyland's, Inc., 2015 WL 9685557 (C.D. Cal. Jan. 12, 2015) (denying motion for summary judgment in case alleging false advertising of homeopathic cold and flu remedies for children).

Bayol v. Zipcar, Inc., 2014 WL 4793935 (N.D. Cal. Sept. 25, 2014) (denying motion to transfer venue pursuant to a forum selection clause).

Forcellati v. Hyland's Inc., 2014 WL 1410264 (C.D. Cal. Apr. 9, 2014) (certifying nationwide class of purchasers of homeopathic cold and flu remedies for children).

Hendricks v. StarKist Co., 30 F.Supp.3d 917 (N.D. Cal. 2014) (denying motion to dismiss in case alleging underfilling of 5-ounce cans of tuna).

Dei Rossi v. Whirlpool Corp., 2013 WL 5781673 (E.D. Cal. October 25, 2013) (denying motion to dismiss in case alleging that certain KitchenAid refrigerators were misrepresented as Energy Star qualified).

Forcellati v. Hyland's Inc., 876 F.Supp.2d 1155 (C.D. Cal. 2012) (denying motion to dismiss complaint alleging false advertising regarding homeopathic cold and flu remedies for children).

Clerkin v. MyLife.com, 2011 WL 3809912 (N.D. Cal. August 29, 2011) (denying defendants' motion to dismiss in case alleging false and misleading advertising by a social networking company).

In re Cellphone Termination Fee Cases, 186 Cal.App.4th 1380 (2010) (affirming order approving $21 million class action settlement).

Gatton v. T-Mobile USA, Inc., 152 Cal.App.4th 571 (2007) (affirming order denying motion to compel arbitration).

Selected Class Settlements

Melgar v. Zicam (Eastern District of California) - $16 million class settlement of claims alleging cold medicine was ineffective.

Gastelum v. Frontier California Inc. (San Francisco Superior Court) - $10.9 million class action settlement of claims alleging that a residential landline service provider charged unlawful late fees.

West v. California Service Bureau, *Inc.* (Northern District of California) - $4.1 million class settlement of claims under the Telephone Consumer Protection Act.

Gregorio v. Premier Nutrition Corp. (Southern District of New York) - $9 million class settlement of false advertising claims against protein shake manufacturer.

Morris v. SolarCity Corp. (Northern District of California) - $15 million class settlement of claims under the Telephone Consumer Protection Act.

Retta v. Millennium Products, Inc. (Central District of California) - $8.25 million settlement to

resolve claims of bottled tea purchasers for alleged false advertising.

Forcellati v. Hyland's (Central District of California) – nationwide class action settlement providing full refunds to purchasers of homeopathic cold and flu remedies for children.

Dei Rossi v. Whirlpool (Eastern District of California) – class action settlement providing $55 cash payments to purchasers of certain KitchenAid refrigerators that allegedly mislabeled as Energy Star qualified.

In Re NVIDIA GTX 970 Graphics Chip Litigation (Northern District of California) - $4.5 million class action settlement of claims alleging that a computer graphics card was sold with false and misleading representations concerning its specifications and performance.

Hendricks v. StarKist Co. (Northern District of California) – $12 million class action settlement of claims alleging that 5-ounce cans of tuna were underfilled.

In re Zakskorn v. American Honda Motor Co. Honda (Eastern District of California) – nationwide settlement providing for brake pad replacement and reimbursement of out-of-pocket expenses in case alleging defective brake pads on Honda Civic vehicles manufactured between 2006 and 2011.

Correa v. Sensa Products, LLC (Los Angeles Superior Court) - $9 million settlement on behalf of purchasers of the Sensa weight loss product.

In re Pacific Bell Late Fee Litigation (Contra Costa County Superior Court) - $38.6 million settlement on behalf of Pac Bell customers who paid an allegedly unlawful late payment charge.

In re Haier Freezer Consumer Litigation (Northern District of California) - $4 million settlement, which provided for cash payments of between $50 and $325.80 to class members who purchased the Haier HNCM070E chest freezer.

Thomas v. Global Vision Products, Inc. (Alameda County Superior Court) - $30 million settlement on behalf of a class of purchasers of a hair loss remedy.

Guyette v. Viacom, Inc. (Alameda County Superior Court) - $13 million settlement for a class of cable television subscribers who alleged that the defendant had improperly failed to share certain tax refunds with its subscribers.

JOSEPH I. MARCHESE

Joseph I. Marchese is a Partner with Bursor & Fisher, P.A. Joe focuses his practice on consumer class actions, employment law disputes, and commercial litigation. He has represented corporate and individual clients in a wide array of civil litigation, and has substantial trial and appellate experience.

Joe has diverse experience in litigating and resolving consumer class actions involving claims of mislabeling, false or misleading advertising, privacy violations, unlawful and junk fees, data breach claims, and violations of the Telephone Consumer Protection Act and Servicemembers Civil Relief Act.

Joe also has significant experience in multidistrict litigation proceedings. Recently, he served on the Plaintiffs' Executive Committee in *In Re: Blue Buffalo Company, Ltd. Marketing And Sales Practices Litigation*, MDL No. 2562, which resulted in a $32 million consumer class settlement. Currently, he serves on the Plaintiffs' Steering Committee for Economic Reimbursement in *In Re: Valsartan Products Liability Litigation*, MDL. No. 2875.

Joe is admitted to the State Bar of New York and is a member of the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, and the Eastern District of Michigan, as well as the United States Courts of Appeals for the First, Second and Sixth Circuits.

Joe graduated from Boston University School of Law in 2002 where he was a member of The Public Interest Law Journal. In 1998, Joe graduated with honors from Bucknell University.

Selected Published Decisions:

Farwell v. Google, LLC, 595 F. Supp. 3d 702 (C.D. Ill. Mar. 31, 2022), denying defendant's motion to dismiss BIPA claims brought on behalf of Illinois students using Google's Workspace for Education platform.

Boelter v. Hearst Communications, Inc., 269 F. Supp. 3d 172 (S.D.N.Y. Sept. 7, 2017), granting plaintiff's motion for partial summary judgment on state privacy law violations in putative class action.

Boelter v. Hearst Communications, Inc., 192 F. Supp. 3d 427 (S.D.N.Y. June 17, 2016), denying publisher's motion to dismiss its subscriber's allegations of state privacy law violations in putative class action.

In re Scotts EZ Seed Litigation, 304 F.R.D. 397 (S.D.N.Y. 2015), granting class certification of false advertising and other claims brought by New York and California purchasers of grass seed product.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

In re Michaels Stores Pin Pad Litigation, 830 F. Supp. 2d 518 (N.D. Ill. 2011), denying retailer's motion to dismiss its customers' state law consumer protection and privacy claims in data breach putative class action.

Selected Class Settlements:

Schreiber v. Mayo Foundation, Case No. 22-cv-0188-HYJ-RSK (W.D. Mich. 2024) – final approval granted for $52.5 million class settlement to resolve claims of periodical subscribers for alleged statutory privacy violations.

Edwards v. Mid-Hudson Valley Federal Credit Union, Case No. 22-cv-00562-TJM-CFH (N.D.N.Y. 2023) – final approval granted for $2.2 million class settlement to resolve claims alleging unlawfully charged overdraft fees on accounts with sufficient funds.

Benbow v. SmileDirectClub, LLC, Case No. 2020-CH-07269 (Cir. Ct. Cook Cnty. 2022) – final approval granted for $11.5 million class settlement to resolve claims for alleged TCPA violations.

Marquez v. Google LLC, Case No. 2021-CH-1460 (Cir. Ct. Cook Cnty. 2022) – final approval granted for $100 million class settlement to resolve alleged BIPA violations of Illinois residents appearing on the Google Photos platform.

Edwards v. Hearst Communications, Inc., Case No. 15-cv-09279-AT (S.D.N.Y. 2019) – final approval granted for $50 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast, Case No. 15-cv-05671-NRB (S.D.N.Y. 2019) – final approval granted for $13.75 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

In *re Scotts EZ Seed Litigation*, Case No. 12-cv-4727-VB (S.D.N.Y. 2018) – final approval granted for $47 million class settlement to resolve false advertising claims of purchasers of combination grass seed product.

In Re: Blue Buffalo Marketing And Sales Practices Litigation, Case No. 14-MD-2562-RWS (E.D. Mo. 2016) – final approval granted for $32 million class settlement to resolve claims of pet owners for alleged false advertising of pet foods.

Rodriguez v. Citimortgage, Inc., Case No. 11-cv-4718-PGG (S.D.N.Y. 2015) – final approval granted for $38 million class settlement to resolve claims of military servicemembers for alleged foreclosure violations of the Servicemembers Civil Relief Act, where each class member was entitled to $116,785 plus lost equity in the foreclosed property and interest thereon.

O'Brien v. LG Electronics USA, Inc., et al., Case No. 10-cv-3733-DMC (D.N.J. 2011) – final approval granted for $23 million class settlement to resolve claims of Energy Star refrigerator purchasers for alleged false advertising of the appliances' Energy Star qualification.

SARAH N. WESTCOT

Sarah N. Westcot is the Managing Partner of Bursor & Fisher's Miami office. She focuses her practice on consumer class actions, complex business litigation, and mass torts.

She has represented clients in a wide array of civil litigation, and has substantial trial and appellate experience. Sarah served as trial counsel in *Ayyad v. Sprint Spectrum L.P.*, where Bursor & Fisher won a jury verdict defeating Sprint's $1.06 billion counterclaim and securing the class's recovery of more than $275 million in cash and debt relief.

Sarah also has significant experience in high-profile, multi-district litigations. She currently serves on the Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Products Liability Litigation,* MDL No. 2924 (S.D. Florida). She also serves on the Plaintiffs' Executive Committee in *In re Apple Inc. App Store Simulated Casino-Style Games Litigation,* MDL No. 2985 (N.D. Cal.) and *In Re: Google Play Store Simulated Casino-Style Games Litigation*, MDL No. 3001 (N.D. Cal.).

Sarah is admitted to the State Bars of California and Florida, and is a member of the bars of the United States District Courts for the Northern, Central, Southern, and Eastern Districts of California, the United States District Courts for the Southern and Middle Districts of Florida, and the bars of the United States Courts of Appeals for the Second, Eighth, and Ninth Circuits.

Sarah received her Juris Doctor from the University of Notre Dame Law School in 2009. During law school, she was a law clerk with the Cook County State's Attorney's Office in Chicago and the Santa Clara County District Attorney's Office in San Jose, CA, gaining early trial experience in both roles. She graduated with honors from the University of Florida in 2005.

Sarah is a member of The National Trial Lawyers Top 100 Civil Plaintiff Lawyers, and was selected to The National Trial Lawyers Top 40 Under 40 Civil Plaintiff Lawyers for 2022.

PHILIP L. FRAIETTA

Philip L. Fraietta is the Managing Partner of Bursor & Fisher, P.A.'s White Plains office. Phil focuses his practice on data privacy, complex business litigation, and consumer class actions. Phil has been named a "Rising Star" in the New York Metro Area by Super Lawyers® every year since 2019.

Phil has significant experience in litigating consumer class actions, particularly those involving privacy claims under statutes such as the Michigan Preservation of Personal Privacy Act, the Illinois Biometric Information Privacy Act, and Right of Publicity statutes. Since 2016, Phil has recovered over $100 million for class members in privacy class action settlements. In addition to privacy claims, Phil has significant experience in litigating and settling class action claims involving false or misleading advertising.

Phil is admitted to the State Bars of New York, New Jersey, Illinois, Michigan, and California, the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, the Western District of New York, the Northern District of New York, the District of New Jersey, the Eastern District of Michigan, the Western District of Michigan, the Northern District of Illinois, the Central District of Illinois, and the United States Court of Appeals for the Second, Third, and Ninth Circuits. Phil was a Summer Associate with Bursor & Fisher prior to joining the firm.

Phil received his Juris Doctor from Fordham University School of Law in 2014, graduating cum laude. During law school, Phil served as an Articles & Notes Editor for the Fordham Law Review, and published two articles. In 2011, Phil graduated cum laude from Fordham University with a B.A. in Economics.

Selected Published Decisions:

Garner v. Me-TV National Limited Partnership, 132 F.4th 1022 (7th Cir. Mar. 28, 2025), reversing grant of motion to dismiss under federal Video Privacy Protection Act and specifying standard for being a "consumer" under the Act.

Jancik v. WebMD LLC, 2025 WL 560705 (N.D. Ga. Feb 20, 2025), certifying the first ever contested class under the federal Video Privacy Protection Act.

Fischer v. Instant Checkmate LLC, 2022 WL 971479 (N.D. Ill. Mar. 31, 2022), certifying class of Illinois residents for alleged violations of Illinois' Right of Publicity Act by background reporting website.

Kolebuck-Utz v. Whitepages, Inc., 2021 WL 157219 (W.D. Wash. Apr. 22, 2021), denying defendant's motion to dismiss for alleged violations of Ohio's Right to Publicity Law.

Porter v. NBTY, Inc., 2019 WL 5694312 (N.D. Ill. Nov. 4, 2019), denying supplement manufacturer's motion for summary judgment on consumers' allegations of false advertising relating to whey protein content.

Boelter v. Hearst Communications, Inc., 269 F. Supp. 3d 172 (S.D.N.Y. 2017), granting plaintiff's motion for partial summary judgment on state privacy law violations in putative class action.

Selected Class Settlements:

Ramos v. ZoomInfo Technologies, LLC, Case No. 21-cv-02032-CPK (N.D. Ill. 2024) – final approval granted for $29.5 million class settlement to resolve claims for alleged statutory right of publicity violations.

Awad v. AMC Entertainment Holdings, Inc., Index No. 607322/2024 (Sup. Ct. Nassau Cnty. 2024) – final approval granted for $12.3 million class settlement to resolve claims for alleged New York ticket fee claims.

Schreiber v. Mayo Foundation for Medical Education and Research, Case No. 22-cv-00188-HYJ (W.D. Mich. 2024) – final approval granted for $52.5 million class settlement to resolve claims of newsletter subscribers for alleged statutory privacy violations.

Fischer v. Instant Checkmate LLC, Case No. 19-cv-04892-MSS (N.D. Ill. 2024) – final approval granted for $10.1 million class settlement to resolve claims for alleged statutory right of publicity violations.

Young v. Military Advantage, Inc., Case No. 2023LA000535 (Cir. Ct. DuPage Cnty. 2023) – final approval granted for $7.35 million class settlement to resolve claims of newsletter subscribers for alleged federal Video Privacy Protection Act claims.

Rivera v. Google LLC, Case No. 2021-CH-1460 (Cir. Ct. Cook Cnty. 2022) – final approval

granted for $100 million class settlement to resolve alleged BIPA violations of Illinois residents appearing in photos on the Google Photos platform.

Edwards v. Hearst Communications, Inc., Case No. 15-cv-09279-AT (S.D.N.Y. 2019) – final approval granted for $50 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Ruppel v. Consumers Union of United States, Inc., Case No. 16-cv-02444-KMK (S.D.N.Y. 2018) – final approval granted for $16.375 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast, Case No. 15-cv-05671-NRB (S.D.N.Y. 2019) – final approval granted for $13.75 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Benbow v. SmileDirectClub, LLC, Case No. 2020-CH-07269 (Cir. Ct. Cook Cnty. 2021) – final approval granted for $11.5 million class settlement to resolve claims for alleged TCPA violations.

Gregorio v. Premier Nutrition Corp., Case No. 17-cv-05987-AT (S.D.N.Y. 2019) – final approval granted for $9 million class settlement to resolve claims of protein shake purchasers for alleged false advertising.

NEAL J. DECKANT

Neal J. Deckant is a Partner with Bursor & Fisher, P.A., where he serves as the firm's Head of Information & e-Discovery. Neal focuses his practice on complex business litigation and consumer class actions. Prior to joining Bursor & Fisher, Neal counseled low-income homeowners facing foreclosure in East Boston.

Neal is admitted to the State Bars of California and New York, and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California, the United States District Courts for the Southern and Eastern Districts of New York, the United States District Court for the Northern District of Illinois, the bars of the United States Courts of Appeals for the Second, Third, and Ninth Circuits, and the United States Supreme Court.

Neal received his Juris Doctor from Boston University School of Law in 2011, graduating cum laude with two Dean's Awards. During law school, Neal served as a Senior Articles Editor for the Review of Banking and Financial Law, where he authored two published articles about securitization reforms, both of which were cited by the New York Court of Appeals, the highest court in the state. Neal was also awarded Best Oral Argument in his moot court section, and he served as a Research Assistant for his Securities Regulation professor. Neal has also been honored as a 2014, 2015, 2016, and 2017 Super Lawyers Rising Star. In 2007, Neal graduated with Honors from Brown University with a dual major in East Asian Studies and Philosophy.

Selected Published Decisions:

Martinelli v. Johnson & Johnson, 2019 WL 1429653 (N.D. Cal. Mar. 29, 2019), granting class certification of false advertising and other claims brought by purchasers of Benecol spreads labeled with the representation "No Trans Fats."

Dzielak v. Whirlpool Corp., 2017 WL 6513347 (D.N.J. Dec. 20, 2017), granting class certification of consumer protection claims brought by purchasers of Maytag Centennial washing machines marked with the "Energy Star" logo.

Duran v. Obesity Research Institute, LLC, 204 Cal. Rptr. 3d 896 (Cal. Ct. App. 2016), reversing and remanding final approval of a class action settlement on appeal, regarding allegedly mislabeled dietary supplements, in connection with a meritorious objection.

Marchuk v. Faruqi & Faruqi, LLP, et al., 100 F. Supp. 3d 302 (S.D.N.Y. 2015), granting individual and law firm defendants' motion for judgment as a matter of law on plaintiff's claims for retaliation and defamation, as well as for all claims against law firm partners, Nadeem and Lubna Faruqi.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

Ebin v. Kangadis Food Inc., 2014 WL 737878 (S.D.N.Y. Feb. 25, 2014), denying distributor's motion for summary judgment against nationwide class of purchasers of purported "100% Pure Olive Oil" product.

Selected Class Settlements:

In Re NVIDIA GTX 970 Graphics Chip Litigation, Case No. 15-cv-00760-PJH (N.D. Cal. Dec. 7, 2016) – final approval granted for $4.5 million class action settlement to resolve claims that a computer graphics card was allegedly sold with false and misleading representations concerning its specifications and performance.

Hendricks v. StarKist Co., 2016 WL 5462423 (N.D. Cal. Sept. 29, 2016) – final approval granted for $12 million class action settlement to resolve claims that 5-ounce cans of tuna were allegedly underfilled.

In re: Kangadis Food Inc., Case No. 8-14-72649 (Bankr. E.D.N.Y. Dec. 17, 2014) – class action claims resolved for $2 million as part of a Chapter 11 plan of reorganization, after a corporate defendant filed for bankruptcy, following claims that its olive oil was allegedly sold with false and misleading representations.

Selected Publications:

Neal Deckant, *X. Reforms of Collateralized Debt Obligations: Enforcement, Accounting and Regulatory Proposals*, 29 Rev. Banking & Fin. L. 79 (2009) (cited in *Quadrant Structured Products Co., Ltd. v. Vertin*, 16 N.E.3d 1165, 1169 n.8 (N.Y. 2014)).

Neal Deckant, *Criticisms of Collateralized Debt Obligations in the Wake of the Goldman Sachs Scandal*, 30 Rev. Banking & Fin. L. 407 (2010) (cited in *Quadrant Structured Products Co., Ltd. v. Vertin*, 16 N.E.3d 1165, 1169 n.8 (N.Y. 2014); *Lyon Village Venetia, LLC v. CSE Mortgage LLC*, 2016 WL 476694, at *1 n.1 (Md. Ct. Spec. App. Feb. 4, 2016); Ivan Ascher, Portfolio Society: On the Capitalist Mode of Prediction, at 141, 153, 175 (Zone Books / The MIT Press 2016); Devon J. Steinmeyer, *Does State National Bank of Big Spring v. Geithner Stand a Fighting Chance?*, 89 Chi.-Kent. L. Rev. 471, 473 n.13 (2014)).

YITZCHAK KOPEL

Yitzchak Kopel is a Partner with Bursor & Fisher, P.A. Yitz focuses his practice on consumer class actions and complex business litigation. He has represented corporate and individual clients before federal and state courts, as well as in arbitration proceedings.

Yitz has substantial experience in successfully litigating and resolving consumer class actions involving claims of consumer fraud, data breaches, and violations of the telephone consumer protection act. Since 2014, Yitz has obtained class certification on behalf of his clients five times, three of which were certified as nationwide class actions. Bursor & Fisher was appointed as class counsel to represent the certified classes in each of the cases.

Yitz is admitted to the State Bars of New York and New Jersey, the bar of the United States Court of Appeals for the Second, Eleventh, and Ninth Circuits, and the bars of the United States District Courts for the Southern District of New York, Eastern District of New York, Eastern District of Missouri, Eastern District of Wisconsin, Northern District of Illinois, and District of New Jersey.

Yitz received his Juris Doctorate from Brooklyn Law School in 2012, graduating *cum laude* with two Dean's Awards. During law school, Yitz served as an Articles Editor for the Brooklyn Law Review and worked as a Law Clerk at Shearman & Sterling. In 2009, Yitz graduated *cum laude* from Queens College with a B.A. in Accounting.

Selected Published Decisions:

Bassaw v. United Industries Corp., 482 F.Supp.3d 80, 2020 WL 5117916 (S.D.N.Y. Aug. 31, 2020), denying motion to dismiss claims in putative class action concerning insect foggers.

Poppiti v. United Industries Corp., 2020 WL 1433642 (E.D. Mo. Mar. 24, 2020), denying motion to dismiss claims in putative class action concerning citronella candles.

Bakov v. Consolidated World Travel, Inc., 2019 WL 6699188 (N.D. Ill. Dec. 9, 2019), granting summary judgment on behalf of certified class in robocall class action.

Krumm v. Kittrich Corp., 2019 WL 6876059 (E.D. Mo. Dec. 17, 2019), denying motion to dismiss claims in putative class action concerning mosquito repellent.

Crespo v. S.C. Johnson & Son, Inc., 394 F. Supp. 3d 260 (S.D.N.Y. 2019), denying defendant's motion to dismiss fraud and consumer protection claims in putative class action regarding Raid insect fogger.

Bakov v. Consolidated World Travel, Inc., 2019 WL 1294659 (N.D. Ill. Mar. 21, 2019), certifying a class of persons who received robocalls in the state of Illinois.

Bourbia v. S.C. Johnson & Son, Inc., 375 F. Supp. 3d 454 (S.D.N.Y. 2019), denying defendant's motion to dismiss fraud and consumer protection claims in putative class action regarding mosquito repellent.

Hart v. BHH, LLC, 323 F. Supp. 3d 560 (S.D.N.Y. 2018), denying defendants' motion for summary judgment in certified class action involving the sale of ultrasonic pest repellers.

Hart v. BHH, LLC, 2018 WL 3471813 (S.D.N.Y. July 19, 2018), denying defendants' motion to exclude plaintiffs' expert in certified class action involving the sale of ultrasonic pest repellers.

Penrose v. Buffalo Trace Distillery, Inc., 2018 WL 2334983 (E.D. Mo. Feb. 5, 2018), denying bourbon producers' motion to dismiss fraud and consumer protection claims in putative class action.

West v. California Service Bureau, Inc., 323 F.R.D. 295 (N.D. Cal. 2017), certifying a nationwide class of "wrong-number" robocall recipients.

Hart v. BHH, LLC, 2017 WL 2912519 (S.D.N.Y. July 7, 2017), certifying nationwide class of purchasers of ultrasonic pest repellers.

Browning v. Unilever United States, Inc., 2017 WL 7660643 (C.D. Cal. Apr. 26, 2017), denying motion to dismiss fraud and warranty claims in putative class action concerning facial scrub product.

Brenner v. Procter & Gamble Co., 2016 WL 8192946 (C.D. Cal. Oct. 20, 2016), denying motion to dismiss warranty and consumer protection claims in putative class action concerning baby wipes.

Hewlett v. Consolidated World Travel, Inc., 2016 WL 4466536 (E.D. Cal. Aug. 23, 2016), denying telemarketer's motion to dismiss TCPA claims in putative class action.

Bailey v. KIND, LLC, 2016 WL 3456981 (C.D. Cal. June 16, 2016), denying motion to dismiss fraud and warranty claims in putative class action concerning snack bars.

Hart v. BHH, LLC, 2016 WL 2642228 (S.D.N.Y. May 5, 2016) denying motion to dismiss warranty and consumer protection claims in putative class action concerning ultrasonic pest repellers.

Marchuk v. Faruqi & Faruqi, LLP, et al., 100 F. Supp. 3d 302 (S.D.N.Y. 2015), granting clients' motion for judgment as a matter of law on claims for retaliation and defamation in employment action.

In re Scotts EZ Seed Litigation, 304 F.R.D. 397 (S.D.N.Y. 2015), granting class certification of false advertising and other claims brought by New York and California purchasers of grass seed product.

Brady v. Basic Research, L.L.C., 101 F. Supp. 3d 217 (E.D.N.Y. 2015), denying diet pill manufacturers' motion to dismiss its purchasers' allegations for breach of express warranty in putative class action.

Ward v. TheLadders.com, Inc., 3 F. Supp. 3d 151 (S.D.N.Y. 2014), denying online job board's motion to dismiss its subscribers' allegations of consumer protection law violations in putative class action.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

Ebin v. Kangadis Food Inc., 2014 WL 737878 (S.D.N.Y. Feb. 25, 2014), denying distributor's motion for summary judgment against nationwide class of purchasers of purported "100% Pure Olive Oil" product.

Selected Class Settlements:

Hart v. BHH, LLC, Case No. 1:15-cv-04804 (S.D.N.Y. Sept. 22, 2020), resolving class action claims regarding ultrasonic pest repellers.

In re: Kangadis Food Inc., Case No. 8-14-72649 (Bankr. E.D.N.Y. Dec. 17, 2014), resolving class action claims for $2 million as part of a Chapter 11 plan of reorganization, after a corporate defendant filed for bankruptcy following the certification of nationwide claims alleging that its olive oil was sold with false and misleading representations.

West v. California Service Bureau, Case No. 4:16-cv-03124-YGR (N.D. Cal. Jan. 23, 2019), resolving class action claims against debt-collector for wrong-number robocalls for $4.1 million.

ALEC M. LESLIE

Alec Leslie is a Partner with Bursor & Fisher, P.A. He focuses his practice on data privacy, illegal gambling, complex business litigation, and consumer class actions.

Alec is admitted to the State Bars of New York and Pennsylvania and is a member of the bar of the United States District Courts for the Southern, Eastern, and Northern Districts of New York, the Northern and Central Districts of Illinois, the Eastern District of Missouri, the Eastern District of Pennsylvania, the Western District of Tennessee, the Eastern District of Michigan,

and the United States Courts of Appeals for the Ninth and Eleventh Circuits. Alec was a Summer Associate with Bursor & Fisher prior to joining the firm.

Alec received his Juris Doctor from Brooklyn Law School in 2016, graduating *cum laude*. During law school, Alec served as an Articles Editor for Brooklyn Law Review. In addition, Alec served as an intern to the Honorable James C. Francis for the Southern District of New York and the Honorable Vincent Del Giudice, Supreme Court, Kings County. Alec graduated from the University of Colorado with a B.A. in Philosophy in 2012.

Selected Published Decisions:

Jancik v. WebMD LLC, 2025 WL 560705 (N.D. Ga. Feb. 20, 2025), certifying the first ever contested class under the federal Video Privacy Protection Act.

Metzner v. Quinnipiac Univ., 528 F. Supp. 3d 15, 37 (D. Conn. 2021), denying motion to dismiss claims for breach of contract and unjust enrichment.

Saleh v. Nike, Inc., 562 F. Supp. 3d 503 (C.D. Cal. 2021), denying motion to dismiss wiretapping claim under the California Invasion of Privacy Act.

Kaupelis v. Harbor Freight Tools USA, Inc., 2020 WL 5901116 (C.D. Cal. Sept. 23, 2020), granting class certification of multistate class of purchasers of allegedly defective chainsaws.

Williams v. Facebook, Inc., 498 F. Supp. 3d 1189 (N.D. Cal. 2019), denying motion to dismiss claims for fraud, intrusion upon seclusion, invasion of privacy, unjust enrichment.

Selected Class Settlements:

Gregorio v. Premier Nutrition Corp., Case No. 17-cv-05987-AT (S.D.N.Y. 2019) – final approval granted for class settlement to resolve claims of protein shake purchasers for alleged false advertising.

Wright v. Southern New Hampshire Univ., Case No. 1:20-cv-00609-LM (D.N.H. 2021) – final approval granted for class settlement to resolve claims over COVID-19 tuition and fee refunds to students.

Mendoza et al. v. United Industries Corp., Case No. 21PH-CV00670 (Phelps Cnty. Mo. 2021) – final approval granted for class settlement to resolve false advertising claims on insect repellent products.

Kaupelis v. Harbor Freight Tools USA, Inc., Case No. 8:19-cv-01203-JVS-DFM (C.D. Cal. 2021) – final approval granted for class settlement involving allegedly defective and dangerous chainsaws.

Rocchio v. Rutgers Univ., Case No. MID-L-003039-20 (Middlesex Cnty. N.J. 2021) – final approval granted for class settlement to resolve claims over COVID-19 fee refunds to students.

Malone v. Western Digital Corporation, Case No. 5:20-cv-03584-NC (N.D. Cal.) – final approval granted for class settlement to resolve false advertising claims on hard drive products.

Frederick et al. v. ExamSoft Worldwide, Inc., Case No. 2021L001116 (DuPage Cnty. Ill. 2021) – final approval granted for class settlement to resolve claims over alleged BIPA violations with respect to exam proctoring software.

D'Amario et al. v. Univ. of Tampa, Case No. 7:20-cv-07344 (S.D.N.Y. 2022) – final approval granted for class settlement to resolve claims over COVID-19 fee refunds to students.

Olin et al. v. Meta Platforms, Inc., Case No. 3:18-cv-01881-RS (N.D. Cal. 2022) – final approval granted for class settlement involving invasion of privacy claims.

Croft v. SpinX Games et al., Case No. 2:20-cv-01310-RSM (W.D. Wash. 2022) – final approval granted for class settlement involving allegedly deceptive and/or illegal gambling practices.

Armstead v. VGW Malta Ltd. et al., Case No. 22-CI-00553 (Henderson Cnty. Ky. 2023) – final approval granted for class settlement involving allegedly deceptive and/or illegal gambling practices.

Barbieri v. Tailored Brands, Inc., Index No. 616696/2022 (Nassau Cnty. N.Y.) – final approval granted for class settlement involving untimely wage payments to employees.

Metzner et al. v. Quinnipiac Univ., Case No. 3:20-cv-00784 (D. Conn.) – final approval granted for class settlement to resolve claims over COVID-19 fee refunds to students.

In re GE/Canon Data Breach, Case No. 1:20-cv-02903 (S.D.N.Y.) – final approval granted for class settlement to resolve data breach claims.

Davis v. Urban Outfitters, Inc., Index No. 612162/2022 (Nassau Cnty. N.Y.) – final approval granted for class settlement involving untimely wage payments to employees.

Armstead v. VGW Malta LTD et al., Civil Action No. 22-CI-00553 (Henderson Cir. Ct. Ky.) – final approval granted for class settlement involving allegedly deceptive and/or illegal gambling practices.

Casler et al. v. Mclane Company, Inc. et al., Index No. 616432/2022 (Nassau Cnty. N.Y.) – final approval granted for class settlement involving untimely wage payments to employees.

Wyland v. Woopla, Inc., Civil Action No. 2023-CI-00356 (Henderson Cir. Ct. Ky.) – final approval granted for class settlement involving allegedly deceptive and/or illegal gambling practices.

Graziano et al. v. Lego Systems, Inc., Index No. 611615/2022 (Nassau Cnty. N.Y.) – final approval granted for class settlement involving untimely wage payments to employees.

Lipsky et al. v. American Behavioral Research Institute, LLC, Case No. 50-2023-CA-011526-XXXX-MB (Palm Beach Cnty. Fl.) – final approval granted to resolve allegedly deceptive automatic renewal and product efficacy claims.

Whiting v. Yellow Social Interactive Ltd., Civil Action No. 2023-CI-00358 (Henderson Cir. Ct. Ky.) – final approval granted for class settlement involving allegedly deceptive and/or illegal gambling practices.

STEPHEN BECK

Stephen is a Partner with Bursor & Fisher, P.A. Stephen focuses his practice on complex civil litigation and class actions.

Stephen is admitted to the State Bar of Florida and is a member of the bars of the United States District Courts for the Southern and Middle Districts of Florida, the Eastern District of Missouri, and the Northern District of Illinois.

Stephen received his Juris Doctor from the University of Miami School of Law in 2018. During law school, Stephen received an Honors distinction in the Litigation Skills Program and was awarded the Honorable Theodore Klein Memorial Scholarship for excellence in written and oral advocacy. Stephen also received the CALI Award in Legislation for earning the highest grade on the final examination. Stephen graduated from the University of North Florida with a B.A. in Philosophy in 2015.

MAX S. ROBERTS

Max Roberts is a Partner in Bursor & Fisher's Walnut Creek office. Max focuses his practice on class actions concerning data privacy and consumer protection. Max started his time with Bursor & Fisher as a Summer Associate in the firm's New York City office, and spent seven years there before moving west.

Since 2023, Max has been named a "Rising Star" in the New York Metro Area by Super Lawyers®.

Max received his Juris Doctor from Fordham University School of Law in 2019, graduating *cum laude.* During law school, Max was a member of Fordham's Moot Court Board, the Brennan Moore Trial Advocates, and the Fordham Urban Law Journal, for which he published a note entitled *Weaning Drug Manufacturers Off Their Painkiller: Creating an Exception to the Learned Intermediary Doctrine in Light of the Opioid Crisis*. In addition, Max served as an intern to the Honorable Vincent L. Briccetti of the Southern District of New York, and worked as an intern in the Fordham Criminal Defense Clinic. Max graduated from Johns Hopkins University in 2015 with a B.A. in Political Science.

Outside of the law, Max is an avid triathlete.

Selected Published Decisions:

Huertas v. Bayer US LLC, 120 F.4th 1169 (3d Cir. 2024), reversing district court and holding plaintiffs had alleged an injury-in-fact sufficient for Article III standing. Max personally argued the appeal before the Third Circuit, which can be listened to here.

Jackson v. Amazon.com, Inc., 65 F.4th 1093 (9th Cir. 2023), affirming district court's denial of motion to compel arbitration. Max personally argued the appeal before the Ninth Circuit, which can be viewed here.

Javier v. Assurance IQ, LLC, 2022 WL 1744107 (9th Cir. May 31, 2022), reversing district court and holding that Section 631 of the California Invasion of Privacy Act requires prior consent to wiretapping. Max personally argued the appeal before the Ninth Circuit, which can be viewed here.

Mora v. J&M Plating, Inc., 213 N.E.3d 942 (Ill. App. Ct. 2d Dist. 2022), reversing circuit court and holding that Section 15(a) of Illinois' Biometric Information Privacy Act requires an entity to establish a retention and deletion schedule for biometric data at the first moment of possession. Max personally argued the appeal before the Second District, which can be listened to here.

Newman v. Bayer Corp., 2026 WL 1243391 (S.D.N.Y. May 6, 2026), denying motion for partial summary judgment based on alleged lack of absent class member standing.

Newman v. Bayer Corp., 348 F.R.D. 567 (S.D.N.Y. 2025), certifying class of New York purchasers of "One A Day" gummy vitamins.

Krzyzek v. OpenX Techs., Inc., 817 F. Supp. 3d 857 (N.D. Cal. 2026), denying motion to dismiss by registered data broker alleged to have violated state and federal wiretapping laws.

Shah v. Fandom, Inc., 754 F. Supp. 3d 924 (N.D. Cal. 2024), denying motion to dismiss alleged violations of California pen register statute.

Rancourt v. Meredith Corp., 2024 WL 381344 (D. Mass. Jan. 11, 2024), denying motion to dismiss alleged violations of federal Video Privacy Protection Act, and finding personal jurisdiction over operator of mobile application.

Cristostomo v. New Balance Athletics, Inc., 647 F. Supp. 3d 1 (D. Mass. 2022), denying motion to dismiss and motion to strike class allegations in case involving sneakers marketed as "Made in the USA."

Selected Class Settlements:

In re Natera Prenatal Testing Litig., Case No. 4:22-cv-985-JST (N.D. Cal. 2026) – final approval granted for $8.25 million class settlement to resolve claims of consumers who purchased non-invasive prenatal tests that were allegedly falsely advertised.

Mirmalek v. Los Angeles Times Communications LLC, Case No. 3:24-cv-1797-CRB (N.D. Cal. 2026) – final approval granted for $3.85 million class settlement to resolve claims of consumers for alleged violations of Section 638.51 of the California Invasion of Privacy Act.

Huertas v. Bayer, Case No. 2:21-cv-20021-SRC-CF (D.N.J. 2026) – final approval granted for $4.85 million class settlement to resolve claims of consumers who purchased Lotrimin and Tinactin foot spray products allegedly contaminated with benzene.

Lucchese-Soto v. The Criterion Collection, LLC, Case No. 1:24-cv-7345-VEC (S.D.N.Y. 2025) – final approval granted to resolve claims of subscribers of the Criterion Channel for alleged violations of the Video Privacy Protection Act.

Sholopa v. Turk Hava Yollari A.O. (d/b/a Turkish Airlines), Case No. 1:20-cv-3294-ALC (S.D.N.Y. 2023) – final approval granted for $14.1 million class settlement to resolve claims of passengers whose flights with Turkish Airlines were cancelled due to COVID-19 and who did not receive refunds.

Miranda v. Golden Entertainment (NV), Inc., Case No. 2:20-cv-534-AT (D. Nev. 2021) – final approval granted for class settlement valued at over $4.5 million to resolve claims of customers and employees of casino company stemming from data breach.

Malone v. Western Digital Corp., Case No. 5:20-cv-3584-NC (N.D. Cal. 2021) – final approval granted for class settlement valued at $5.7 million to resolve claims of hard drive purchasers for alleged false advertised.

Frederick v. ExamSoft Worldwide, Inc., Case No. 2021-L-001116 (18th Judicial Circuit Court DuPage County, Illinois 2021) – final approval granted for $2.25 million class settlement to resolve claims of Illinois students for alleged violations of the Illinois Biometric Information Privacy Act.

Bar Admissions

- New York
- California
- Massachusetts
- Southern District of New York
- Eastern District of New York
- Northern District of New York
- Northern District of California
- Central District of California
- Eastern District of California
- Southern District of California
- District of Massachusetts
- Northern District of Illinois
- Central District of Illinois
- Eastern District of Michigan
- District of Colorado
- First Circuit Court of Appeals
- Second Circuit Court of Appeals
- Third Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- Ninth Circuit Court of Appeals

ANDREW J. OBERGFELL

Andrew Obergfell is Counsel with Bursor & Fisher, P.A. Andrew focuses his practice on complex civil litigation and class actions.

Andrew graduated from Drew University with *summa cum laude* distinction. While at Drew University, Andrew was captain of the varsity baseball team. Andrew was inducted into the Phi Beta Kappa honor society and was President of the college's chapter of the Pi Sigma Alpha political science honor society.

Andrew attended Seton Hall University School of Law, where he obtained his law degree with *magna cum laude* distinction, and was inducted into the prestigious Order of the Coif honor society. While in law school, Andrew was an editor and published author for the Seton Hall Law Review, participated in the Impact Litigation Clinic, and was a member of the Interscholastic Moot Court Board. As part of the Interscholastic Moot Court Board, Andrew received the national best-brief award in the 2015 ABA National Appellate Advocacy Competition, as well as the 2015 best student-written brief of the year award as recognized by Scribes, the American Society of Legal Writers.

Prior to joining the firm, Andrew practiced at an AmLaw 100 law firm. He also clerked for The Honorable Douglas M. Fasciale in the New Jersey Superior Court, Appellate Division, in Newark, New Jersey.

Selected Published Decisions:

Kirkbride, et al. v. The Kroger Co., 349 F.R.D. 160 (S.D. Ohio April 9, 2025), granting class certification of three consumer classes of insured purchasers of prescription drugs at Kroger who allegedly overpaid for prescription drugs due to Kroger's usual and customary price reporting practices, and denying Defendant's *Daubert* motions directed at certain of Plaintiffs' experts.

DANIEL GUERRA

Daniel Guerra is Counsel with Bursor & Fisher, P.A. Dan focuses his practice on complex civil litigation and consumer class actions.

Prior to working at Bursor & Fisher, Dan practiced at a national law firm in San Francisco. He helped represent various companies during internal investigations and in complex civil litigation, including product liability litigation and commercial disputes. He also advised clients on a range of matters including regulatory compliance, litigation risk assessment, and product counseling.

Dan is admitted to the State Bar of California, all California Federal District Courts, and the United States District Court for the Western District of Texas.

Dan received his Juris Doctor from the University of California Law, San Francisco (formerly U.C. Hastings College of the Law) in 2009.

STEFAN BOGDANOVICH

Stefan Bogdanovich is an Associate with Bursor & Fisher, P.A. Stefan litigates complex civil and class actions typically involving privacy, intellectual property, entertainment, and false advertising law.

Prior to working at Bursor & Fisher, Stefan practiced at two national law firms in Los Angeles. He helped represent various companies in false advertising and IP infringement cases, media companies in defamation cases, and motion picture producers in royalty disputes. He also advised corporations and public figures on complying with various privacy and advertising laws and regulations.

Stefan is admitted to the State Bar of California and all of the California Federal District Courts. He is also a Certified Information Privacy Professional.

Stefan received his Juris Doctor from the University of Southern California Gould School of Law in 2018, where he was a member of the Hale Moot Court Honors Program and the Trial Team. He received the highest grade in his class in three subjects, including First Amendment Law.

Selected Published Decisions:

Young v. NeoCortext, Inc., 690 F.Supp. 3d 1091 (C.D. Cal. 2023), *aff'd*, No. 23-55772, 2024 WL 4987254 (9th Cir. Dec. 5, 2024), denying anti-SLAPP motion to strike reality TV actor's class action complaint alleging a face-swap app developer violated California's right of publicity law by marketing its app using movie and TV clips of plaintiff and other well-known Californians without their permission. Both the trial and appeal courts rejected app developer's defenses that its marketing was transformative use under the First Amendment or that plaintiff's publicity claim was preempted by the Copyright Act as a matter of law.

Lawrence v. Finicity Corp., 716 F. Supp. 3d 851 (E.D. Cal. 2024), *remanded on other grounds*, No. 24-1737, 2025 WL 547375 (9th Cir. Feb. 19, 2025), denying motion to dismiss California and Utah anti-phishing law claims against company alleged to collect FinTech app users' bank account credentials by designing spoofed bank log-in screens that misappropriated bank URLs, bank theme colors, and bank trademarked logos.

Berryman v. Reading Int'l, Inc., 763 F. Supp. 3d 596 (S.D.N.Y. 2025), first case denying motion to dismiss Video Privacy Protection Act claim against movie theater operator because it streamed movie trailers on its website and shared video consumption history with third-parties.

Summerville v. Gotham Comedy Found. Inc., 765 F. Supp. 3d 293, 2025 WL 8644 (S.D.N.Y. Feb. 24, 2025), first case denying motion to dismiss New York Arts & Cultural Affairs Law § 25.07(4) claim based on plaintiff suffering an informational injury for failing to receive the all-in price of his event tickets at the outset of the transaction.

Rodriguez v. Festival Fun Parks, LLC, 763 F. Supp. 3d 336 (E.D.N.Y. 2025), denying waterpark's motion to compel arbitration based on hyperlinked terms of use on a checkout screen.

Selected Class Settlements:

Awad v. AMC Entertainment Holdings, Inc., Index No. 07322/2024 (Sup. Ct. Nassau Cnty. 2024), final approval granted for $12.3 million class settlement to resolve claims for alleged New York ticket fee claims.

Fan v. NBA Properties, Inc., Case No. 3:23-cv-05069-SI (N.D. Cal. 2025), final approval granted for $7.05 million class settlement to resolve alleged Video Privacy Protection Act claims against a video NFT marketplace.

Presson v. Alamo Intermediate II Holdings, Case No. 1:23-cv-00170-ER (S.D.N.Y. 2025), final approval granted for $7.075 million class settlement to resolve claims for alleged New York ticket fee claims.

Jones v. Regal Cinemas, Inc., Case No. 1:23-cv-11145 (S.D.N.Y. 2025), final approval granted for $2.5 million settlement to resolve claims for alleged New York ticket fee claims.

SPENCER N. MIGOTSKY

Spencer Migotsky is an Associate with Bursor & Fisher, P.A. Spencer focuses his practice on data privacy, complex commercial litigation, and consumer class actions. He has experience litigating data privacy class actions under the California Invasion of Privacy Act, the federal Video Privacy Protection Act, and the Arizona Telephone, Utility, and Communication Service Records Act.

Prior to joining Bursor & Fisher, Spencer practiced at a national law firm in New York City. He is admitted to the State Bar of New York and is a member of the bars of the United States District Courts for the Southern District of New York and the Eastern District of New York. Spencer received his J.D. from Harvard Law School in 2019. In 2014, Spencer graduated magna cum laude from New York University with a B.A. in Economics.

JULIA K. VENDITTI

Julia K. Venditti is an Associate with Bursor & Fisher, P.A. Julia focuses her practice on complex civil litigation and class actions. Julia was a Summer Associate with Bursor & Fisher prior to joining the firm.

Julia is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Julia received her Juris Doctor in 2020 from the University of California, Hastings College of the Law, where she graduated *cum laude* with two CALI Awards for the highest

grade in her Evidence and California Community Property classes. During law school, Julia was a member of the UC Hastings Moot Court team and competed at the Evans Constitutional Law Moot Court Competition, where she finished as a national quarterfinalist and received a best brief award. Julia was also inducted into the UC Hastings Honors Society and was awarded Best Brief and an Honorable Mention for Best Oral Argument in her First-Year Moot Court section. In addition, Julia served as a Research Assistant for her Constitutional Law professor, as a Teaching Assistant for Legal Writing & Research, and as a Law Clerk at the San Francisco Public Defender's Office. In 2017, Julia graduated *magna cum laude* from Baruch College/CUNY, Weissman School of Arts and Sciences, with a B.A. in Political Science.

JULIAN DIAMOND

Julian Diamond is an Associate with Bursor & Fisher, P.A. Julian focuses his practice on privacy law and class actions. Julian was a Summer Associate with Bursor & Fisher prior to joining the firm.

Julian received his Juris Doctor from Columbia Law School, where he was a Harlan Fiske Stone Scholar. During law school, Julian was Articles Editor for the Columbia Journal of Environmental Law. Prior to law school, Julian worked in education. Julian graduated from California State University, Fullerton with a B.A. in History and a single subject social science teaching credential.

MATTHEW GIRARDI

Matt Girardi is an Associate with Bursor & Fisher, P.A. Matt focuses his practice on complex civil litigation and class actions, and has focused specifically on consumer class actions involving illegal gambling, privacy violations, financial misconduct, and false advertising. Matt was a Summer Associate with Bursor & Fisher prior to joining the firm.

Matt is admitted to the State Bar of New York, and is a member of the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, the Eastern District of Michigan, the Western District of Michigan, the Northern District of Illinois, the District of Colorado, the First Circuit Court of Appeals, and the Ninth Circuit Court of Appeals.

Matt received his Juris Doctor from Columbia Law School in 2020, where he was a Harlan Fiske Stone Scholar. During law school, Matt was the Commentary Editor for the Columbia Journal of Tax Law, and represented fledgling businesses for Columbia's Entrepreneurship and Community Development Clinic. In addition, Matt worked as an Honors Intern in the Division of Enforcement at the U.S. Securities and Exchange Commission. Matt graduated from Brown University in 2016 with a B.A. in Economics, and worked as a Paralegal Specialist at the U.S. Department of Justice in the Antitrust Division prior to law school.

Selected Published Decisions:

Galli v. DemandScience US, LLC, --- F.Supp.3d ----, 2026 WL 2389771 (D. Mass. Aug. 17, 2026), denying motion to dismiss class action complaint alleging unlawful publication of

private individuals' cellular telephone numbers in violation of Colorado Prevention of Telemarketing Fraud Act.

Myslivecek v. FCA US LLC, --- F.Supp.3d ----, 2026 WL 1333763 (E.D. Mich. May 13, 2026), denying in part motion to dismiss class action complaint alleging sale of vehicles containing a dangerous clutch defect.

Baker v. CVS Health Corp., 717 F. Supp. 3d 188, 192 (D. Mass. 2024), denying motion to dismiss class action complaint alleging employer unlawfully subjected Plaintiff to a lie detector test and failed to provide him required notice of his statutory rights under Massachusetts Lie Detector Statute.

Selected Class Settlements:

Armstead v. VGW Malta Ltd. et al., Case No. 22-CI-00553 (Henderson Cnty. Ky. 2023) – final approval granted for $11.75 million class settlement involving allegedly deceptive and/or illegal gambling practices.

Edwards v. Mid-Hudson Valley Federal Credit Union, Case No. 22-cv-00562-TJM-CFH (N.D.N.Y. 2023) – final approval granted for $2.2 million class settlement to resolve claims that an upstate New York credit union was unlawfully charging overdraft fees on accounts with sufficient funds.

Fischer, et al. v. Instant Checkmate LLC, et al., No. 19-cv-04892 (N.D. Ill. 2024) – final approval granted for state-by-state non-reversionary cash settlements involving alleged violations of right of publicity statutes totaling in excess of $10.1 million.

Wyland v. Woopla, Inc., Civil Action No. 2023-CI-00356 (Henderson Cir. Ct. Ky. 2023) – final approval granted for $835,000 class settlement involving allegedly deceptive and/or illegal gambling practices.

Whiting v. Yellow Social Interactive Ltd., Civil Action No. 2023-CI-00358 (Henderson Cir. Ct. Ky. 2023) – final approval granted for $1.32 million class settlement involving allegedly deceptive and/or illegal gambling practices.

KAILI LYNN

Kaili Lynn is an Associate in Bursor & Fisher's Walnut Creek office, where she focuses her practice on complex civil litigation and class actions involving data privacy and consumer protection. She is admitted to the State Bars of California and Kentucky.

Kaili earned her Juris Doctor from the University of Southern California, Gould School of Law in 2020. During law school, she was a member of the Hale Moot Court Honors Program and the International Human Rights Clinic. In 2016, Kaili graduated from the Georgia Institute of Technology with highest honors earning a Bachelor of Science in International Affairs and Modern Languages.

Prior to joining Bursor & Fisher, Kaili served as a trial attorney for the Kentucky Department of Public Advocacy, where she litigated cases involving indigent juveniles and adults charged with misdemeanor and felony offenses. Kaili also worked for two law firms in Southern California, gaining experience in appellate practice and class action litigation.

JENNA GAVENMAN

Jenna Gavenman is an Associate with Bursor & Fisher, P.A. Jenna focuses her practice on complex civil litigation and consumer class actions. Jenna was a Summer Associate and a part-time intern with Bursor & Fisher prior to joining the firm as a full-time Associate in September 2022.

Jenna is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Jenna received her Juris Doctor in 2022 from the University of California, Hastings College of the Law (now named UC Law SF). During law school, she was awarded an Honorable Mention for Best Oral Argument in her First-Year Moot Court section. Jenna also participated in both the Medical Legal Partnership for Seniors (MLPS) and the Lawyering for Children Practicum at Legal Services for Children—two of UC Hastings's nationally renowned clinical programs. Jenna was awarded the Clinic Award for Outstanding Performance in MLPS for her contributions to the clinic. In addition, Jenna volunteered with her law school's Legal Advice and Referral Clinic and as a LevelBar Mentor.

In 2018, Jenna graduated *cum laude* from Villanova University with a B.A. in Sociology and Spanish (double major). Jenna was a Division I athlete, competing on the Villanova Women's Water Polo varsity team for four consecutive years.

IRA ROSENBERG

Ira Rosenberg is an Associate with Bursor & Fisher, P.A. Ira focuses his practice on complex civil litigation and class actions.

Ira received his Juris Doctor in 2022 from Columbia Law School. During law school, Ira served as a Student Honors Legal Intern with Division of Enforcement at the U.S. Securities and Exchange Commission. Ira also interned during law school in the Criminal Division at the United States Attorney's Office for the Southern District of New York and with the Investor Protection Bureau at the Office of the New York State Attorney General. Ira graduated in 2018 from Beth Medrash Govoha with a B.A. in Talmudic Studies.

LUKE SIRONSKI-WHITE

Luke Sironski-White is an Associate with Bursor & Fisher, P.A., focusing on complex civil litigation and consumer class actions. Luke joined the firm as a full-time Associate in August 2022.

Luke is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Luke received his Juris Doctor in 2022 from the University of California, Berkeley School of Law. During law school, Luke was on the board of the Consumer Advocacy and Protection Society (CAPS), edited for the Berkeley Journal of Employment and Labor Law, and volunteered with the Prisoner Advocacy Network.

In 2017, Luke graduated from the University of Chicago with a B.A. in Anthropology. Before entering the field of law Luke was a professional photographer and filmmaker.

INES DIAZ

Ines Diaz is an Associate with Bursor & Fisher, P.A. Ines focuses her practice on complex civil litigation and class actions.

Ines is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Ines received her Juris Doctor in 2023 from the University of California, Berkeley School of Law. During law school, Ines served as an Executive Editor of the California Law Review. She also served as an intern with the East Bay Community Law Center's Immigration Clinic and as a Fellow of the Berkeley Law Academic Skills Program. Additionally, Ines served as an instructor with the University of California, Berkeley Extension, Legal Studies Global Access Program where she taught legal writing to international law students. In 2021, Ines was selected for a summer externship at the California Supreme Court where she served as a judicial extern for the Honorable Mariano-Florentino Cuéllar.

CAROLINE C. DONOVAN

Caroline C. Donovan is an Associate with Bursor & Fisher, P.A. Caroline focuses her practice on complex civil litigation, data protection, mass arbitration, and class actions. Caroline interned with Bursor & Fisher during her third year of law school before joining full time in Fall 2023.

Caroline is admitted to the State Bar of New York.

Caroline received her Juris Doctor in 2023 from Brooklyn Law School. During law school, Caroline was a member of the Moot Court Honor Society Trial Division, where she was chosen to serve as a National Team Member. Caroline competed and coached in numerous competitions across the country, and placed second at regionals in AAJ's national competition in both her second and third year of law school. Caroline was also the President of the Art Law Association, and the Treasurer of the Labor and Employment Law Association.

During law school, Caroline was a judicial intern for Judge Kenneth W. Chu of the National Labor Relations Board. She also interned at the United States Attorney's Office in the Eastern District of New York, as well as a securities class action firm.

JOSHUA B. GLATT

Joshua Glatt is an Associate with Bursor & Fisher, P.A. Joshua focuses his practice on complex civil litigation and consumer class actions. Joshua was a Summer Associate with Bursor & Fisher prior to joining the firm as an Associate.

Joshua is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Joshua earned his Juris Doctor from the University of California College of the Law, San Francisco (formerly U.C. Hastings). While there, he received a CALI Award for earning the highest grade in Constitutional Law II and served on the executive boards of the Jewish Law Students Association and the American Constitution Society. Prior to law school, Joshua graduated *summa cum laude* from the Walter Cronkite School of Journalism and Mass Communication at Arizona State University in 2016 and earned a master's degree from the University of Southern California in 2018.

JOSHUA R. WILNER

Joshua Wilner is an Associate with Bursor & Fisher, P.A. Joshua focuses his practice on complex civil litigation, data privacy, consumer protection, and class actions. Joshua was a Summer Associate at Bursor & Fisher prior to joining the firm full time in Fall 2023.

Joshua is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Joshua received his Juris Doctor in 2023 from Berkeley Law. During law school, he received the American Jurisprudence Award for Constitutional Law.

During law school, Joshua served on the board of the Berkeley Journal of Employment and Labor Law. Joshua also interned at Disability Rights California, Legal Aid at Work, and a private firm that worked closely with the ACLU of Northern California to enforce the California Racial Justice Act. In 2022 and 2023, Joshua worked as a research assistant for Professor Abbye Atkinson.

VICTORIA ZHOU

Victoria Zhou is an Associate in Bursor & Fisher's New York office. Victoria focuses her practice on class actions concerning data privacy and consumer protection.

Victoria is admitted to the State Bar of New York.

Victoria received her Juris Doctor from Fordham Law School in 2023. During law school, Victoria served as an Associate Editor of the Moot Court Board and competed in multiple mock trial competitions as a member of the Brendan Moore Trial Advocates. In addition, Victoria served as a judicial extern to Chief Judge Mark A. Barnett of the United States Court of International Trade. In 2019, Victoria graduated *magna cum laude* from Fei Tian College with a B.F.A. in Classical Dance.

KYLE D. GORDON

Kyle Gordon is an Associate with Bursor & Fisher, P.A. Kyle focuses his practice on class actions concerning data privacy and consumer protection. Kyle was a Summer Associate with Bursor & Fisher prior to joining the firm.

Kyle is admitted to the State Bar of New York.

Kyle received his Juris Doctor from Columbia Law School in 2023, where he was a Harlan Fiske Stone Scholar. During law school, Kyle was a Staff Editor for the Columbia Science and Technology Law Review. In 2020, Kyle graduated *summa cum laude* from New York University with a B.A. in Politics and became a member of Phi Beta Kappa. Prior to law school, Kyle interned in the Clerk's Office of the United States District Court for the District of Columbia.

ELEANOR R. GRASSO

Eleanor Grasso is an Associate with Bursor & Fisher, P.A. Eleanor focuses her practice on complex civil litigation, including data privacy and consumer protection class actions.

Eleanor is admitted to the State Bars of New York and Florida, and is a member of the bars of the United States District Courts for the Southern District of New York and Eastern District of New York.

Eleanor earned her Juris Doctor from Fordham University School of Law. During law school, Eleanor was a member of the Fordham Journal of Intellectual Property, Media & Entertainment Law, serving as Symposium Editor for Volume XXXIV. Eleanor was also a member of the Brendan Moore Trial Advocacy Team, served as a Research Assistant, and was a member of the Board of Student Advisors.

Throughout her time in law school, Eleanor interned for the Office of the Public Defender for the Sixth Judicial Circuit of Florida in the Misdemeanor Unit, the Office of the Federal Public Defender for the Middle District of Tennessee in the Capital Habeas Unit, the ACLU of Florida, and for the Honorable Kiyo A. Matsumoto in the United States District Court for the Eastern District of New York. Eleanor was a Summer Associate with Bursor & Fisher and also interned part-time during her third year of law school.

Eleanor earned her Bachelors from the University of Florida, with a double-major in Criminology & Law and Political Science and a minor in French & Francophone studies.

LOGAN HAGERTY

Logan Hagerty is an Associate with Bursor & Fisher, P.A. Logan is admitted to the State Bar of New York and the Southern District of New York.

Logan received his Juris Doctor from Boston College Law School in 2024, where he received a certificate in Land & Environmental Law.

During law school, Logan was President of the Environmental Law Society. In addition, Logan worked for a class action firm, a general practice firm, and interned at a Massachusetts state agency.

Logan earned his Bachelors from St. Lawrence University, where he graduated magna cum laude with a double major in History and Environmental Studies and a minor in African Studies. He is also a member of Phi Beta Kappa.

KAREN VALENZUELA

Karen Valenzuela is an Associate with Bursor & Fisher, P.A. Karen focuses her practice on complex civil litigation and class actions. Karen was a Summer Associate and a part-time intern with Bursor & Fisher prior to joining the firm as a full-time Associate.

Karen is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Eastern, Central, and Southern Districts of California.

Karen received her Juris Doctor in 2024 from the University of California, Berkeley School of Law. During law school, Karen was part of the Consumer Protection Public Policy Order, and interned for the Los Angeles County Public Defender's Office. Karen also participated in the International Human Rights Law Clinic, La Alianza Workers' and Tenants' Rights Clinic, and the Death Penalty Clinic.

Prior to law school, Karen graduated from the University of California, Berkeley with a B.A. in Gender and Women's Studies and a minor in Global Poverty and Practice.

LAUREN A. VANHEMEL

Lauren A. VanHemel is an Associate with Bursor & Fisher, P.A. Lauren focuses her practice on complex civil litigation, data privacy, and class actions. She was a Summer Associate and part-time law clerk with Bursor & Fisher before joining the firm full time in Fall 2025.

Lauren is admitted to the State Bar of Florida. She received her Juris Doctor in 2025 from the University of Florida Levin College of Law. During law school, Lauren served as internal vice president of the Florida Moot Court Team and notes & comments editor of the UF Journal of Law and Public Policy. Lauren competed and coached numerous moot court competitions, winning best brief and second overall at the 2023-2024 McGee National Civil Rights Moot Court Competition and second-best brief at the 2024-2025 NAAC ABA Philadelphia Regional Competition.

Prior to law school, Lauren graduated cum laude from the University of Florida with a B.A. in Criminology in 2022.

ZACHARY J. BRAVERMAN

Zachary J. Braverman is an Associate with Bursor & Fisher, P.A. Zach focuses his practice on complex civil litigation, labor and employment, consumer protection, and class actions. Zach was a Summer Associate and part-time law clerk with Bursor & Fisher prior to joining the firm as a full-time associate.

Zach is admitted to the State Bar of New York. He earned his Juris Doctor from Brooklyn Law School. During law school, Zach was a member of The Brooklyn Sports and Entertainment Law Society and The Brooklyn Journal of Corporate, Financial and Commercial Law, serving as an Articles Editor and publishing a note. Zach also studied international law at The University of Amsterdam.

Prior to law school, Zach graduated from Binghamton University with a B.S. in Financial Economics and B.A. in Philosophy, Politics, and Law.

L. Timothy Fisher (State Bar No. 191626)
Neal J. Deckant (State Bar No. 322946)
Daniel S. Guerra (State Bar No. 267559)
Jenna L. Gavenman (State Bar No. 348510)
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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF WILLEM F. JONCKHEER ON BEHALF OF SCHUBERT JONCKHEER & KOLBE LLP IN SUPPORT OF INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, Willem F. Jonckheer, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice in the State of California and before this Court. I am a partner with the law firm Schubert Jonckheer & Kolbe LLP ("Schubert Firm"). I submit this declaration in support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards (the "Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. At all times relevant hereto, the Schubert Firm has served as Interim Liaison Counsel in this Litigation and performed services in this Litigation under the direction of Interim Co-Lead Counsel Bursor & Fisher, P.A. and Lowey Dannenberg, P.C. ECF No. 112; *see also* ECF No. 86 (leadership motion). Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. The statements herein are true to the best of my personal knowledge, information, and belief based on the Schubert Firm's books and records and information received from the Schubert Firm's attorneys and professional staff.

4. The schedule attached as **Exhibit A** summarizes the hours and lodestar of the Schubert Firm from the inception of this Litigation to October 31, 2026. The total hours were determined by an examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm's current hourly rates and were prepared based upon daily time records maintained by attorneys and professional support staff at the firm. Lodestar figures do not include charges for Litigation Expenses. The Schubert Firm's time records have been reviewed to confirm both the accuracy of the

entries as well as the necessity for and reasonableness of the time expended in this litigation. As a result of this review, certain reductions were made to the time and lodestar incurred in the exercise of billing judgment and to conform with my firm's general billing practices. Further, for purposes of this Fee and Expense Application, the Schubert Firm, at the direction of Interim Co-Lead Counsel, limited the lodestar to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta Platforms, Inc. ("Meta") and Google LLC ("Google") have not been included. Where work concerning the claims against Criteo, Meta, and Google overlapped (as Criteo remained in the active litigation longer than GoodRx), only one-third of such time was included, rounded down to the nearest tenth of an hour, consistent with the methodology described in the Fee and Expense Application.

5. The hourly rates for the attorneys and professional support staff at my firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation. The Schubert Firm's historical hourly rates have been submitted to and accepted by courts in this District in other complex class action litigation over time. *See, e.g.*, *Reed v. PostMeds, Inc.*, No. 4:23-cv-05710-HSG (N.D. Cal. June 17, 2025); *In re MacBook Keyboard Litig.*, No. 5:18-cv-2813-EJD-VKD (N.D. Cal. May 25, 2023); *Etter v. Allstate Insurance Co.*, No. 17-cv-184-WHA (N.D. Cal. Nov. 4, 2018). The Schubert Firm's current hourly rates for 2026 are reflected in **Exhibit A**. For personnel no longer employed by the Schubert Firm, the lodestar calculation is based on the hourly rates for such personnel in the timekeeper's final year of employment. Attached as **Exhibit D** is the Schubert Firm's resume, which provides some additional details about my firm's litigation experience and achievements.

6. Attached as **Exhibit B** (filed under seal) are the detailed time entries of the Schubert Firm's attorneys and professional staff appearing in **Exhibit A**. Below is a summary of the work performed by the key members of the litigation team:

a. Robert C. Schubert: Mr. Schubert, as Senior Partner, primarily consulted with Schubert Firm counsel on overall litigation strategy and key litigation developments including mediation and settlement.

b. Willem F. Jonckheer: Mr. Jonckheer, a partner, worked primarily on the initial drafting and filing of the complaint, the relation and consolidation of additional actions, responding to the motion to compel arbitration, evaluating the impact of and response to the factually related Florida action, researching and drafting portions of the oppositions to the motions to dismiss, preparing for mediation, and monitoring overall case management.

c. Amber L. Schubert (former): Ms. Schubert, a partner, worked primarily on the initial drafting and filing of the complaint, the relation and consolidation of additional actions, responding to the motion to compel arbitration, evaluating the impact of and response to the factually related Florida action, researching and drafting portions of the oppositions to the motions to dismiss, and attending and participating in mediation on behalf of the Schubert Firm.

d. Dustin L. Schubert: Mr. Schubert, a partner, primarily consulted with Schubert Firm counsel regarding important developments in the litigation, including the filing of the initial complaint, mediation, and settlement.

e. Gregory T. Stuart: Mr. Stuart, an associate, specializes in document review for the Schubert Firm's complex litigation practice and conducted document review primarily in connection with mediation.

f. Samitha Collur (former): Ms. Collur, an associate, worked primarily on fielding client and class member inquiries and conducting research in connection with briefing oppositions to the motions to dismiss.

g. Sonum Dixit (former): Ms. Dixit, an associate, worked primarily on reviewing issues in connection with settlement and preliminary approval.

h. Rudy Centeno (former): Mr. Centeno, a Law Clerk, worked primarily on researching and drafting portions of the oppositions to the motions to dismiss, under the supervision of Mr. Jonckheer and Ms. Schubert.

i. Skylar Schoemig (former): Ms. Schoemig performed paralegal tasks in connection with the filing of the complaint.

j. Nelida Almeida (former): Ms. Almeida performed paralegal tasks in connection with case management and filing.

k. Matt Foti: Mr. Foti performed paralegal tasks in connection with calendaring and case management.

7. The total time that my firm is submitting to the Court in connection with this application is 389.20 hours. The total lodestar value of these professional services is $380,665.00.

8. Attached as **Exhibit C** is a schedule of the Schubert Firm's Litigation Expenses reasonably incurred in this case from inception through for which reimbursement is requested. To the extent practicable, Litigation Expenses solely relating to the prosecution of claims against Meta and Google have been excluded. My firm incurred these Litigation Expenses primarily in connection with filing of the complaint and legal research. Expense items are recorded separately, and such charges are not duplicated in the firm's billing rates. Further, the Litigation Expenses included here do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor.

9. As described in **Exhibit C**, the Litigation Expenses submitted in connection with this Fee and Expense Application by my firm total $3,435.14.

10. The Litigation Expenses summarized in **Exhibit C** and described above were reasonably and necessarily incurred in the prosecution of this Litigation, and therefore, the reimbursement of these expenses should be approved.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 24, 2026 in San Francisco, CA.

/s/Willem F. Jonckheer
Willem F. Jonckheer

EXHIBIT A

LODESTAR SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026

Attorneys (Admission Year)	Role	Total Hours	Hourly Rate	Total Lodestar
Robert C. Schubert	Partner (1974)	15.70	$1,250	$19,625.00
Willem F. Jonckheer	Partner (1995)	133.50	$1,150	$153,525.00
Amber L. Schubert	Partner (2011)	114.00	$1,075	$122,550.00
Dustin L. Schubert	Partner (2007)	9.90	$1,075	$10,642.50
Gregory T. Stuart	Associate (2005)	65.30	$825	$53,872.50
Samhita Collur	Associate (2022)	25.30	$425	$10,752.50
Sonum Dixit	Associate (2023)	2.50	$550	$1,375.00
TOTAL:		**366.20**		**$372,342.50**
Non-Attorneys	**Role**	**Total Hours**	**Hourly Rate**	**Total Lodestar**
Rudy Centeno	Law Clerk	10.90	$450	$4,905.00
Skylar Schoemig	Paralegal	10.90	$275	$2,997.50
Nelida Almeida	Paralegal	.90	$350	$315.00
Matt Foti	Paralegal	.30	$350	$105.00
TOTAL:		**23.00**		**$8,322.50**
GRAND TOTAL		**389.20**		**$380,665.00**

EXHIBIT B

DETAILED TIME ENTRIES (FILED UNDER SEAL)

EXHIBIT C

LITIGATION EXPENSES SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026
(EXCLUDES META- OR GOOGLE-ONLY EXPENSES TO THE EXTENT PRACTICABLE)

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	$44.00
Computer Research/Databases/Docket Costs	$1,693.49
In-House Duplicating/Printing	$121.48
Court Costs & Witness/Service/Filing Fees	$402.00
Postage, Mailing, FedEx, UPS, Fares & Messengers	$1,174.17
TOTAL	**$3,435.14**

EXHIBIT D

FIRM RESUME

SCHUBERT JONCKHEER & KOLBE LLP

Together with its predecessor firms, Schubert Jonckheer & Kolbe LLP has been in operation for over forty years. In addition to prosecuting cases in California federal and state courts, the firm has been actively involved in securities, antitrust, unfair competition, false advertising, data privacy, and employment class actions throughout the United States. Schubert Jonckheer & Kolbe has served as Lead Counsel or Co-Lead Counsel in class actions and shareholder derivative actions that have produced recoveries valued at over $850 million.

- ***Tucker v. Scrushy***, No. CV-02-5212 (AEH) (Ala. Cir., Jefferson Cty.). Co-Lead Counsel in shareholder derivative action on behalf of HealthSouth Corporation alleging breaches of fiduciary duty and insider trading arising from a restatement of financial results. Plaintiffs won partial summary judgment against former Chief Executive Officer Richard Scrushy for restitution of $47.8 million. Plaintiffs also settled HealthSouth's claims against additional directors and officers for $100 million and against its investment banker for an additional $133 million. At trial against Mr. Scrushy on additional claims, Plaintiffs obtained a $2.9 billion judgment, which was later upheld by the Alabama Supreme Court.

- ***In re Google AdWords Litigation***, No. 5:08-CV-03369-EJD (N.D. Cal.). Lead Counsel for nationwide class of advertisers alleging Google placed their ads on low-quality parked domains and error pages in violation of California's false advertising laws. We obtained a $22.5 million settlement on behalf of over one million class members, which was finally approved in the Northern District of California.

- ***Ciapessoni et al. v. United States***, No. 1:15-cv-00938-LAS (Fed. Cl.). Co-Counsel for nationwide class of raisin growers alleging that the federal government's practice of setting aside a portion of their raisin crop constituted an unconstitutional taking of private property for public use in violation of the Fifth Amendment of the U.S. Constitution. We obtained an $85.8 million settlement on behalf of over 6,000 raisin growers who opted-in to the class, which was finally approved by the U.S. Court of Federal Claims.

- ***Poertner v. The Gillette Company***, No. 12-CV-803 (M.D. Fla.). Co-Lead Counsel in nationwide consumer class action alleging false and misleading advertising of certain Duracell batteries regarding the batteries' longevity, in violation of various state laws. We obtained a settlement valued at approximately $50 million on behalf of approximately 7.26 million class members.

- ***In re The Home Depot, Inc. Shareholder Derivative Litigation***, No. 1:15-CV-2999-TWT (N.D. Ga.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain officers and directors concerning The Home Depot 2014 data breach. We successfully resolved the litigation through settlement by causing The Home Depot to enact comprehensive corporate governance reforms and structural improvements to its data security protocols.

- ***Marsh & McLennan Companies, Inc. Derivative Litigation***, No. 753-VCS (Del. Ch.). As co-counsel, we helped obtain a $205 million settlement in a shareholder derivative action brought on behalf of Marsh & McLennan Companies ("MMC"). The complaint alleged that MMC, the world's largest insurance broker, failed to adequately disclose that it was paid commissions to steer insurance business to favored companies. When the practices were revealed, MMC paid huge fines, to the detriment of its shareholders.

- ***In re Banc of California Inc. Stockholder Derivative Litigation,*** No. 8:19-cv-00621-DMG-DFM (C.D. Cal.). Co-lead counsel in shareholder derivative action alleging breach of fiduciary duty against officers and directors based on alleged false disclosures and conflicts of interest. Plaintiffs obtained a settlement improving whistleblower procedures.

- ***In re Mattel, Inc. Stockholder Derivative Demand Refusal Litigation***, No. 2021-0782-MTZ (Del. Ch.). Co-lead counsel in shareholder derivative action alleging breach of fiduciary duty against officers and directors arising out of a financial restatement. Plaintiffs obtained a $7 million cash settlement and governance reforms.

- ***3M Transparent Tape Cases***, No. 4:00-2810-CW (N.D. Cal.). Co-Lead Counsel in nationwide antitrust class action on behalf of purchasers of 3M transparent tape. Plaintiffs claimed that 3M maintained an unlawful monopoly in the market for invisible and transparent tape designed to restrict the availability of lower-priced comparable products to consumers and maintain supracompetitive prices for its own retail products. We obtained a settlement valued at approximately $42 million.

- ***Bonneville Pacific Corporation Securities Litigation***, No. 2:92-C-0181-DS (D. Utah). Co-Lead Counsel in securities class action involving fraudulent financial statements by a power cogeneration company. We obtained settlements totaling $26 million for the class, which recovered 100% of its damages, in one of the largest securities fraud cases in Utah history. We also obtained an important decision from the Utah Supreme Court holding that plaintiffs need not plead or prove reliance under the Utah Uniform Securities Act.

- ***Qwest Communications International, Inc. Derivative Litigation***, No. 02-CV-8188 (Colo. Dist. Ct., Denver). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading arising out of the telecommunications company's earnings restatement. We obtained a $25 million settlement on the company's behalf.

- ***Pfeiffer v. Toll***, No. 4140-VCL (Del. Ch.). Primary counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading arising out of missed earnings projections. We recovered a $16.25 million settlement on the company's behalf and obtained a key legal ruling rejecting the argument that Delaware's leading insider trading precedent should be overruled. *Pfeiffer v. Toll*, 989 A.2d 683 (Del. Ch. 2010).

- ***Hernandez v. Radio Systems Corporation***, No. 5:22-cv-01861-JGB-DTB (C.D. Cal). Class Counsel for purchasers of unsafe PetSafe shock collar products for dogs. We obtained a $1.9 million settlement for a California class, which is pending final approval.

- ***In re MacBook Keyb. Litig.***, No. 5:18-cv-02813 (N.D. Cal.). Member of the Executive Committee on behalf of a certified class of Apple customers with defective MacBook keyboards. We obtained a $50 million settlement for over 15 million class computers.

- ***In re Altria Group, Inc. Derivative Litig.***, No. 3:20-cv-00772 (E.D. Va.). Co-counsel in shareholder derivative action alleging breaches of fiduciary duty in connection with Altria's acquisition of JUUL Labs. Plaintiffs obtained a settlement providing for a $117 million funding commitment by Altria for youth prevention programs, appointment of an independent monitor to oversee the spending, and corporate governance reforms.

- ***Public School Teachers' Pension and Retirement Fund of Chicago v. Gary Guthart, et al.,*** Case No. CIV-526930 (San Mateo County Superior Court). Co-counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading against officers and directors. Plaintiff obtained a settlement including a return to the company of cash and options by certain officers and directors, and corporate governance reforms.

- ***In re Myriad Genetics, Inc. Stockholder Derivative Litigation***, No. 2021-0686-SG (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Myriad Genetics, Inc.'s officers and directors. Plaintiffs obtained a settlement providing for enhanced disclosure procedures and other corporate governance improvements across the company.

Leadership Positions in Shareholder Cases

- ***Fisher v. United States***, No. 13-CV-608-MMS (Fed. Cl.). Lead Counsel in shareholder derivative action on behalf of Fannie Mae alleging unconstitutional taking of private property against U.S. government based on net worth sweep of all profits.

- ***In re Amgen Inc. Stockholder Derivative Litigation,*** No. 2024-1063-JTL (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Amgen Inc.'s officers and directors in connection with transfer pricing strategy and related disclosure violations.

- ***In re Rivian Automotive, Inc. Stockholder Derivative Litigation,*** No. 2024-0127-MTZ (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Rivian Automotive, Inc.'s officers and directors in connection with vehicle production costs and disclosure violations.

- ***In re Lucid Group, Inc. Stockholder Derivative Litigation,*** No. 2024-0927-NAC (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Lucid Group, Inc.'s officers and directors in connection with vehicle production volume projections.

- ***In re Verrica Pharmaceuticals Inc. Shareholder Derivative Litigation*****,** No. 24-cv-05561-MSG (E.D. Pa.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Verrica Pharmaceuticals Inc.'s officers and directors in connection with U.S. Food and Drug Administration drug approval statements.

- ***In re The Chemours Company Stockholder Derivative Litigation*****,** No. 2025-0364-JTL (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of The Chemours Company's officers and directors in connection with potential manipulation of accounting metrics.

- ***In re Super Micro Computer, Inc. Shareholder Derivative Litigation*****,** No. 24CV452241 (Santa Clara Sup. Ct.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Super Micro Computer, Inc.'s officers and directors in connection with an alleged accounting scandal.

- ***In re Danaher Corp. S'holder Derivative Litig.*****, No. 1:26-cv-01566 (D.D.C.).** Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Danaher Corporation's officers and directors in connection with customer demand and inventory disclosures.

- ***In re Hawaiian Electric Industries, Inc. and Hawaiian Electric Company, Inc. State Court Derivative Litigation,*** No. 1CCV-23-0001181 (Haw. 1st Cir.). Member of Executive Committee in shareholder derivative action alleging breaches of fiduciary duty against certain of Hawaiian Electric Industries, Inc.'s and Hawaiian Electric Company, Inc.'s officers and directors in connection with August 2023 Maui wildfires.

Our Attorneys

Robert C. Schubert received a B.S. degree from the New York State School of Industrial and Labor Relations at Cornell University in 1966, where he graduated first in his class. He received his J.D. *cum laude* from Harvard Law School in 1969, after which he taught law at Columbia University and Golden Gate University. He has actively practiced law at both the trial and appellate levels. He specializes in complex litigation, particularly securities and antitrust class actions and shareholder derivative suits. He is a member of the state and federal bars of California, Massachusetts, and New

York. Since 1971, he has also arbitrated numerous disputes for the Federal Mediation and Conciliation Service. He is the author of several published articles and lectures on class actions at the University of California Hastings College of the Law. Mr. Schubert was selected to Super Lawyers from 2007-2009 and 2013-2023.

Willem F. Jonckheer received his B.A. degree from Colgate University in 1990. He received his J.D. degree in 1995 from the University of San Francisco School of Law, where he served as an article editor on the USF Maritime Law Journal and participated in the Philip C. Jessup International Law Moot Court Competition. Mr. Jonckheer was a law intern with the Pacific Stock Exchange, where he researched regulatory issues affecting national securities exchanges, and the U.S. Securities & Exchange Commission, where he worked on enforcement cases. Mr. Jonckheer was a member of the Board of Trustees of Live Oak School, an independent K-8 school in San Francisco, where he served as Chairman of the Audit Committee, and as a member of select committees on Head of School compensation and school bylaws. Mr. Jonckheer is a member of the Northern California Chapter of the Netherland-America Foundation, an organization dedicated to bilateral cultural exchange between the Netherlands and the United States. He was admitted to the State Bar of California in 1995.

Dustin L. Schubert received his B.A. from the University of California, Berkeley in 2003. He was awarded his J.D. degree in 2007 from Vanderbilt University Law School. Mr. Schubert was admitted to the State Bar of California in 2007. He previously interned with the San Francisco Superior Court for the Hon. A. James Robertson II and for Bay Area Legal Aid. Mr. Schubert was selected to Super Lawyers Rising Stars for 2017 and to Super Lawyers for 2021-2024.

Gregory T. Stuart received his J.D. from the University of California at Davis School of Law in 2005. In 2002, Mr. Stuart was awarded a B.S. in Business Administration, *cum laude*, with a minor in Philosophy, from Humboldt State University. He participates in most aspects of the firm's practice but has over a decade of focused experience in document discovery, representing both producing and receiving parties during that time.

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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF THOMAS A. ZIMMERMAN, JR ON BEHALF OF ZIMMERMAN LAW OFFICES, P.C. IN SUPPORT OF INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, THOMAS A. ZIMMERMAN, JR., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice before the circuit courts of Illinois, the United States Supreme Court, the United States Appellate Courts for the 9th Circuit, 7th Circuit, 6th Circuit, and 3rd Circuit, the United States District Courts for the Northern District of Illinois, Central District of Illinois, Southern District of Illinois, Northern District of Indiana, Eastern District of Wisconsin, and District of Colorado, and am admitted *pro hac vice* before this Court. I am the owner of the law firm Zimmerman Law Offices, P.C. ("ZLO") and counsel of record for Plaintiff John Doe ("Plaintiff"). I submit this declaration in support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards (the "Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. At all times relevant hereto, I served as an appointed member of the interim executive committee in this Litigation and performed services in this Litigation under the direction of Interim Co-Lead Counsel Bursor & Fisher, P.A. and Lowey Dannenberg, P.C. ECF No. 112; *see also* ECF No. 86 (leadership motion). Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. The statements herein are true to the best of my personal knowledge, information, and belief based on ZLO's books and records and information received from ZLO attorneys and professional staff.

4. The schedule attached as **Exhibit A** summarizes the hours and lodestar of ZLO from the inception of this Litigation to September 8, 2026, limited to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. The total hours

were determined by an examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm's current hourly rates and were prepared based upon daily time records maintained by attorneys and professional support staff at the firm. Lodestar figures do not include charges for Litigation Expenses. ZLO time records have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time expended in this litigation. As a result of this review, certain reductions were made to the time and lodestar incurred in the exercise of billing judgment and to conform with my firm's general billing practices. Further, for purposes of this Fee and Expense Application, ZLO, at the direction of Interim Co-Lead Counsel, limited the lodestar to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta Platforms, Inc. ("Meta") and Google LLC ("Google") have not been included. Where work concerning the claims against Criteo, Meta, and Google overlapped (as Criteo remained in the active litigation longer than GoodRx), only one-third of such time was included, rounded down to the nearest tenth of an hour, consistent with the methodology described in the Fee and Expense Application.

5. The hourly rates for the attorneys and professional support staff at my firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation. Further, these rates have been accepted by District courts in other complex class action litigation. *See, e.g.*, *Anderson v. U-Haul Int'l Inc.,* D. AZ Case No. CV-22-1565 (Dkt. 60), and *Arnold v. Aqua Illinois, Inc.*, N.D. IL Case No. 25-cv-2522 (Dkt 123). Attached as **Exhibit D** is ZLO's resume, which provides some additional details about my firm's litigation experience and achievements.

6. Attached as **Exhibit B** (filed under seal) are the detailed time entries of ZLO's attorneys and professional staff appearing in Exhibit A. Below is a summary of the work performed by the key members of the litigation team:

a. Tom Zimmerman: 30 years as a nationwide class action litigator. Mr. Zimmerman was the primary attorney handling the case for Plaintiff John Doe. He conducted factual research; communicated with the Plaintiff, Interim Co-Lead Counsel, and defendants' counsel; drafted the complaint; drafted various pleadings and motions; attended court hearings; worked with the Plaintiff to respond to written discovery requests; reviewed, compiled and produced documents for the Plaintiff; revised the ESI protocol and protective order; reviewed defendants' responses to written discovery, and documents produced by the defendants; conducted legal research, and drafted Plaintiff's response to defendants' motion to dismiss the complaint; reviewed defendants' mediation statement, and revised Plaintiff's mediation statement; and attended two mediation sessions.

b. Sharon Harris: 28 years as a nationwide class action litigator. Ms. Harris conducted legal research regarding arbitration issues; communicated with the Plaintiff; and conducted legal research, and drafted Plaintiff's response to defendants' motion to dismiss the complaint.

c. Jeff Blake: 13 years as a nationwide class action litigator. Mr. Blake conducted legal and factual research, and drafted the complaint; communicated with the Plaintiff, and Interim Co-Lead Counsel; drafted various pleadings and case management statements; drafted written discovery requests to defendants; conducted legal research, and drafted Plaintiff's response to defendants' motion to dismiss the complaint; and attended a mediation session.

d. Matt De Re: 12 years as a nationwide class action litigator. Mr. De Re communicated with the Plaintiff, and Interim Co-Lead Counsel; drafted the complaint; and conducted legal research, and drafted Plaintiff's response to defendants' motion to dismiss the complaint.

e. Jacalyn Zaleski: 25 years as a litigation paralegal. Ms. Zaleski drafted the summonses, *pro hac vice* applications, and appearances of counsel.

7. The total time that my firm is submitting to the Court in connection with this application is 164.40 hours. The total lodestar value of these professional services is $128,685.00 This represents approximately 47% of the total hours worked and 46% of ZLO's lodestar in the Litigation.

8. Attached as Exhibit C is a schedule of ZLO's Litigation Expenses reasonably incurred in this case from inception through September 8, 2026 for which reimbursement is requested. To the extent practicable, Litigation Expenses solely relating to the prosecution of claims against Meta and Google have been excluded. My firm incurred these Litigation Expenses to cover the costs of *pro hac vice* fees and service of process. Expense items are recorded separately, and such charges are not duplicated in the firm's billing rates. Further, the Litigation Expenses included here do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor.

9. As described in Exhibit C, the Litigation Expenses submitted in connection with this Fee and Expense Application by my firm total $941.90. This reflects approximately 54% of the total Litigation Expenses incurred through September 8, 2026 in this Litigation.

10. The Litigation Expenses summarized in Exhibit C and described above were reasonably and necessarily incurred in the prosecution of this Litigation, and therefore, the reimbursement of these expenses should be approved.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 23, 2026 in Chicago, Illinois.

Thomas A. Zimmerman, Jr.

EXHIBIT A

LODESTAR SUMMARY – INCEPTION THROUGH SEPTEMBER 8, 2026

Attorneys (Admission Year)	Role	Total Hours	Hourly Rate	Total Lodestar
Tom Zimmerman (1996)	Owner	95.80	$865	$82,867.00
Sharon Harris (1998)	Associate	5.40	$795	$4,293.00
Jeff Blake (2013)	Associate	52.20	$675	$35,235.00
Matt De Re (2014)	Associate	10.00	$605	$6,050.00
TOTAL:		**163.40**		**$128,445.00**
Non-Attorneys	**Role**	**Total Hours**	**Hourly Rate**	**Total Lodestar**
Jacalyn Zaleski (25 years exp.)	Paralegal	1.00	$240	$240.00
TOTAL:		**1.00**		$240.00
GRAND TOTAL		**164.40**		**$128,685.00**

EXHIBIT B

DETAILED TIME ENTRIES (FILED UNDER SEAL)

EXHIBIT C

LITIGATION EXPENSES SUMMARY – INCEPTION THROUGH SEPTEMBER 8, 2026
(EXCLUDES META- OR GOOGLE-ONLY EXPENSES TO THE EXTENT PRACTICABLE)

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	
Computer Research/Databases/Docket Costs	
Court & Deposition Reporting/Transcripts	
Document Production/Hosting	
Expert/Consultant Costs	
Mediation Costs	
Outside Duplicating	
In-House Duplicating/Printing	
Court Costs & Witness/Service/Filing Fees	$941.90
Postage, Mailing, FedEx, UPS, Fares & Messengers	
Long Distance Telephone/Conference Calling/Internet	
Other (describe)	
TOTAL	**$941.90**

EXHIBIT D

FIRM RESUME

ZIMMERMAN LAW OFFICES, P.C.

Since 1996, Zimmerman Law Offices has represented individuals and businesses in a wide array of legal matters. Its attorneys are established and respected trial lawyers who represent clients in complex litigation and class action lawsuits nationwide. The firm has an extensive and varied litigation-based practice, with a focus on class action litigation. Zimmerman Law Offices has recovered over $650 million on behalf of millions of individuals and businesses nationwide.

The attorneys at Zimmerman Law Offices are experienced in Multidistrict Litigation (MDL), having served as lead counsel in MDL cases throughout the country. These MDL cases included claims for fraud, improper pricing, misleading product claims, and privacy violations including data breaches.

ATTORNEYS

Thomas A. Zimmerman, Jr.

A seasoned litigator for over 30 years, Mr. Zimmerman practices extensively and has obtained multi-million dollar jury verdicts in class action, corporate, commercial, medical malpractice, consumer fraud, constitutional due process, general civil, product liability, toxic tort, and other complex litigation. He represents both plaintiffs and defendants nationwide in state and federal trial and appellate courts. He also represents individuals and corporations in transactional matters, and before state and federal administrative and regulatory agencies.

Mr. Zimmerman has been lead counsel in national and state-wide class action litigation, and has handled other multi-party litigation involving such companies as MCI/Worldcom, United Airlines, Peoples Gas, AT&T, Warner-Lambert, Pfizer, Liberty Mutual Insurance Co., DaimlerChrysler, ADT, Ford Motor Co., Mead Johnson, KCBX, Inland Bank, Commonwealth Edison, Ameritech, Wells Fargo, and Bridgestone/Firestone. He is well respected for his representation of physicians, dentists, nurses, psychologists, veterinarians, and many other licensed professionals before state and federal agencies including the Illinois Department of Financial and Professional Regulation, and the U.S. Department of Health and Human Services.

In 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026, he was selected as a *Super Lawyer* in the area of class action and mass torts.

In 2000, he was voted one of the Top 40 Illinois Attorneys Under the Age of 40. This is especially notable, as he was chosen out of 60,000 attorneys in Illinois under the age of forty.

In 2003, the Illinois Supreme Court appointed Mr. Zimmerman to the Review Board of the Attorney Registration and Disciplinary Commission ("ARDC"). He served in that capacity until 2011, wherein he presided over appeals by attorneys who have been found to have committed misconduct, and recommended discipline for their ethical violations. In 2013, the ARDC appointed Mr. Zimmerman as Special Counsel, wherein he conducted independent investigations in matters

involving allegations of misconduct against attorneys associated with the ARDC. He served in that capacity until 2023. In 2024, he was appointed to the ARDC Oversight Committee, wherein he reviews ARDC investigative matters.

Additionally, the Illinois Governor appointed Mr. Zimmerman to the Illinois Courts Commission in 2003. A Commission member presides over proceedings wherein judges are charged with committing ethical violations, and imposes discipline on judges who are found to have engaged in misconduct. Mr. Zimmerman has served as a Commission member continuously since his appointment.

Prior to becoming an attorney, Mr. Zimmerman worked for AT&T where he negotiated partnerships with companies for domestic and international joint-venture and new product development activities. During this time, he was the featured speaker at 400 conferences, seminars, and presentations. Thereafter, he presented oral testimony at various Federal Senate and Congressional hearings. After obtaining his law license, Mr. Zimmerman has lectured at law schools and seminars, and is frequently interviewed by the news media concerning legal issues.

Mr. Zimmerman earned a B.S. in Computer Science-Mathematics from the University of Illinois, and an M.B.A. in Finance from DePaul University in the evenings while working for AT&T. After leaving AT&T, Mr. Zimmerman earned his law degree from the Chicago-Kent College of Law, where he was a Ramsey-Burke Scholarship recipient and earned the Academic Achievement Award.

He is admitted to practice law in Illinois, and other states on a case-by-case basis, and he is admitted to practice before the U.S. Supreme Court, and various federal courts of appeal and federal district courts. Based on his demonstrated experience and ability, he was appointed to the federal court trial bar.

Mr. Zimmerman was the chair of the Clerk of the Circuit Court of Cook County Attorney Advisory Committee, and the co-chair of the Clerk of the Circuit Court Transition and Strategic Planning Public Policy Subcommittee.

Mr. Zimmerman is a member of the American, Illinois State, and Chicago Bar Associations, and the Illinois Trial Lawyers Association, where he serves on various committees. He is also a member of the American Association for Justice. In 2000, he was appointed to the Illinois Trial Lawyers Association Board of Advocates.

Involved in numerous community service activities, Mr. Zimmerman has been an Illinois State Board of Education surrogate parent of disabled children since 1988. In addition, he was a speaker on the rights of disabled people for the Illinois Planning Council on Developmental Disabilities, and a Family Shelter Service counselor to battered children for many years. He has been recognized by the federal court for his pro bono representation of indigent clients. In 2025, he received the Illinois Bar Foundation Champion Award, which is presented to attorneys of distinction whose professional and public careers set an example to which others aspire.

Sharon A. Harris

Ms. Harris has extensive experience litigating complex class action matters in state and federal trial and appellate courts nationwide since 1998. She has focused her practice on consumer protection, product liability, privacy, and antitrust matters. Ms. Harris has developed a particular expertise in state unfair and deceptive practice statutes, data breach laws, privacy laws, federal antitrust laws, the Fair Credit Reporting Act, the Racketeer Influenced and Corrupt Organizations Act (RICO), the Telephone Consumer Protection Act, and various other federal and state laws. She has been appointed class counsel in numerous cases. For example, she was appointed one of class counsel in *In re Pilot Flying J Fuel Rebate Contract Litigation*, which involved allegations that the defendants violated RICO and various state laws by withholding portions of fuel discounts and rebates to which class members were contractually entitled. A settlement was granted final approval. Ms. Harris was also appointed class counsel in a class action lawsuit, *Norton, et al. v. Niantic, Inc.*, No. 2017 CH 10281 (Cir. Ct. Cook Cty., Ill.), and helped negotiate a $1.75 million settlement on behalf of attendees at the 2017 Pokémon GO Fest in Chicago that were unable to play the game during the fest due to technical and other issues. Additionally, Ms. Harris was appointed class counsel in a class action lawsuit, *Miller, et al. v. Inteleos, Inc.*, No. 1:17-cv-00763-DAP (N.D. Ohio), on behalf of individuals who took a Registered Vascular Technology (RVT) examination and passed the examination but received an incorrect failing score. The settlement she helped negotiate was granted final approval by the Court.

She received her Bachelor of Science degree from Michigan State University with a dual major in Political Science and Social Science. Ms. Harris received her law degree from DePaul University College of Law. She is a member of the American, Illinois State, and Chicago Bar Associations. She is admitted to practice in the State of Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Northern District of Indiana, and the United States Courts of Appeals for the Seventh and Ninth Circuits.

Matthew C. De Re

Mr. De Re advocates for both plaintiffs and defendants nationwide in state and federal trial and appellate courts since 2014. His practice areas include class action, corporate, commercial, consumer fraud, general civil, product liability, personal injury, and other complex litigation. He also represents professionals, such as physicians, dentists, nurses, insurance producers, and real estate brokers, before state and federal agencies, including the Illinois Department of Financial and Professional Regulation and the Department of Insurance. In addition to his extensive litigation practice, Mr. De Re assists individuals and corporations in transactional matters.

He has experience in all phases of litigation, including extensive discovery and substantive motion practice. He has assisted in the defense of individuals and companies in cases involving personal injury, employment, and civil rights. Mr. De Re has also vigorously pursued recovery for plaintiffs in numerous civil matters. Prior to joining Zimmerman Law Offices, he served as a Law Clerk for the Circuit Court of Cook County.

Mr. De Re graduated from the University of Wisconsin-Madison with a B.S. in both Political Science and History. He earned his law degree from Washington University in St. Louis. While in

law school, he received academic awards and appeared on the Dean's List multiple times. He also served two years on the Executive Board of the Student Bar Association and was the Associate Managing Editor for the Washington University Journal of Law & Policy.

He is admitted to practice law in the State of Illinois and is a member of the Illinois State and Chicago Bar Associations.

Jeffrey D. Blake

Mr. Blake represents consumers in class actions involving unfair and deceptive trade practices, privacy violations, antitrust matters, and defective products since 2013. He has considerable experience prosecuting complex cases in state and federal courts throughout the nation, including appeals.

Mr. Blake received his J.D., *cum laude*, from the Chicago-Kent College of Law in 2012. While attending, Mr. Blake served as Executive Articles Editor for the *Chicago-Kent Law Review*, spent a semester as a judicial extern for the Honorable Samuel Der-Yeghiayan of the United States District Court for the Northern District of Illinois, and participated in the Intellectual Property Law Clinic and the Center for Open Government.

After graduating law school, Mr. Blake served as the judicial law clerk for the Honorable Patrick McKay, Superior Court Judge for the Third Judicial District in Anchorage, Alaska.

Mr. Blake received a Bachelor of Science from the University of Illinois at Chicago.

He is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois.

Jordan M. Rudnick (*of counsel*)

Mr. Rudnick represents individuals and large national and international companies in providing business advice, counsel and dispute resolution in a wide variety of contexts since 1995. In particular, Mr. Rudnick represents plaintiffs and defendants nationwide in class action, corporate, commercial, consumer fraud, general civil, and other complex litigation in state and federal courts, arbitrations, and mediations. Mr. Rudnick has been involved in all phases of litigation, including extensive discovery, substantive motion practice, trials and appeals.

His experience as an attorney also includes representing parties in nationwide securities fraud class actions. Notably, Mr. Rudnick represented Canadian Imperial Bank of Commerce in the Enron class action securities litigation and related proceedings. He also has extensive experience representing commercial policyholders in recovering insurance proceeds from their insurers.

Mr. Rudnick serves as an arbitrator for FINRA (Financial Industry Regulatory Authority, formerly known as the NASD or National Association of Securities Dealers) where he and panels of two other arbitrators decide the outcome of disputes between investors and securities brokers and dealers.

He has provided extensive pro bono representation of improperly-expelled school children in conjunction with the Legal Assistance Foundation of Metropolitan Chicago, and with the Chicago Coalition for the Homeless. In addition, in his spare time, he is a volunteer at the Lincoln Park Community Homeless Shelter.

Mr. Rudnick served as a judicial law clerk to the Honorable Justice Joseph Gordon, Illinois Appellate Court, 1st District, where he drafted opinions in appeals arising from complex civil and criminal trial court decisions.

Mr. Rudnick earned his B.A. in Political Science from the University of Chicago, and he graduated *cum laude* from the John Marshall Law School with honors and on a full scholarship. In law school, he appeared on the Dean's List, and he was a member of the school's Moot Court Team. He also was a Staff Editor on the *John Marshall Law Review* for two years.

He is admitted to practice law in Illinois, New York, and Washington, D.C., and is a member of the Chicago Bar Association, NAACP, and ACLU.

REPRESENTATIVE CLASS ACTION CASES

Completed Cases

Antitrust — $156 million recovery for a nationwide class of individuals who purchased packaged seafood products from companies that conspired to fix prices in violation of the Sherman Act. *In re. Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. CA).

Misleading Product Claims — $62 million recovery for a nationwide class of customers who purchased products that were advertised to reduce cellulite in the human body, plus equitable relief to correct the misleading claims. *Joseph v. Beiersdorf North America, Inc.*, No. 11 CH 20147 (Cook Cnty, IL).

Data Breach — $50 million recovery for a nationwide class of individuals who had their genetic information stolen due to insufficient protection of that information by a company. *In Re: 23andMe, Inc., Customer Data Security Breach Litigation*, MDL No. 3098 (N.D. CA).

Improper Cellular Phone Fee — $48 million recovery for a statewide class of businesses and individuals who paid an improper municipal infrastructure maintenance fee on their cellular phone bills. *PrimeCo Personal Communications, et al. v. Illinois Commerce Commission, et al.*, 98 CH 5500 (Cook Cnty, IL).

Defective Vehicles — $35 million in monetary and injunctive relief for a nationwide class of individuals and businesses who purchased vehicles manufactured with a defective transmission. *Vargas, et al. v. Ford Motor Co.*, No. 12 cv 8388 (C.D. CA).

Fraud — $31 million recovery for a nationwide class of businesses and individuals who placed advertisements in a newspaper based on fraudulent circulation figures. *In re Chicago Sun-Times Circulation Litigation*, No. 04 CH 9757 (Cook Cnty, IL).

Data Breach — $26 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by loan servicing companies. *In re Lakeview Loan Servicing Data Breach Litigation*, No. 22 cv 20955 (S.D. FL).

Data Breach — $24.4 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a password protection company. *In re LastPass Data Security Incident Litigation*, No. 22 cv 12047 (D. MA).

Data Breach — $20 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that company's file transfer application. *In re: Fortra File Transfer Software Data Security Breach Litigation*, MDL No. 3090 (S.D. FL).

Defective Product — $16 million recovery for a nationwide class of individuals who purchased defective home security systems that could be easily hacked and disabled. *Edenborough v. ADT, LLC, et al.*, No. 16 cv 2233 (N.D. CA).

Misleading Product Claims — $14 million recovery for a nationwide class of customers who purchased defective garden hoses with misleading claims, plus equitable relief to extend the product's warranty. *Bergman, et al. v. DAP Products, Inc., et al.*, No. 14 cv 3205 (D. MD).

Environmental Contamination — $12.5 million recovery for a statewide class of individuals and businesses whose drinking water was contaminated with lead. *Arnold, et al. v. Aqua Illinois, Inc.*, No. 25 cv 2522 (N.D. IL).

Fraud / Data Breach — $11.2 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by an internet service provider, and who also paid money to that provider based on misrepresentations. *In re Ashley Madison Customer Data Security Breach Litigation*, MDL No. 2669 (E.D. MO).

Improper Fee — $10.5 million recovery for a nationwide class of individuals whose money was improperly debited from their bank accounts via Automated Clearing House (ACH) transactions. *Dugan, et al. v. Nationstar Mortgage LLC*, No. 21 cv 341 (M.D. NC).

Data Breach — $10 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that company's cloud data storage application. *In re: Snowflake, Inc., Data Security Breach Litigation*, MDL No. 3126 (D. MT).

Data Breach — $9.5 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that information by a company. *Hasbrook v. EP Global Production Solutions, LLC*, No. 23STCV19711 (Los Angeles Cnty, CA).

Defective Product — $9 million recovery for a nationwide class of individuals who sustained financial and personal injuries resulting from their purchase and use of baby wipes that were tainted with a dangerous bacteria. *Jones v. First Quality Enterprises, Inc., et al.*, No. 14 cv 6305 (E.D. NY).

Power Outages — $7.75 million recovery for a statewide class of businesses and individuals who sustained financial damages due to widespread and prolonged power outages. *In re Commonwealth Edison 1999 Summer Power Outages*, No. 99 CH 11626 (Cook Cnty, IL).

Privacy Violation — $7.3 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Aliano v. Airgas USA, LLC*, No. 14 CH 20024 (Cook Cnty, IL).

Data Breach — $6 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that information by a bank. *In Re: Overby-Seawell Company Customer Data Security Breach Litigation*, MDL No. 3056 (N.D. GA).

Improper Court Fee — $5.2 million recovery for a nationwide class of individuals and businesses who were charged an improper fee by the Clerk of the Court. *Midwest Medical Records Assoc., et al. v. Dorothy Brown, et al.*, No. 15 CH 16986 (Cook Cnty, IL).

Data Breach — $5.1 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that information by a company. *Anderson, et al. v. U-Haul International Incorporated*, No. CV-22-1565 (D. AZ).

Data Breach — $4.95 million recovery for a nationwide class of individuals who had their personal and financial data exposed due to insufficient protection of that information by state governments. *Culbertson, et al. v. Deloitte Consulting LLP*, No. 20 cv 3962 (S.D. NY).

Data Breach — $4.3 million recovery for a nationwide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a company that rents caps and gowns for graduation ceremonies. *In re Herff Jones Data Breach Litigation*, No. 21 cv 1329 (S.D. IN).

Data Breach — $4.3 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a retailer. *In re Sonic Corp. Customer Data Breach Litigation*, MDL No. 2807 (N.D. OH).

Unsolicited Faxes — $4 million recovery for a nationwide class of businesses and individuals who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Derose Corp. v. Goyke Health Center*, 06 CH 6681 (Cook Cnty, IL).

Fraud — $3.5 million recovery for a nationwide class of Spanish speaking purchasers of baby formula, arising out of misleading product labeling. *Cardenas v. Mead Johnson & Company*, No. 01 CH 11151 (Cook Cnty, IL).

Unsolicited Faxes — $2.5 million recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, No. 16-cv-10106 (N.D. IL).

Misleading Product Labeling — $2.5 million recovery for a nationwide class of businesses and individuals who purchased whiskey whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Templeton Rye Spirits, LLC*, No. 2014 CH 15667 (Cook Cnty, IL).

Data Breach — $2.4 million recovery for a nationwide class of individuals who had their personal and medical data stolen due to insufficient protection of that information by dermatology clinics. *In re Anne Arundel Data Breach Litigation*, No. 25 cv 02274 (D. MD).

Misrepresentations in Book — $2.35 million recovery for a nationwide class of customers who purchased a fictional book while under the impression that the book was a non-fiction memoir. *In re A Million Little Pieces Litigation,* No. 06-md-1771 (S.D. NY).

Misleading Product Claims — $1.9 million recovery for a nationwide class of individuals and businesses who purchased HDMI cables based on representations that more expensive higher speed cables were needed to operate certain audio visual equipment. *O'Brien, et al. v. Monster, Inc., et al.*, No. 2015 CH 13991 (Cook Cnty, IL).

Shareholder Derivative Suit — $1.875 million recovery, and corporate governance reforms, for a nationwide class of shareholders against a company and its officers and directors due to breaches of fiduciary duties and excess compensation to the officers and directors due to overstated financial results. *Dorvit, et al. v. Winemaster, et al.*, No. 17 cv 1097 (N.D. IL).

Unpaid Overtime — $1.84 million recovery for a nationwide class of individuals who were not paid all wages and premium overtime for hours worked in excess of forty hours per week. *Phillips, et al. v. Help at Home, LLC, et al.*, No. 15 cv 8954 (N.D. IL).

Data Breach — $1.75 million recovery for a nationwide class of individuals who had their personal and financial data exposed due to insufficient protection of that information by their employer. *Migliaccio, et al. v. Parker Hannifin Corp.*, No. 22 cv 835 (N.D. OH).

Consumer Fraud — $1.6 million recovery for a nationwide class of individuals who paid for and traveled to an event that did not occur as advertised. *Norton v. Niantic, Inc.*, No. 2017 CH 10281 (Cook Cnty, IL).

Misleading Product Labeling — $1.5 million recovery for a nationwide class of individuals who purchased a product whose packaging misstated the characteristics of the product. *In re Honest Company Sodium Lauryl Sulfate (SLS) Marketing and Sales Practices Litigation*, MDL No. 2719 (C.D. CA).

Improper Debiting of Bank Accounts — $1.5 million recovery for a statewide class of individuals who were members of a health club that debited its members' bank accounts without adequate notice or authority. *Wendorf, et al. v. Landers, et al.*, No. 10 cv 1658 (N.D. IL).

Environmental Contamination — $1.4 million recovery for a statewide class of individuals and businesses who suffered from an infiltration of coal and petroleum coke dust in the air and on their property. *Martin, et al. v. KCBX Terminals Company, et al.*, No. 13 cv 08376 (N.D. IL).

School Misrepresenting Accreditation — $1.2 million recovery, representing nearly the full value of each class member's loss, for a statewide class of individuals who enrolled in a school based on the school's misrepresentations that it was accredited. *Allen v. Illinois School of Health Careers, Inc.*, No. 10 CH 25098 (Cook Cnty, IL).

Privacy Violation — $1 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Radaviciute v. Christian Audigier, Inc.*, No. 10 cv 8090 (N.D. IL).

Data Breach — $900,000 recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a mortgage servicer. *Schmitt v. SN Servicing Corp.*, No. 21 cv 3355 (N.D. CA).

Consumer Fraud — $900,000 recovery for a nationwide class of individuals who purchased a cheese product that did not contain the cheese as an ingredient. *Joseph v. Inventure Foods, Inc.*, No. 21 cv 1340 (N.D. IL).

Data Breach — $850,000 recovery for a nationwide class of individuals who had their personal and health data stolen due to insufficient protection of that information by a healthcare provider. *Lhota, et al. v. Michigan Avenue Immediate Care, S.C.*, No. 22 CH 6616 (Cook Cnty, IL).

Data Breach — $750,000 recovery for a nationwide class of individuals who had their personal and health data stolen due to insufficient protection of that information by a corporation. *In re: Mondelez Data Breach Litigation*, No. 23 cv 3999 (N.D. IL).

Breach of Contract — $570,000 recovery for a nationwide class of sonographers who took and passed a certification examination but the testing agency improperly scored their results and falsely reported that they failed the examination. *Miller, et al. v. Inteleos, Inc.*, No. 17 cv 763 (N.D. OH).

Privacy Violation — $500,000 recovery for a statewide class of consumers whose personal information was improperly disclosed. *Aliano v. Joe Caputo and Sons – Algonquin, Inc*., et al., No. 09 cv 0910 (N.D. IL).

Contaminated Drinking Water — $500,000 recovery for a statewide class of individuals who suffered damages as a result of a contaminated water well, plus equitable relief to close the well. *Joseph Marzano v. Village of Crestwood*, No. 09 CH 16096 (Cook Cnty, IL).

Fraud — $450,000 recovery for a nationwide class of individuals who were charged and paid for a greater quantity of a product than they received. *Bruun v. Red Robin Gourmet Burgers, Inc., et al.*, No. A-20-814178-C (Clark Cnty, NV).

Fraud — $425,000 recovery for a nationwide class of businesses and individuals who purchased spirits whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Proximo Spirits, Inc.*, No. 2014 CH 17429 (Cook Cnty, IL).

Foreclosure Fraud — $425,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception. *Lieber v. Wells Fargo Bank, N.A.*, No. 16 cv 2868 (N.D. OH).

Privacy Violation — $295,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Joseph v. Marbles, LLC*, No. 13 cv 4798 (N.D. IL).

Data Breach — $285,000 recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a restaurant chain. *Ramsey v. 41 E. Chestnut Crab Partners, LLC, et al.*, No. 19 CH 2759 (Cook Cnty, IL).

Foreclosure Fraud — $270,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception. *McCoy v. Wells Fargo Bank, N.A.*, No. 20 cv 176 (D. OR).

Privacy Violation — $250,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *DiParvine v. A.P.S., Inc. d/b/a Car Quest Auto Parts*, No. 11 cv 6116 (N.D. IL).

Unsolicited Faxes — $237,600 recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Key Art Publishing Co.*, No. 07 CH 14018 (Cook Cnty, IL).

Constitutional Violation — $175,000 recovery for a nationwide class of individuals who were wrongfully issued automated construction zone speed enforcement tickets on a highway that was not under construction. *Black, et al. v. City of Girard, Ohio, et al.*, No. 18 cv 1256 (Trumbull Cnty, OH).

Consumer Fraud — Injunctive relief recovery for a nationwide class of individuals who were defrauded when their printers were disabled from using third party toner under the guise of a firmware update. *Mobile Emergency Housing Corp., et al. v. HP, Inc.*, No. 20 cv 9157 (N.D. CA).

Improper Health Club Memberships — Recovery for a statewide class of individuals whose health club membership agreements provided for improper membership terms. *Izak-Damiecki v. World Gym International, LLC*, No. 10 CH 18845 (Cook Cnty, IL).

Illegal Lending Practices — Recovery, representing the maximum amount of statutory damages, for a nationwide class of customers who obtained loans whose terms violated the Truth in Lending Act, plus equitable relief to modify the loan contract to conform with the law. *Papeck, et al. v. T.N. Donnelly & Co.*, No. 09 CH 31997 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of over 36 million consumers whose personal information was improperly disclosed. *Dudzienski v. GMRI, Inc.*, No. 07 cv 3911 (N.D. IL).

Unsolicited Faxes — Recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Home Run Inn, Inc.*, No. 08 CH 43273 (Cook Cnty, IL).

Privacy Violation — Recovery for a statewide class of over 60,000 consumers whose personal information was improperly disclosed. *O'Brien v. Paninos, Inc.*, No. 10 cv 2991 (N.D. IL).

Breach of Warranty — Recovery on behalf of a nationwide class of customers who had their warranty retroactively changed from a lifetime guarantee to a 90-day guarantee, plus equitable relief to reinstate the lifetime guarantee on the products. *Brady, et al. v. Learning Curve Int'l, Inc., et al.*, No. 06 CH 03056 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of tens of thousands of consumers whose personal information was improperly disclosed. *In re Kathy Aliano v. Hancock Fabrics, Inc.*, No. 07-10353 (Del. BK).

Improper Debt Collection — Recovery on behalf of a nationwide class of individuals against whom attempts were made to collect a time-barred debt, in violation of the Fair Debt Collection Practices Act. *Ocasio v. First Financial Investment Fund V, LLC, et al.*, No. 15 cv 10167 (N.D. IL).

Breach of Contract — Recovery on behalf of a nationwide class of individuals who paid improper fees when making their mortgage payments using online or telephonic payment methods. *Forrest, et al. v. PHH Mortgage Corp.*, No. 20 cv 323 (D. RI).

Data Breach — Recovery for a statewide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a hospital. *In re: Advocate Data Breach Litigation*, No. 13 CH 20390 (Cook Cnty, IL).

Pending Cases — Preliminary Approval of Settlement Granted

Defective Product — $6.8 million recovery for a nationwide class of individuals who purchased a defective baby food product that contained undisclosed harmful ingredients and heavy metals. *In re Nurture Baby Food Litigation*, No. 21 cv 1217 (S.D. NY).

Constitutional Violation — Recovery of full refunds for a statewide class of disabled veterans who were wrongfully charged fees and taxes for specialty military license plates. *Kacin v. Ohio Bureau of Motor Vehicles*, No. 2023-0204 (Ohio Court of Claims).

Pending Cases — Appointed Class Counsel

Data Breach — Class action for a nationwide class of businesses that were adversely impacted due to insufficient data security protocols. *Jay Kay Collision Center, Inc., et al. v. CDK Global, LLC*, No. 24 cv 5313 (N.D. IL).

Fraud — Class action for a nationwide class of individuals who were wrongfully denied mortgage loan modifications and repayment plans by a bank. *In re Wells Fargo Mortgage Modification Litigation*, No. 24 cv 1358 (N.D. CA).

Constitutional Violation — Class action for a statewide class of individuals who paid an unconstitutional firearms and ammunition tax. *Boch, et al. v. Cook County, Illinois, et al.*, No. 21 CH 5485 (Cook Cnty, IL).

Fraud — Class action for a nationwide class of individuals who were wrongfully issued automated red light tickets by red light cameras that were installed in violation of state law. *Jones, et al. v. Village of Crestwood*, No. 17 CH 13401 (Cook Cnty, IL).

Data Breach — Class action for a nationwide class of individuals who had their health information and medical records stolen due to insufficient data security protocols. *Lott v. Health Gorilla, Inc.*, No. 26 cv 21639 (S.D. FL).

Pending Cases — Appointed to Executive Committee

Invasion of Privacy — Class action for a nationwide class of individuals who had their personal and health information disclosed to social media companies for advertising purposes. *Doe v. GoodRx Holdings, Inc., et al.*, No. 23 cv 501 (N.D. CA).

Data Breach — Class action for a nationwide class of healthcare providers who were unable to submit, or obtain payment for, health insurance claims due to insufficient data security protocols. *In re: Change Healthcare, Inc. Customer Data Security Breach Litigation*, MDL No. 3108 (D. MN).

Data Breach — Class action for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a financial technology company. *Garcia, et al. v. Set Forth, Inc., et al.*, No. 24 cv 11688 (N.D. IL).

Pending Cases

Constitutional Violation — Class action for a statewide class of individuals who were improperly denied pandemic unemployment assistance benefits because the governor of their state refused to accept those federal benefits and distribute the money to the individuals.

Improper Debt Collection — Class action for a nationwide class of individuals who were sent misleading debt collection letters, in violation of the Fair Debt Collection Practices Act.

Violation of RESPA Act — Class action for a nationwide class of borrowers who were denied the requisite loan modification options, as required by the Real Estate Settlement Procedures Act.

Defective Product — Class action for a nationwide class of individuals who purchased defective products.

Invasion of Privacy — Class action for a nationwide class of individuals whose audio conversations were surreptitiously recorded without their consent.

Constitutional Violation — Class action for a nationwide class of individuals who were wrongfully issued automated traffic speed enforcement tickets by a municipality that was denied authorization to issue the tickets.

ERISA Violation — Class action for a nationwide class of individuals whose employer breached its fiduciary duties in the management, operation, and administration of the company retirement plan.

Invasion of Privacy — Class action for a nationwide class of individuals who received unauthorized telemarketing calls to their phones.

Consumer Fraud — Class action for a nationwide class of individuals who paid inflated prices for a product.

Bankruptcy Violation — Class action for a nationwide class of individuals against a company that took their money in violation of the bankruptcy automatic stay.

Data Breach — Class action for a nationwide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by their employer.

Invasion of Privacy — Class action for a nationwide class of individuals who received unauthorized text messages to their phones.

NOTE: This list of cases is a representative sample of some of the class action lawsuits. It is not an exhaustive list.

L. Timothy Fisher (State Bar No. 191626)
Neal J. Deckant (State Bar No. 322946)
Daniel S. Guerra (State Bar No. 267559)
Jenna L. Gavenman (State Bar No. 348510)
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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF ISRAEL DAVID ON BEHALF OF ISRAEL DAVID LLC IN SUPPORT OF INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, Israel David, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice before the courts of the State of New York and am admitted *pro hac vice* before this Court. I am a partner with the law firm Israel David LLC ("Israel David"). I submit this declaration in support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards (the "Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. At all times relevant hereto, Israel David served as an appointed member of the interim executive committee in this Litigation and performed services in this Litigation under the direction of Interim Co-Lead Counsel Bursor & Fisher, P.A. and Lowey Dannenberg, P.C. ECF No. 112; *see also* ECF No. 86 (leadership motion). Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. The statements herein are true to the best of my personal knowledge, information, and belief based on Israel David's books and records.

4. The schedule attached as **Exhibit A** summarizes the hours and lodestar of Israel David from the inception of this Litigation to October 31, 2026. The total hours were determined by an examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm's current hourly rates and were prepared based upon daily time records maintained by the firm. Lodestar figures do not include charges for Litigation Expenses. Israel David time records have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time expended in this litigation. As a result of this review, certain reductions were made to the time and lodestar

incurred in the exercise of billing judgment and to conform with my firm's general billing practices. Further, for purposes of this Fee and Expense Application, Israel David, at the direction of Interim Co-Lead Counsel, limited the lodestar to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta Platforms, Inc. ("Meta") and Google LLC ("Google") have not been included. Where work concerning the claims against Criteo, Meta, and Google overlapped (as Criteo remained in the active litigation longer than GoodRx), only one-third of such time was included, rounded down to the nearest tenth of an hour, consistent with the methodology described in the Fee and Expense Application.

5. The hourly rates for the attorneys at my firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation. These rates are also at or below the hourly rates that the firm's non-contingent clients pay for the same attorneys' services. Prior to founding Israel David, I was a partner at Fried, Frank, Harris, Shriver & Jacobson LLP, where my standard hourly rate in 2022 was meaningfully higher than my current rate. My firm's rates are also consistent with the prevailing rates in this District given the qualifications and experience of the attorneys working on this case. *See, e.g.*, *Bartz v. Anthropic PBC*, No. 4:24-cv-05417-AMO, ECF No. 680, at 16 (N.D. Cal. July 20, 2026) (finding rates of $550 to $2,250 "fit within the prevailing rates in this District, and the qualification and experience of counsel"); *In re Natera Prenatal Testing Litig.*, No. 4:22-cv-00985-JST, ECF No. 191, at 8 (N.D. Cal. Sept. 3, 2026) (approving partner rates of $800 to $1,500 and associate rates of $425 to $750); *Pardi v. Tricida, Inc.*, No. 4:21-cv-00076-HSG, ECF No. 229, at 16 (N.D. Cal. Oct. 23, 2025) (finding partner rates of $970 to $1,625 "in line with prevailing rates in this district"); *Tunick v. Takara Sake USA Inc.*, No. 3:23-cv-00572-TSH, ECF No. 106, at 16–17 (N.D. Cal. June 11, 2026) (finding reasonable partner rates of up to $1,385 and senior associate rates of $660 to $790). For personnel no longer employed by Israel David, the lodestar calculation is based on the hourly rates for such personnel in the

timekeeper's final year of employment. Attached as **Exhibit D** is Israel David's resume, which provides some additional details about my firm's litigation experience and achievements.

6. Attached as **Exhibit B** (filed under seal) are the detailed time entries of Israel David's attorneys appearing in **Exhibit A**. Below is a summary of the work performed by the key members of the litigation team:

a. Israel David (Partner): I am the founding partner of Israel David and have 30 years of experience litigating class action lawsuits and other complex business disputes. Before founding the firm, I was an associate (1996–2005) and then a partner (2005–2022) at Fried, Frank, Harris, Shriver & Jacobson LLP. I graduated *cum laude* from Fordham University School of Law in 1996, where I was elected to the Order of the Coif. I supervised all of the firm's work in this Litigation, including the pre-suit investigation and initial complaint, the firm's leadership application, the research supporting Plaintiffs' oppositions to Defendants' motions to compel arbitration and to dismiss, and the briefing opposing the consolidated motion to dismiss. I attended the case management conference and the January 2024 and August 2024 mediation sessions, and I participated in conferences with Interim Co-Lead Counsel and the Executive Committee regarding litigation strategy and settlement.

b. Adam M. Harris (Managing Partner): Mr. Harris has nearly 20 years of experience in complex commercial litigation, securities class actions, and shareholder litigation. Before joining Israel David, he was a partner at Ropes & Gray LLP and an associate at Fried, Frank, Harris, Shriver & Jacobson LLP. He graduated *cum laude* from Benjamin N. Cardozo School of Law in 2007, where he was an Articles Editor of the *Cardozo Law Review* and was elected to the Order of the Coif. In this Litigation, Mr. Harris reviewed and revised Plaintiffs' 2023

opposition to Defendants' motions to dismiss and the briefing on the motions to intervene in and enjoin the competing *Hodges* settlement.

c. Blake Yagman (Special Counsel): Mr. Yagman was an associate and later special counsel at Israel David until May 2024. Before joining the firm, he was an associate at Milberg, where he worked on antitrust and data privacy class actions, and he was named to the National Trial Lawyers' "Top 40 Under 40" for civil plaintiffs' litigation. He received his J.D. from the Benjamin N. Cardozo School of Law in 2017, where he was an Intellectual Property and Data Law Fellow. While at Israel David, Mr. Yagman investigated the claims against GoodRx following the Federal Trade Commission's enforcement action, drafted the firm's initial complaint, and prepared the complaint filed in this District. He worked with the firm's client on her declaration and plaintiff questionnaire, researched issues for the opposition to GoodRx's motion to compel arbitration, and prepared the initial drafts of several sections of Plaintiffs' 2023 opposition to Defendants' motions to dismiss.

d. Hayley Lowe (Special Counsel): Ms. Lowe was special counsel at Israel David until August 2024 and has more than a decade of experience litigating complex business disputes. She previously served as Principal Court Attorney to the Honorable Marcy S. Friedman (Ret.) of the New York State Supreme Court, Commercial Division, and practiced as a senior associate at Loewinsohn Flegle Deary Simon LLP in Texas. She received her J.D. from Fordham University School of Law in 2013. While at Israel David, Ms. Lowe researched and wrote memoranda for Interim Co-Lead Counsel on discovery related to GoodRx's motion to compel arbitration and on various issues raised by the other defendants' motions to compel arbitration under GoodRx's terms of service, and she drafted revisions to Plaintiffs' 2023 opposition to Defendants' motions to dismiss.

e. Madeline Sheffield (Associate): Ms. Sheffield graduated *cum laude* from Syracuse University College of Law in 2020, where she was Executive Editor of the *Syracuse Law Review*, and served as an Assistant District Attorney in the Manhattan District Attorney's Office before joining Israel David. In this Litigation, she researched and drafted a memorandum on the substantive grounds for opposing enforcement of GoodRx's arbitration provision, conducted research for Plaintiffs' opposition to the motion to compel arbitration, and revised portions of Plaintiffs' 2023 opposition to Defendants' motions to dismiss.

f. Richard Barbecho (Associate): Mr. Barbecho was an associate at Israel David from September 2024 until March 2026. He previously was an associate at Fried, Frank, Harris, Shriver & Jacobson LLP from 2019 to 2022 and then served as a clerk at the United States Court of Appeals for the Second Circuit from 2022 to 2024. He received his J.D. from Harvard Law School in 2019. While at Israel David, Mr. Barbecho drafted the New York General Business Law § 349 section and researched the Illinois Consumer Fraud Act claim for Plaintiffs' 2024 opposition to the consolidated motion to dismiss.

7. The total time that my firm is submitting to the Court in connection with this application is 233.9 hours. The total lodestar value of these professional services is $210,788.50. This represents approximately 45% of the total hours worked and 52% of Israel David's lodestar in the Litigation.

8. Attached as **Exhibit C** is a schedule of Israel David's Litigation Expenses reasonably incurred in this case from inception through October 31, 2026 for which reimbursement is requested. The firm did not incur any Litigation Expenses solely relating to the prosecution of claims against Meta and Google. My firm incurred these Litigation Expenses solely to cover the costs of (i) court filing fees in the Southern District of New York, where the firm filed its initial complaint, and in this District; (ii) *pro hac vice* admission fees for two of the firm's attorneys; and (iii) the fees of the

Moya Law Firm, which served as the firm's local counsel in this District from March through June 2023 when the firm filed its complaint here. Expense items are recorded separately, and such charges are not duplicated in the firm's billing rates. Further, the Litigation Expenses included here do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor.

9. As described in **Exhibit C**, the Litigation Expenses submitted in connection with this Fee and Expense Application by my firm total $3,278.00. This reflects 100% of the Litigation Expenses my firm incurred through October 31, 2026 in this Litigation.

10. The Litigation Expenses summarized in **Exhibit C** and described above were reasonably and necessarily incurred in the prosecution of this Litigation, and therefore, the reimbursement of these expenses should be approved.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 23, 2026 in New York, New York.

/s/ Israel David
Israel David

EXHIBIT A

LODESTAR SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026

Attorneys (Admission Year)	Role	Total Hours	Hourly Rate	Total Lodestar
Israel David (1997)	Partner	64.3	$1,295	$83,268.50
Adam M. Harris (2008)	Partner	8.0	$1,295	$10,360.00
Blake Yagman (2018)	Special Counsel	66.6	$725	$48,285.00
Hayley Lowe (2014)	Special Counsel	54.7	$725	$39,657.50
Madeline Sheffield (2021)	Associate	36.9	$725	$26,752.50
Richard Barbecho (2020)	Associate	3.4	$725	$2,465.00
TOTAL:		**233.9**		**$210,788.50**
Non-Attorneys	**Role**	**Total Hours**	**Hourly Rate**	**Total Lodestar**
None	—	—	—	—
TOTAL:		**0.0**		**$0.00**
GRAND TOTAL		**233.9**		**$210,788.50**

Rates for Blake Yagman, Hayley Lowe, and Richard Barbecho, who are no longer with the firm, are their rates in their final year with the firm: 2024 for Mr. Yagman and Ms. Lowe, and 2026 for Mr. Barbecho.

EXHIBIT B

DETAILED TIME ENTRIES (FILED UNDER SEAL)

EXHIBIT C

LITIGATION EXPENSES SUMMARY – INCEPTION THROUGH OCTOBER 31, 2026
(EXCLUDES META- OR GOOGLE-ONLY EXPENSES TO THE EXTENT PRACTICABLE)

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	$0.00
Computer Research/Databases/Docket Costs	$0.00
Court & Deposition Reporting/Transcripts	$0.00
Document Production/Hosting	$0.00
Expert/Consultant Costs	$0.00
Mediation Costs	$0.00
Outside Duplicating	$0.00
In-House Duplicating/Printing	$0.00
Court Costs & Witness/Service/Filing Fees	$1,438.00
Postage, Mailing, FedEx, UPS, Fares & Messengers	$0.00
Long Distance Telephone/Conference Calling/Internet	$0.00
Other (local counsel fees — Moya Law Firm)	$1,840.00
TOTAL	**$3,278.00**

EXHIBIT D

FIRM RESUME

IsraelDavid LLC

60 Broad Street, Suite 2900
New York, NY 10004
T 212.350.8850 · davidllc.com

Firm Resume

Established in 2022, Israel David LLC is a growing and diverse high-end litigation boutique focused exclusively on class action lawsuits and complex commercial litigation in federal and state courts throughout the United States.

Israel David LLC is composed of seasoned litigators with extensive experience in antitrust class actions, online and data privacy class actions, securities and shareholder litigation, and complex commercial litigation. Israel David LLC has its offices in New York City and Boston. The Firm is ranked by Chambers and Partners in the *Chambers Spotlight New York 2027* guide for Litigation: General Commercial.

Our principal partners have over 50 years of combined experience in litigating high-stakes class action lawsuits at some of the most prestigious law firms in the world, including over 20 years combined experience as prominent partners at those firms.

2022	40+	70+	20+
Year founded	Court-appointed leadership positions	Combined years at elite law firms	Combined years as partners at elite firms

Practice Areas

Antitrust

Israel David LLC attorneys are actively leading and prosecuting some of today's most significant antitrust class actions in federal courts across the country. In January 2023, the Honorable Ann M. Donnelly of the United States District Court for the Eastern District of New York appointed Israel David as Interim Co-Lead Class Counsel in the high-profile antitrust class action lawsuit challenging the so-called Northeast Alliance entered into by American Airlines and JetBlue Airways. *In re American Airlines/JetBlue Antitrust Litigation* (22-cv-07374-AMD-TAM). In December 2024, the Honorable Julien X. Neals of the United States District Court for the District of New Jersey designated Israel David LLC to serve on the Executive Committee for all indirect purchaser plaintiffs in *In re Apple Inc. Smartphone Antitrust Litigation* (2:24-md-03113-JXN-LDW).

Securities and Shareholder Litigation

In the securities and shareholder litigation arena, Israel David LLC offers broad and deep experience. Our founding partner has earned national acclaim for successfully leading or co-leading the defense of some of the largest and most high-profile securities and shareholder lawsuits in U.S. history.

Managing Partner Adam Harris and Partner Mark Cianci bring extensive securities and shareholder litigation experience from Ropes & Gray LLP and Fried, Frank, Harris, Shriver & Jacobson LLP, including obtaining dismissals of putative securities class actions against TG Therapeutics and Stemline Therapeutics, and representing REV Group, Goldman Sachs, TPG, and Silver Lake Partners in securities, derivative, and merger litigation.

Data Privacy and Data Breach

Israel David LLC's attorneys also have a deep reservoir of litigation experience prosecuting class action lawsuits arising out of abusive online and data privacy practices and data security breaches. Federal and state courts across the country have appointed the Firm and its attorneys to lead, co-lead, liaison and committee roles in these cases, including actions arising out of breaches that compromised the private data of over 200 million Twitter users and the private health information of approximately 15 million patients.

COURT-APPOINTED LEADERSHIP

Courts have appointed Israel David LLC and its attorneys to the following class leadership positions.

CASE	COURT	APPOINTMENT	DATE
ANTITRUST			
In re American Airlines/JetBlue Antitrust Litigation No. 22-cv-07374-AMD-TAM	E.D.N.Y. Hon. Ann M. Donnelly	Interim Co-Lead Class Counsel	Jan. 2023
In re Apple Inc. Smartphone Antitrust Litigation No. 2:24-md-03113-JXN-LDW	D.N.J. Hon. Julien X. Neals	Executive Committee (Indirect Purchaser Plaintiffs); Government Liaison	Dec. 2024
DATA PRIVACY			
Gerber v. Twitter, Inc. No. 23-cv-00186-KAW	N.D. Cal. Hon. Kandis A. Westmore	Interim Co-Lead Class Counsel	July 2023
Doe v. GoodRx Holdings, Inc. No. 23-cv-00501-AMO	N.D. Cal. Hon. Araceli Martínez-Olguín	Plaintiffs' Executive Committee	July 2023
In re TikTok Consumer Privacy Litigation MDL No. 2948-A	N.D. Ill. Hon. Rebecca R. Pallmeyer	Plaintiffs' Steering Committee	Mar. 2024
In re Zeta Global Data Privacy Litigation No. 1:25-cv-05780-PAE	S.D.N.Y. Hon. Paul A. Engelmayer	Executive Committee	Oct. 2025
DATA BREACH			
Tuteur v. Metropolitan Opera Association, Inc. No. 23-cv-03997-GS	S.D.N.Y. Hon. Katherine Polk Failla	Interim Lead Class Counsel	July 2023
Wilkins v. Mulkay Cardiology Consultants, P.C. No. BER-L-006203-23	N.J. Super. Ct. Hon. John D. O'Dwyer	Plaintiffs' Executive Committee	Jan. 2024
Guarnaschelli v. East River Medical Imaging, P.C. Index No. 656099/2023	N.Y. Sup. Ct. Hon. Suzanne J. Adams	Liaison Counsel	Feb. 2024
Fazenbaker v. Community Health Care, Inc. (CompleteCare Health Network) No. CUM-L-000036-24	N.J. Super. Ct. Cumberland County	Interim Co-Lead Class Counsel	Apr. 2024
In re Perry Johnson & Associates Medical Transcription Data Security Breach Litigation No. 1:24-md-3096-RPK-LGD	E.D.N.Y. Hon. Rachel P. Kovner	Liaison Counsel	June 2024
Newhart v. General Physician, P.C. Index No. 815961/2024	N.Y. Sup. Ct. Erie County	Interim Co-Lead Class Counsel	Jan. 2025
In re WEL Companies Data Incident Litigation No. 1:25-cv-01851-BBC	E.D. Wis. Hon. Byron B. Conway	Interim Co-Lead Class Counsel	Dec. 2025
Scher v. Cohen Fashion Optical, LLC No. 2:25-cv-06071-JMW	E.D.N.Y. Hon. James M. Wicks	Interim Co-Lead Class Counsel	Jan. 2026
In re Marquis Software Solutions Data Breach Litigation No. 4:25-cv-01277	E.D. Tex. Hon. Amos L. Mazzant	Executive Committee	Jan. 2026
Ding v. New York University No. 1:25-cv-02416	S.D.N.Y. Hon. Edgardo Ramos	Interim Liaison Counsel	Feb. 2026

CASE	COURT	APPOINTMENT	DATE
Huff v. Betterment No. 1:26-cv-00364-ALC	S.D.N.Y. Hon. Andrew L. Carter, Jr.	Interim Liaison Counsel	Feb. 2026
In re Delta Dental of Virginia Litigation No. 7:25-cv-00873-RSB-CKM	W.D. Va. Hon. Robert S. Ballou	Interim Co-Lead Class Counsel	Feb. 2026
Ruszin v. Fieldtex Products, Inc. No. 25-cv-6768	W.D.N.Y. Hon. Elizabeth A. Wolford	Interim Co-Lead Counsel	Mar. 2026
In re Rockrose Data Breach Litigation No. 1:26-cv-00021-CM	S.D.N.Y. Hon. Colleen McMahon	Interim Co-Lead Class Counsel	Mar. 2026
In re Stryker Corp. Cyberattack Litigation No. 1:26-cv-00832	W.D. Mich. Hon. Hala Y. Jarbou	Interim Co-Lead Class Counsel	Apr. 2026
Mason v. Community Health Action of Staten Island, Inc. Index No. 150369/2026	N.Y. Sup. Ct. Hon. Lizette Colon	Interim Co-Lead Class Counsel	Apr. 2026
In re The Civil Service Employees Association, Inc., Data Breach Litigation Index No. 901019-26	N.Y. Sup. Ct. Albany County	Interim Co-Lead Class Counsel	May 2026
In re Louis Vuitton North America Data Breach Litigation No. 1:25-cv-07109-AT	S.D.N.Y. Hon. Analisa Torres	Executive Committee	May 2026
Toussaint v. Signature Healthcare Corp. No. 2683CV00335	Mass. Super. Ct. Plymouth County	Interim Co-Lead Class Counsel	May 2026
In re Radiology Associates of Richmond Data Breach Litigation II No. 3:26-cv-00470-DJN	E.D. Va. Hon. David J. Novak	Interim Co-Lead Class Counsel	June 2026
Goehst v. Empower Group Partners, Inc. No. 1:26-cv-03264	E.D.N.Y. Hon. Margo K. Brodie	Interim Co-Lead Counsel	June 2026
Nealey v. Internal Medicine of Milford, P.C. No. X10-UWY-CV26-5039224-S	Conn. Super. Ct. Hon. W. Glen Pierson	Interim Lead Class Counsel	July 2026
In re Call-On-Doc, Inc. Data Breach Litigation No. 3:26-cv-00200-S	N.D. Tex. Hon. Karen Gren Scholer	Plaintiffs' Executive Committee	July 2026
In re Clover Health Investments Corp. Data Breach Litigation No. 3:26-cv-01035	M.D. Tenn. Hon. Eli J. Richardson	Co-Interim Lead Class Counsel	Aug. 2026
Garcia v. Fiesta Insurance Franchise Corp. No. 2:26-cv-02161-CDS-BNW	D. Nev. Hon. Cristina D. Silva	Interim Co-Lead Class Counsel	Aug. 2026
In re Humana and CenterWell Data Security Incident Litigation No. 3:26-cv-00167-RGJ	W.D. Ky. Hon. Rebecca Grady Jennings	Plaintiffs' Executive Committee	Aug. 2026
Hickman-Wise v. 1Life Healthcare, Inc. (One Medical) No. 3:26-cv-06142-RFL	N.D. Cal. Hon. Rita F. Lin	Interim Class Counsel	Aug. 2026
In re Columbia Orthopaedic Group LLP Data Security Litigation No. 26BA-CV02835	Mo. Cir. Ct. Boone County	Interim Co-Lead Class Counsel	Sept. 2026

CASE	COURT	APPOINTMENT	DATE
Shell v. Healthtrax Fitness & Wellness, Inc. No. 3:26-cv-00892-SRU	D. Conn. Hon. Stefan R. Underhill	Interim Co-Lead Class Counsel	Sept. 2026
Mickens v. Pioneer Bank, National Association Index No. 909498-26	N.Y. Sup. Ct. Albany County	Interim Co-Lead Class Counsel	Sept. 2026
Ramkissoon v. Lennar Corp. No. 1:26-cv-25518-CMA	S.D. Fla. Hon. Cecilia M. Altonaga	Interim Co-Lead Class Counsel	Sept. 2026
Brandon v. Diana Health, Inc. No. 1:26-cv-07535-LJL	S.D.N.Y. Hon. Lewis J. Liman	Interim Co-Lead Class Counsel	Sept. 2026
Brinkley v. Preferred Parking Service, LLC No. 26CV049778-590	N.C. Super. Ct. Mecklenburg County	Interim Lead Counsel	Oct. 2026
Dysard v. Horizon Medical Group, P.C. Index No. EF006491-2026	N.Y. Sup. Ct. Orange County	Interim Co-Lead Class Counsel	Oct. 2026
In re eAssist Data Security Litigation No. 2:26-cv-00854	D. Utah Hon. Dale A. Kimball	Interim Class Counsel	Oct. 2026

ATTORNEYS

ISRAEL DAVID — FOUNDING PARTNER

Israel David has 30 years of experience in representing litigants in a wide array of corporate and commercial disputes, with an emphasis on securities and shareholder class actions, derivative lawsuits, antitrust class actions, privacy class actions, along with other complex business disputes. He has litigated numerous "bet-the-company" cases at the trial court and appellate levels in federal and state courts throughout the U.S., and in domestic and international arbitration proceedings. Mr. David has earned national acclaim for having successfully represented clients in some of the largest and most high-profile securities and shareholder lawsuits in the last quarter century.

Among numerous other class action lawsuits nationwide, these include:

- Leading the representation of the President of Lehman Brothers in numerous lawsuits nationwide – including the consolidated class action securities lawsuit in the Southern District of New York – arising out of the collapse of Lehman Brothers, likely the largest corporate financial collapse in U.S. history.
- Co-leading the representation of Wells Fargo & Company, its predecessor Wachovia Corporation, and Wachovia's senior-most officers and directors in the consolidated class action securities lawsuit in the Southern District of New York arising out of the financial collapse of Wachovia. The lawsuit (which alleged losses of $109 billion) is one of the largest class action securities lawsuits in U.S. history to have obtained a complete dismissal with prejudice.
- Co-leading the representation of all of the underwriters of the General Motors Company 2010 IPO – the then-largest IPO in U.S. history – in a class action securities lawsuit in the Southern District of New York.
- Co-leading the representation of eight globally leading banks in a class action securities lawsuit in the Southern District of New York involving the issuance of approximately $26 billion of Residential Mortgage-Backed Securities.
- Leading the defense of two members of the Board of Directors of The Weinstein Company in the high-profile sexual-assault class action lawsuit in the Southern District of New York, arising out of the well-publicized claims of sexual assault allegedly committed by that company's CEO.

Prior to founding Israel David LLC, Mr. David was a prominent partner from 2005 to 2022 at the elite international law firm of Fried, Frank, Harris, Shriver & Jacobson LLP, and was an associate at that firm from 1996 to 2005. Mr.

David has also served as trusted advisor to some of the world's largest private equity and hedge funds, providing counsel on matters in relation to fiduciary duties, disclosure matters, and various sensitive issues faced by fund sponsors and general partners.

Mr. David received his Juris Doctor degree *cum laude* from Fordham University School of Law in 1996, where he was elected to the Order of the Coif. Mr. David is recognized by Legal 500 in Securities Litigation: Defense and by Benchmark Litigation as a New York Litigation Star.

ADAM M. HARRIS — MANAGING PARTNER

Adam Harris has 20 years of experience in representing companies, financial institutions, boards of directors, senior management, and other sophisticated clients in a broad array of commercial and corporate disputes – with an emphasis on representing plaintiffs and defendants in securities class actions, shareholder derivative lawsuits, complex business litigation, and corporate governance disputes. He has successfully litigated numerous high-stakes lawsuits at the trial court and appellate levels in federal and state courts throughout the United States, and in domestic and international arbitration proceedings. Mr. Harris has earned national acclaim as a dynamic courtroom advocate and a thoughtful, creative strategist. Mr. Harris is frequently sought out for his deep experience and thought leadership in complex commercial litigation, securities litigation and class action litigation. Mr. Harris is a prolific author and commentator on litigation issues.

Mr. Harris has been appointed Interim Co-Lead Class Counsel in *In re Rockrose Data Breach Litigation* (S.D.N.Y.), *Scher v. Cohen Fashion Optical, LLC* (E.D.N.Y.), *Mickens v. Pioneer Bank, National Association* (N.Y. Sup. Ct., Albany County), and *Dysard v. Horizon Medical Group, P.C.* (N.Y. Sup. Ct., Orange County).

Prior to joining Israel David LLC as Managing Partner, Mr. Harris was a partner from 2019 to 2023 at the elite international law firm Ropes & Gray LLP and was an associate and then counsel at that firm from 2016 to 2019. Previously, Mr. Harris was an associate at the elite international law firm Fried, Frank, Harris, Shriver & Jacobson LLP from 2007 through 2015. Mr. Harris received his Juris Doctor degree *cum laude* from Benjamin N. Cardozo School of Law in 2007, where he was an Articles Editor of the *Cardozo Law Review* and was elected to the Order of the Coif. Mr. Harris earned his Bachelor of Science in Foreign Service degree from Georgetown University in 2003. Mr. Harris is recognized by Legal 500.

MARK A. CIANCI — PARTNER

Mark Cianci has 15 years of experience representing globally leading hedge funds, private equity firms, healthcare and life sciences companies, Fortune 100 corporations, and other sophisticated clients in complex, high-stakes litigation. He has successfully litigated numerous high-profile cases in courts and arbitral forums across the United States and internationally, with an emphasis on shareholder litigation (including securities class action litigation and breach of fiduciary duty actions), M&A litigation, complex commercial litigation, and government investigation and enforcement matters. Mark also represents clients in the blockchain and cryptocurrency space in litigation and advises on a variety of regulatory and risk-mitigation considerations, including compliance with securities laws.

Mr. Cianci has been appointed Interim Co-Lead Class Counsel in *In re Stryker Corp. Cyberattack Litigation* (W.D. Mich.), *Brandon v. Diana Health, Inc.* (S.D.N.Y.), *Shell v. Healthtrax Fitness & Wellness, Inc.* (D. Conn.), *Toussaint v. Signature Healthcare Corp.* (Mass. Super. Ct.), and *In re Columbia Orthopaedic Group LLP Data Security Litigation* (Mo. Cir. Ct.); Interim Lead Counsel in *Brinkley v. Preferred Parking Service, LLC* (N.C. Super. Ct.); and Interim Class Counsel in *In re eAssist Data Security Litigation* (D. Utah).

Prior to joining Israel David LLC as a Partner, Mr. Cianci was Counsel from 2020 to 2024 at the elite international law firm Ropes & Gray LLP and was an associate at that firm from 2011 to 2020. Mr. Cianci received his Juris Doctor degree *cum laude* from Harvard Law School in 2010. Mr. Cianci earned his Bachelor of Arts degree *magna cum laude* from Patrick Henry College in 2007. Mr. Cianci is recognized by The Best Lawyers in America and Who's Who in America.

ANDREW CAUCHI — SPECIAL COUNSEL

Andrew Cauchi has more than a decade of experience in representing corporations, senior executives and boards of directors in high-stakes class action securities lawsuits, shareholder lawsuits, corporate takeover litigation, and complex business disputes in federal and state courts throughout the United States. Mr. Cauchi also has extensive experience conducting internal investigations on behalf of boards and audit committees, and representing corporations and individuals in governmental and regulatory investigations.

Prior to joining Israel David LLC in February 2024, Mr. Cauchi was Counsel at the elite international law firm of Weil, Gotshal & Manges LLP, and was an associate at that firm from 2015 to 2022. Mr. Cauchi received his Juris Doctor degree from St. John's University School of Law in 2015, where he was a member of the *St. John's Law Review*. Mr. Cauchi earned his Bachelor of Arts degree from Lehigh University in 2012.

HANNAH BELITZ — SPECIAL COUNSEL

Hannah Belitz concentrates her practice on representing plaintiffs and defendants in high-stakes class action lawsuits and business disputes in federal and state courts nationwide. Ms. Belitz was a judicial clerk with the United States Court of Appeals for the Sixth Circuit from September 2019 through August 2020. From October 2020 through January 2023, Ms. Belitz was an associate at Selendy Gay PLLC. From February 2023 through April 2025, Ms. Belitz was an associate at Walden Macht Haran & Williams LLP.

Ms. Belitz received her Juris Doctor degree *cum laude* from Harvard Law School in 2017, where she served as Co-Editor-in-Chief of the *Harvard Human Rights Journal*. Ms. Belitz earned her Bachelor of Arts degree from Stanford University in 2013, where she graduated with distinction (top 15% of graduating class).

MADELINE SHEFFIELD — ASSOCIATE

Madeline Sheffield is an accomplished trial lawyer who has successfully led and first-chaired jury trials to verdict. Prior to joining Israel David LLC, Ms. Sheffield served with distinction as an Assistant District Attorney in the Manhattan District Attorney's Office from October 2020 to November 2022. Ms. Sheffield concentrates her practice on representing plaintiffs and defendants in high-stakes business disputes and class action lawsuits in federal and state courts nationwide.

Ms. Sheffield received her Juris Doctor degree *cum laude* from Syracuse University College of Law in 2020, where she served as Executive Editor of the *Syracuse Law Review*. Ms. Sheffield earned her Bachelor of Arts degree *cum laude* from the University at Buffalo, The State University of New York, in 2017.

ADIA DAVIS — ASSOCIATE

Adia Davis concentrates her practice on representing plaintiffs and defendants in high-stakes class action lawsuits and business disputes in federal and state courts nationwide. Ms. Davis was a judicial clerk with the United States District Court for the Southern District of New York from September 2024 through August 2025. From September 2022 through August 2024, Ms. Davis was an associate at Gibson, Dunn & Crutcher LLP.

Ms. Davis received her Juris Doctor degree from Columbia Law School in 2022, where she was a James Kent Scholar and served as Executive Articles Editor of the *Columbia Human Rights Law Review*. Ms. Davis earned her Bachelor of Arts degree *cum laude* from The College of William & Mary in 2018.

MARK KAHN — FINANCIAL ANALYST

Mark Kahn is a financial analyst at Israel David LLC. Mr. Kahn supports the Firm's securities and shareholder litigation practices, assisting Firm attorneys with case assessment, development, and research. Mr. Kahn also conducts investigations into potential federal and state securities laws violations. Mr. Kahn comes to the Firm with significant experience in the financial sector, having previously worked for several hedge funds in investment and capital-raising capacities.

Christian Levis (*pro hac vice*)
Amanda Fiorilla (*pro hac vice*)
Rachel Kesten (*pro hac vice*)
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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF BENJAMIN F. JOHNS ON BEHALF OF SHUB JOHNS & HOLBROOK LLP IN SUPPORT OF INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, Benjami F. Johns, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice before the court of Pennsylvania and am admitted *pro hac vice* before this Court. I am a partner with the law firm Shub Johns & Holbrook LLP ("SJH") [and counsel of record for Plaintiff Hollis Wilson ("Plaintiff")]. I submit this declaration in support of Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards (the "Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. At all times relevant hereto, SJH served as an appointed member of the interim executive committee in this Litigation and performed services in this Litigation under the direction of Interim Co-Lead Counsel Bursor & Fisher, P.A. and Lowey Dannenberg, P.C. ECF No. 112; *see also* ECF No. 86 (leadership motion). Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. The statements herein are true to the best of my personal knowledge, information, and belief based on SJH's books and records and information received from SJH attorneys and professional staff.

4. The schedule attached as **Exhibit A** summarizes the hours and lodestar of SJH] from the inception of this Litigation to November 12, 2026. The total hours were determined by an examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm's current hourly rates and were prepared based upon daily time records maintained by attorneys and professional support staff at the firm. Lodestar figures do not include charges for Litigation Expenses. SJH time records have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of

the time expended in this litigation. As a result of this review, certain reductions were made to the time and lodestar incurred in the exercise of billing judgment and to conform with my firm's general billing practices. Further, for purposes of this Fee and Expense Application, [Firm], at the direction of Interim Co-Lead Counsel, limited the lodestar to only those activities related to the prosecution, negotiation, and settlement of the claims against GoodRx and Criteo. Accordingly, time and lodestar relating to the prosecution of claims against non-settling defendants Meta Platforms, Inc. ("Meta") and Google LLC ("Google") have not been included. Where work concerning the claims against Criteo, Meta, and Google overlapped (as Criteo remained in the active litigation longer than GoodRx), only one-third of such time was included, rounded down to the nearest tenth of an hour, consistent with the methodology described in the Fee and Expense Application.

5. The hourly rates for the attorneys and professional support staff at my firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation. Further, these rates have been accepted by courts in this District in other complex class action litigation. *See In re MacBook Keyboard Litig*., No. 5:18-CV-02813-EJD, 2023 WL 3688452, at *15 (N.D. Cal. May 25, 2023) (finding the billable rates of Mr. Johns at his prior firm to be reasonable); *Weeks v. Google LLC*, No. 5:18-CV-00801-NC, 2019 WL 8135563, at *4 (N.D. Cal. Dec. 13, 2019) (same). *See also In re Philadelphia Inquirer Data Sec. Litig.,* No. CV 24-2106-KSM, 2025 WL 845118, at *15 (E.D. Pa. Mar. 18, 2025) (finding the SJH attorney rates to be reasonable); *Bianucci v. Rite Aid Corp.,* No. CV 24-3356, 2025 WL 2166015, at *9, n.6 (E.D. Pa. July 30, 2025) (same).

> For personnel no longer employed by SJH, the lodestar calculation is based on the hourly rates for such personnel in the timekeeper's final year of employment. Attached as **Exhibit D** is SJH's resume, which provides some additional details about my firm's litigation experience and achievements.

6. Attached as **Exhibit B** (filed under seal) are the detailed time entries of SJH's attorneys and professional staff appearing in Exhibit A. Below is a summary of the work performed by the key members of the litigation team:

a. Benjamin Johns - Partner: Provided litigation oversight and substantive legal work, including investigation and development of the claims, drafting and reviewing the original and Consolidated Amended Complaints, legal research, and briefing on Defendants' Motion to Dismiss. Also participated in case management, leadership matters, coordination with co-counsel, mediation, settlement negotiations, and preliminary approval proceedings.

b. Samantha Holbrook – Partner: Played a significant role in prosecuting the litigation, including drafting CLRA pre-suit notices, plaintiff questionnaires, and the Consolidated Amended Complaint. Conducted legal research and drafted opposition to Defendants' Motion to Dismiss and Request for Judicial Notice. Also handled mediation preparation, drafting mediation statements, settlement negotiations, and preliminary approval matters.

c. Andrea Bonner – Associate: Assisted with mediation preparation, revised mediation statements, coordinated with co-counsel, and attended and participated in two mediations. Also assisted with discussions concerning Defendants' Motion to Dismiss.

d. Damian Gomez – Legal Assistant: Handled client intake and communications, assisted with drafting pleadings and pre-suit demand letters, coordinated plaintiff vetting, and assisted with preparation and verification of the Consolidated Amended Complaint.

e. Diane Danois – Document Review - Assisted with drafting the Request for Judicial Notice and related opposition, researched court rules, prepared and filed the firm's name change notice, and monitored court filings, orders, deadlines, and settlement documents.

f. Christine Powers –Paralegal: Assisted with drafting the Request for Judicial Notice and related opposition, researched court rules, prepared and filed the firm's name change notice, and monitored court filings, orders, deadlines, and settlement documents.

g. Nailah Bjotvedt – Former Law Clerk: Prepared the required disclosure statement in connection with the initial case filings.

h. Lacey Russo – Former Paralegal: Prepared court and ADR filings, assisted with revisions to the Consolidated Amended Complaint, and conducted legal research.

7. The total time that my firm is submitting to the Court in connection with this application is 154.58 hours. The total lodestar value of these professional services is $132,699.50. This represents approximately 39% or 40% of the total hours worked and 47% of SJH's lodestar in the Litigation.

8. Attached as Exhibit C is a schedule of SJH's Litigation Expenses reasonably incurred in this case from inception through November 12, 2026] for which reimbursement is requested. To the extent practicable, Litigation Expenses solely relating to the prosecution of claims against Meta and Google have been excluded. My firm incurred these Litigation Expenses to cover the costs of case-related travel and meals, legal research, court filing fees, and shipping and postage of litigation-related documents. . Expense items are recorded separately, and such charges are not duplicated in the firm's billing rates. Further, the Litigation Expenses included here do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor.

9. As described in Exhibit C, the Litigation Expenses submitted in connection with this Fee and Expense Application by my firm total $3,500.70. This reflects approximately 100% of the total Litigation Expenses incurred through November 12, 2026 in this Litigation.

10. The Litigation Expenses summarized in Exhibit C and described above were reasonably and necessarily incurred in the prosecution of this Litigation, and therefore, the reimbursement of these expenses should be approved.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 24, 2026 in Conshohocken, Pennsylvania.



Benjamin F. Johns

EXHIBIT A

LODESTAR SUMMARY – INCEPTION THROUGH NOVEMBER 12, 2026

Attorneys (Admission Year)	Role	Total Hours	Hourly Rate	Total Lodestar
Benjamin F. Johns	Partner	40.83	$1,100.00	$44,913.00
Samantha E. Holbrook	Partner	68.50	$950.00	$65,075.00
Andrea Bonner	Former Associate	15.6	$650.00	$10,140.00
Non-Attorneys	**Role**	**Total Hours**	**Hourly Rate**	**Total Lodestar**
Diane Danois	Document Review	14.8	$525.00	$7,770.00
Aidan Miller	Former Law Clerk	.75	$450.00	$337.50
Christine Powers	Paralegal	3.9	$325.00	$1,267.50
Damian Gomez	Admin	5.6	$325.00	$1,820.00
Lacey Russo	Former Paralegal	3.9	$300.00	$1,170.00
Nailah Bjotvedt	Former Law Clerk	.7	$295.00	$206.50
GRAND TOTAL		**154.58**		**$132,699.50**

EXHIBIT B

DETAILED TIME ENTRIES (FILED UNDER SEAL)

EXHIBIT C

LITIGATION EXPENSES SUMMARY – INCEPTION THROUGH NOVEMBER 12, 2026
(EXCLUDES META- OR GOOGLE-ONLY EXPENSES TO THE EXTENT PRACTICABLE)

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	$2,723.10
Computer Research/Databases/Docket Costs	$278.80
Court Costs & Witness/Service/Filing Fees	$317.00
Postage, Mailing, FedEx, UPS, Fares & Messengers	$181.80
TOTAL	**$3,500.70**

EXHIBIT D



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Benjamin F. Johns is a respected leader of the plaintiffs' class action bar and is currently the managing partner of Shub Johns & Holbrook LLP. Among other career accomplishments, he has personally argued and won in the Pennsylvania Supreme Court, been appointed lead counsel in dozens of class actions across the country, and even took the apex deposition of the now-CEO of Apple. He has been a plaintiffs' class action attorney for over twenty years and was recently named to the 2026 "Top 100" list in Pennsylvania, according to Super Lawyers. He primarily focuses on the following practice areas: privacy, data breach, automobile defects, statutory violations, and other consumer protection matters.

Mr. Johns is the former all-time leading boys' basketball scorer at Harriton High School, and played one on one with Kobe Bryant more than once. He also studied abroad in Japan, and earned his JD/MBA with honors from Penn State in three years.

Leadership Roles & Case Achievements

- *In re Geisinger Health Data Security Incident Litig.,* No. 4:24-cv-01071-MWB (M.D. Pa.) ($5 million settlement related to a data breach at Geisinger Health in Central Pennsylvania. In appointing Mr. Johns as lead counsel over a competing group of lawyers, Chief Judge Mathew W. Brann wrote that Mr. Johns "appears to have the most experience of any of the proposed attorneys when it comes to litigating data breach cases in Pennsylvania.")
- *Womack-Devereaux v. McLaren Health Care Corp.*, No. 24-121459 (Mich. Ct. – Genesee Cnty.) (Mr. Johns served as co-lead counsel and successfully argued both the preliminary and final approval motions in this class action involving a data breach at McLaren Health Care in Michigan. The case resulted in a $14 million settlement);
- *Duffy v. Mazda Motor of Am., Inc.,* No. 3:24-CV-00388-BJB-CHL (W.D. Ky.) (Mr. Johns served as co-lead counsel in this vehicle infotainment system class action in which the plaintiffs' economic expert valued the warranty extension component of the settlement to be approximately $37.9 million);
- *Heath, et al. v. Keenan & Associates*, 24STCV03018 (Cal. Super. Ct.) (Mr. Johns served as co-lead counsel and argued final approval in this data breach class action that asserted claims under the California Consumer Privacy Act, and which settled for a $14 million common fund);
- *Hasbrook v. EP Global Production Solutions, LLC, et al*., Case No. 23STCV19711 (Cal. Super. Ct.) (Shub Johns & Holbrook LLP served as co-lead counsel in this class action that

asserted claims under the California Consumer Privacy Act, and which settled for $9.5 million);

- *Bianucci v. Rite Aid Corp.*, No. 2:24-cv-03356-HB (E.D. Pa.) (Mr. Johns served as co-lead counsel in this data breach class action that settled for $6.8 million. The district court's order granting final approval to the settlement remarked that lead counsel's work on the case was "admirable," and that "counsel could not have secured a better outcome for the class.")
- *In re CorrectCare Data Breach Litig.,* No. 5:22-319-DCR (E.D. Ky.) (Mr. Johns served as co-lead counsel in this case regarding a data breach at an entity that manages medical claims at certain correctional facilities, which ultimately resulted in a $6.49 million settlement)
- *Nelson v. Connexin Software Inc. d/b/a Office Practicum,* No. 2:22-cv-04676-JDW (E.D. Pa.) (Mr. Johns served as co-lead counsel in this data breach class action brought by pediatric patients against an electronic medical records vendor, which resulted in a $4 million settlement)
- *Gravley, Sr. v. Fresenius Vascular Care, Inc.,* No. 2:24-cv-1148 (E.D. Pa) (Mr. Johns served as co-lead counsel; in granting final approval to a $3.15 million settlement, the court said "[c]lass counsel has extensive experience litigating these data breach class actions, particularly within this district…")
- *Richards v. Healthcare Services Group,* No. 2:25-cv-04908-JDW (E.D. Pa.) (Mr. Johns served as co-lead counsel in this data breach class action which received final approval for a $3 million settlement)
- *In re Wright & Filippis, LLC Data Security Breach Litigation,* No. 2:22-cv-12908 (E.D. Mich.) (Mr. Johns served as co-lead counsel in this case involving a cyber security incident at a prosthetics and orthotics provider, which resulted in a $2.9 million settlement)
- *In re NCB Management Services, Inc. Data Breach Litig.*, No. 2:23-cv-1236-KNS (E.D. Pa.) (Mr. Johns served as co-lead counsel in this case involving a cyber security incident at a debt collection agency, which resulted in a $2.625 million settlement)
- *Guarnaschelli et al. v. East River Medical Imaging, P.C.,* Index No. 656099/2023 (N.Y. Sup. Ct.) (Mr. Johns was designated co-lead counsel in this data breach case impacting consumer personal identifiable and private health information, resulting in a settlement valued at $1.85 million)
- *Salinas et al. v. Southwest Louisiana Hospital Association, d/b/a Lake Charles Memorial Health System,* No. 20213-0090 D (La. J. D. Ct.) (Mr. Johns served as co-lead counsel in this data breach class action which resulted in a $2 million settlement)

- *In re R&B Corporation of Virginia d/b/a Credit Control Corporation, Data Security Breach Litig.,* No. 4:23-CV-66 (E.D. Va.) (Mr. Johns served as co-lead counsel in this data breach class action against a debt collection agency which resulted in a $1.6 million settlement)
- *In re Hope Coll. Data Sec. Breach Litig.,* No. 1:22-CV-01224-PLM (W.D. Mich.) (Mr. Johns was designated lead counsel in this data breach case against a private college in Michigan which resulted in a $1.5 million settlement)
- *Johnson v. One Brooklyn Health System, Inc.*, Index No. 512485/2023 (N.Y. Sup. Ct.) (Mr. Johns served as co-lead class counsel in this data breach that impacted current and former patients of some hospitals and clinics located in New York's borough of Brooklyn. The case resulted in a $1.5 million common settlement fund)
- *In re Lansing Community College Data Breach Litigation*, No. 1:23-cv-0738 (W.D. Mich.) (Mr. Johns served as co-lead class counsel in this data breach that impacted current and former students and applicants of the Michigan-based college. The case resulted in a $1.45 million settlement)
- *In re Onix Group, LLC Data Breach Litig.,* No. 23-2288-KSM (E.D. Pa.) (Mr. Johns was designated co-lead counsel in this data breach case impacting consumer personal identifiable and private health information, resulting in a settlement valued at $1.25 million)
- *In re Macbook Keyboard Litig.*, No. 5:18-cv-02813-EJD (N.D. Cal.) (Mr. Johns took and defended numerous depositions and successfully argued two motions to dismiss and co-argued plaintiffs' motion for class certification in this widely-covered case against Apple which ultimately settled for a $50 million common fund. In granting final approval to the settlement, the district court wrote that plaintiffs' counsel "achieved excellent results for the class.")
- *Kostka v. Dickey's Barbecue Restaurants Inc.,* No. 3:20-CV-03424-K (N.D. Tex.) (Mr. Johns served as co-lead counsel in this consumer data breach case which resulted in a $2.35 million common fund settlement)
- *Udeen v. Subaru of Am., Inc.,* No. 18-17334 (RBK/JS) (D.N.J.) (Mr. Johns was co-lead counsel in this consumer class action involving allegedly defective infotainment systems in certain Subaru automobiles, which resulted a settlement valued at $6.25 million. At the hearing granting final approval of the settlement, the district court commented that the plaintiffs' team "are very skilled and very efficient lawyers…They've done a nice job.")
- *Breneman v. Keystone Health*, Case No. 2023-618 (Pa. Ct. Com. Pl.) (Mr. Johns was co-lead counsel in this medical data breach class action which resulted in a $900,000 common fund settlement)

- *In re Nexus 6P Product Liability Litig.*, No. 5:17-cv-02185-BLF (N.D. Cal.) (Mr. Johns served as co-lead counsel – and argued two of the motions to dismiss – in this defective smartphone class action. The case resulted in a settlement valued at $9.75 million, which Judge Beth Labson Freeman described as "substantial" and an "excellent resolution of the case.")
- *In re MyFord Touch Consumer Litig.*, No. 13-cv-03072-EMC (N.D. Cal.) (Mr. Johns served as court-appointed co-lead counsel in this consumer class action concerning allegedly defective MyFord Touch infotainment systems, which settled for $17 million shortly before trial.)
- *Weeks v. Google LLC*, 5:18-cv-00801-NC, 2019 U.S. Dist. LEXIS 215943, at *8-9 (N.D. Cal. Dec. 13, 2019) (Mr. Johns was co-lead counsel – and successfully argued against a motion to dismiss – in this defective smartphone class action. A $7.25 million settlement was reached, which Magistrate Judge Nathanael M. Cousins described as being an "excellent result.")
- *Gordon v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415-CMA-SKC (D. Colo.) (Mr. Johns served as co-lead counsel of behalf of a class of millions of cardholders who were impacted by a data breach at Chipotle restaurants. After largely defeating a motion to dismiss filed by Chipotle, the case resulted in a favorable settlement for affected consumers. At the final approval of the settlement, the district court noted that class counsel has "extensive experience in class action litigation, and are very familiar with claims, remedies, and defenses at issue in this case.")
- *Hughes v. UGI Storage Co.,* 263 A.3d 1144 (Pa. 2021) (Mr. Johns argued this precedent-setting *de facto* takings matter before the Pennsylvania Supreme Court in October of 2021, which resulted in a 6-0 reversal of the underlying Commonwealth Court decision that had affirmed the trial court's dismissal of the case)
- *Bray et al. v. GameStop Corp.,* 1:17-cv-01365-JEJ (D. Del.) (Mr. Johns served as co-lead counsel for consumers affected by a data breach at GameStop. After largely defeating a motion to dismiss, the case was resolved on favorable terms that provided significant relief to GameStop customers. At the final approval hearing, the District Judge found the settlement to be "so comprehensive that really there's nothing else that I need developed further," that "the settlement is fair," "reasonable," and "that under the circumstances it is good for the members of the class under the circumstances of the claim.")
- *In re: Elk Cross Timbers Decking Marketing, Sales Practices and Products Liability Litig.*, No. 15-cv-18-JLL-JAD (D.N.J.) (Mr. Johns served on the Plaintiffs' Steering Committee in this MDL proceeding, which involved allegedly defective wood-composite decking, and which ultimately resulted in a $20 million settlement.)

- *In re Checking Account Overdraft Litig.,* No. 1:09-MD-02036-JLK (S.D. Fla.) (Mr. Johns was actively involved in these Multidistrict Litigation proceedings, which involve allegations that dozens of banks reorder and manipulate the posting order of debit transactions. Settlements collectively in excess of $1 billion were reached with several banks. Mr. Johns was actively involved in prosecuting the actions against U.S. Bank ($55 million settlement) and Comerica Bank ($14.5 million settlement).)
- *Physicians of Winter Haven LLC, d/b/a Day Surgery Center v. STERIS Corporation,* No. 1:10-cv-00264-CAB (N.D. Ohio) (Mr. Johns was the primary associate working on this case which resulted in a $20 million settlement on behalf of hospitals and surgery centers that purchased a sterilization device that allegedly did not receive the required pre-sale authorization from the FDA.)
- *West v. ExamSoft Worldwide, Inc.,* No. 14-cv-22950-UU (S.D. Fla.) (Mr. Johns was co-lead counsel in this case which resulted in a $2.1 million settlement on behalf of July 2014 bar exam applicants in several states who paid to use software for the written portion of the exam which allegedly failed to function properly)
- *Henderson v. Volvo Cars of North America, LLC,* No. 2:09-cv-04146-CCC-JAD (D. N.J.) (provided substantial assistance in this consumer automobile case that settled after the plaintiffs prevailed, in large part, on a motion to dismiss)
- *In re Marine Hose Antitrust Litig.,* No. 08-MDL-1888 (S.D. Fla.) (settlements totaling nearly $32 million on behalf of purchasers of marine hose.)
- *In re Philips/Magnavox Television Litig.,* No. 2:09-cv-03072-CCC-JAD (D. N.J.) (settlement in excess of $4 million on behalf of consumers whose flat screen televisions failed due to an alleged design defect. Mr. Johns argued against one of the motions to dismiss.)
- *Allison, et al. v. The GEO Group*, No. 2:08-cv-467-JD (E.D. Pa.), and *Kurian v. County of Lancaster*, No. 2:07-cv-03482-PD (E.D. Pa.) (settlements totaling $5.4 million in two civil rights class action lawsuits involving allegedly unconstitutional strip searches at prisons in Lancaster County and Delaware County)

Education

- Penn State Dickinson School of Law, J.D., 2005 – Woolsack Honor Society
- Penn State Harrisburg, M.B.A., 2004 – Beta Gamma Sigma Honor Society
- Washington and Lee University, B.S., 2002 – *cum laude*
- Kansai Gaidai University, Osaka Prefecture, Japan (studied abroad during 2000-2001 semester)

- Executive Committee, Young Lawyers Division of the Philadelphia Bar Association
- Board Member, The Dickinson School of Law Alumni Society
- Editorial Board, Philadelphia Bar Reporter 2013-16
- Former Member, Washington and Lee Alumni Admissions Program

Admissions

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

Memberships and Associations

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



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

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

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

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

- *Pugh et al. v. CHHS Hospital Company, LLC et al.*, No. 01768 (Phila. Ct. Common Pl.) (court certifies class of impacted individuals and grants preliminary approval of settlement in this class action alleging violation of the "Ban the Box Law." The Court's order appoints Jonathan Shub as co-lead Settlement Class Counsel);

- *Hasbrook v. EP Global Production Solutions, LLC, et al.*, Case No. 23STCV19711 (Cal. Super. Ct.) (Shub Johns & Holbrook LLP appointed as Co-lead Settlement Class Counsel in a consumer class action data breach litigation in California);

- *Mercado v. Verde Energy USA, Inc.*, No. 18-cv-2068 (N.D. Ill. Aug. 18, 2021) (ECF No. 136) (court approved a settlement involving all individual residential consumers who enrolled in Verde Energy's variable rate electricity plan in connection with properties located in New York, Massachusetts, Illinois, New Jersey, Ohio or Pennsylvania arising out of allegations of deceptive advertising of residential energy practices);

- *Taha v. Bucks County.,* N0. 12-6867 (E.D. Pa. Apr. 29, 2019) (appointed as co-lead counsel in a national class action alleging the illegal publication of arrest records for thousands of individuals);

- *In re: AZEK Building Products Inc. Marketing and Sales Practices Litigation*, MDL No. 2506, Civil Action No. 2:12-cv-06627-MCA-MAH, (D.N.J.) (ECF 219) (appointed as co-lead class counsel in settled national litigation against CPG International for deceptive advertising in connections with deceptive advertising of AZEK-branded decking products);

- *Tennille v. Western Union Company,* No. 09-cv-00938 (D. Colo.) (ECF No. 175) (appointed as part of the executive committee counsel in settled national litigation against Western Union for deceptive practices in connection with money transfers);

- *In re Facebook PPC Advertising Litig.*, No. 09-cv-3043 (N.D. Cal.) (ECF No. 56) (appointed as co-lead class counsel and as a member of the Plaintiffs' Executive Committee in litigation against Facebook for deceptive advertising practices);

- *In re: Palm Treo 600 and 650 Litig.,* No. 05-cv-3774 (N.D. Cal.) (ECF No. 18) (appointed as co-lead counsel in a national class action involving defective smart phones); and

- *Austin v. Kiwi Energy NY, LLC,* Index No. 515350/2017 (N.Y. Super. Kings Cty.) (ECF No. 66) (preliminarily approving class action settlement against KIWI Energy LLC for deceptive advertising of residential energy prices and appointing Mr. Shub as Class Counsel).

Publications and Presentations:

- Moderator, Class Actions, Annual Meeting of American Association of Justice, 2015, 2016
- Speaker, Class Actions, Annual Meeting of American Association of Justice, 2015, 2016
- Speaker, "Finding the Right Class Action", New Jersey Association of Justice, June, 2016
- Speaker, "Nuts and Bolts of MDL Practice", Class Action Symposium, Chicago, Illinois, June, 2016
- Speaker, Computer Technology and Consumer Products Class Actions", Consumer Attorneys of California 46th Annual Convention, November 2007
- Frequent speaker, American Association for Justice (formerly ATLA)
- Author, Distinguishing Individual from Derivative Claims in the Context of Battles for Corporate Control", 13 Del. J. Corp. L 579 (1998)
- Author, "Shareholder Rights Plans? Do They Render Shareholders Defenseless Against Their Own Management", 12 Del J. Corp, L. 991 (1997)

- Co-author, “Once Again, the Court Fails to Rein in RICO”, Legal Times (April 27, 1992)
- Co-author, “Failed One-Share, One Vote Rule Let SEC Intrude in Boardroom”, National LawJournal (October 8, 1990).



Samantha E. Holbrook, a co-founding partner and current Chief Operating Officer of Shub Johns & Holbrook LLP, has extensive experience in consumer protection class action litigation. Prior to joining the firm, Ms. Holbrook practiced at two different national class action law firms where she represented consumers and investors in nationwide class actions. Ms. Holbrook has experience handling and litigating all aspects of the prosecution of national class action litigation asserting claims under state and federal law challenging predatory lending practices, product defects, breach of fiduciary duty, antitrust claims, consumer fraud and unfair and deceptive acts and practices in federal courts throughout the country.

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

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

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

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

- *Woytach et al., v. Drug And Alcohol Treatment Services, Inc*., No. 2025-CV-03681 (Lack. Cty. Ct. Com. Pl) (appointed as Interim Co-Lead Counsel in the consolidated data breach class action pending in the Pennsylvania Court of Common Pleas).
- *In re HealthEquity,Inc. Data Security Incident Litigation*, No. 2:2024-cv-00528 (D. Utah.) (appointed to serve on Plaintiff's Executive Committee in a consumer class action medical data breach litigation pending in Utah);

- *Reichbart v. Financial Business and Consumer Solutions, Inc*., No. 24-cv-1876 (E.D. Pa.) (ECF No. 23) (appointing Ms. Holbrook as Liaison Counsel in data breach class action);
- *In re F21 OPCO LLC Data Breach Litigation*, No. 2:2023-cv-07390 (C.D. Ca.) (appointed as Plaintiffs' Co-lead Counsel in a consumer class action data breach litigation pending in California);
- *Lockhart et al., v. El Centro Del Barrio d/b/a CentroMed*, No. 5:23-cv-01156 (W.D. Tx.) (appointed as Plaintiff's Interim Co-Lead Counsel in a consumer class action medical data breach litigation pending in Texas);
- *Krenk v. Murfreesboro Medical Clinic, P.A. D/B/A Murfreesboro Medical Clinic & Surgicenter*, Case No. 75CC1-2023-CV-81005 (Rutherford Cir. Ct.) (appointed to the Plaintiffs' Steering Committee in a consumer class action medical data breach litigation pending in Tennessee);
- *Doe v. Highmark, Inc*., No. 2:23-cv-00250 (W.D. Pa.) (provisionally appointed as a member of the Plaintiffs' Executive Committee in this medical data breach litigation pending in Pennsylvania);
- *Suarez v. Nissan North America*, No. 3:21-cv-00393 (M.D. Tenn.) (appointed lead class counsel in a consumer class action alleging defective headlamps in Nissan Altima vehicles which reached a settlement valued at over $50 million that provides reimbursements, free repairs, and an extended warranty);
- *Kostka v. Dickey's Barbecue Restaurants, Inc.*, No. 3:20-cv-03424-K (N.D. Tex.) (appointed as additional interim class counsel on behalf of consumers whose sensitive payment card information was exposed in a data breach at Dickey's restaurant chains);
- *In re Wawa, Inc. Data Security Litig.*, No. 2:19-cv-06019-GEKP (E.D. Pa.) (achieved $12 million settlement on behalf of consumers whose sensitive payment card information was exposed to criminals as part of a highly-publicized data breach);
- *Lacher et al v. Aramark Corp., 2:19-cv-00687* (E.D. Pa. 2019) (represented a class of Aramark's current and former managers alleging that Aramark breached its employment contracts by failing to pay bonuses and restricted stock unit compensation to managers nationwide);
- *Turner v. Sony Interactive Entertainment LLC*, No. 4:21-cv-02454-DMR (N.D. Cal.) (class action lawsuit alleging that Sony's PlayStation 5 DualSense Controller suffers from a "drift defect" that results in character or gameplay moving on the screen without user command or manual operation of the controller thereby compromising its core functionality);
- *Board of Trustees of the AFTRA Retirement Fund, et al. v. JPMorgan Chase Bank, N.A.,*09-CV-686 (SAS), 2012 WL 2064907 (S.D.N.Y. June 7, 2012) (approving $150 million settlement); and

- *In re 2008 Fannie Mae ERISA Litigation*, Case No. 09-cv-1350 (S.D.N.Y.) ($9 million settlement on behalf of participants in the Federal National Mortgage Association Employee Stock Ownership Plan).



Deirdre Mulligan joined Shub Johns & Holbrook as an associate attorney in December 2025. Prior to joining the firm, she represented plaintiffs in class action pharmaceutical antitrust litigation such as *In re QVAR Antitrust Litigation* (D. Mass.), *In re Actos Antitrust Litigation* (S.D.N.Y.), *In re Glumetza Antitrust Litigation* (N.D. Cal.), *In re HIV Antitrust Litigation* (N.D. Cal.), and *In re Suboxone Antitrust Litigation* (E.D. Pa.). She also specialized in international human rights cases, representing the Government of Mexico in gun-trafficking case *Estados Unidos Mexicanos v. Diamondback Shooting Sports et al.* (D. Ariz.), "Hotel Rwanda" hero and kidnapping victim Paul Rusesabagina in *Rusesabagina v. Gainjet* (W.D. Tex.), and the families of cross-border shooting victims of U.S. Border Patrol in *Family Members of Sergio Adrián Hernández Güereca, et. al., v. United States of America* (IACHR).

Ms. Mulligan is a graduate of Drexel University Thomas R. Kline School of Law where she received CALI Awards in Antitrust Law and Legal Methods, interned with an Am Law 100 pro bono department assisting asylum seekers, and volunteered with an immigration non-profit. She earned her B.A. at Cornell University College of Arts and Sciences, where she double majored in History and Feminist, Gender & Sexuality Studies and served as Sergeant at Arms for Alpha Phi Omega National Service Fraternity.

Admissions:

- United States District Court for the Eastern District of Pennsylvania
- Supreme Court of Pennsylvania

Education:

- Drexel University Thomas R. Kline School of Law, J.D., 2021
- Cornell University, B.A. in History and Feminist, Gender & Sexuality Studies, 2011



Damian Gomez joined Shub Johns & Holbrook LLP in March 2022 and is currently positioned as a **Legal Assistant** and **Consumer Communications Specialist**. Damian graduated from the University of Texas at Austin in 2021 with a B.A. in History with a focus on Classical Studies, as well as a Certificate in Creative Writing.

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



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



Dawn Tormey is the **Office Manager & Bookkeeper** at Shub Johns & Holbrook LLP. Dawn joined the SJ&H team in February 2023. Dawn has over 20 years of experience working in service-based law firms with a focus on consumer protection.

Her extensive background supports her role in overseeing the general day-to-day operation of the firm, which includes administrative tasks, benefits administration, bookkeeping, payroll, and banking.



Mary Murphy is currently positioned as a **Law Clerk** with Shub Johns & Holbrook LLP. She is a J.D. Candidate at Penn State Dickinson Law School where she serves as the Executive Book Review Editor at the Dickinson Law Review. Mary also tutored Criminal Law and received CALI awards in both Criminal Law and Torts.

Mary joined the Shub Johns & Holbrook team in late May 2025 following the completion of her second year at Dickinson Law School. Mary has always had a particular interest in civil rights law and was interested in gaining experience in the plaintiff's side of civil litigation.

Prior to law school, Mary received her B.A. in Media and Communication, and Minors in Sociology and Global International Studies, from Penn State Behrend.

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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF JOSE MARQUEZ IN SUPPORT OF (A) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT WITH GOODRX HOLDINGS, INC. AND CRITEO CORP. AND (B) INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, Jose Marquez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the Plaintiffs in this Litigation. I respectfully submit this Declaration in support of: (a) Plaintiffs' Motion for Final Approval of Settlement with GoodRx Holdings, Inc. and Criteo Corp. and (b) Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards. I have personal knowledge of all facts stated herein, and if called to testify as a witness, I could and would competently testify to them.

2. Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. On March 2, 2023, I filed a complaint in this Litigation and chose to serve as a named plaintiff because I believe that privacy is an important right, and defendants' alleged surreptitious collection, storage, and dissemination of my sensitive personal health information violated my privacy.

4. I am not aware of any conflict of interest that I could have with any other Settlement Class Member.

5. I retained attorneys at Bursor & Fisher, P.A. ("B&F") who are experienced in consumer protection and data privacy class action litigation to represent me in this matter. At the outset of the case, I was informed of and understood my duties as a named plaintiff and believe that I have fulfilled these duties.

6. Over the past three and a half years, I have faithfully and diligently discharged my duties as a named plaintiff, and I have worked closely with my attorneys to ensure the efficient and effective prosecution of the Litigation. To that end, I have: (1) routinely communicated with my attorneys at B&F, Interim Co-Lead Counsel, concerning this Litigation; (2) remained fully informed about case developments; (3) routinely reviewed the various pleadings filed in this Litigation; and (4) searched for and produced documents.

7. For example, I reviewed various iterations of the complaint and searched for and produced documents related to proving my case.

8. I worked closely with my attorneys during settlement negotiations. I discussed the nature of the Settlement (including the Settlement Amount) with my counsel and approved Interim Co-Lead Counsel's recommendation. Based on my involvement, I believe that the Settlement provides a fair, reasonable, and adequate recovery for the Settlement Class.

9. I estimate that I have spent a total of 30 hours on activities related to my role as a named plaintiff and representative of the Settlement Class. When I agreed to serve as a named plaintiff, I understood that the case concerns sensitive health-related information, that my participation could become public, and that I could be required to answer discovery and sit for a deposition about my use of GoodRx. I also understood that I might receive nothing if the case was unsuccessful.

10. I have not received, nor was I promised or offered, any financial incentive or compensation for serving as a Plaintiff in this Litigation. Nevertheless, I understand that courts may authorize an award to a class representative relating to their representation of a class, and that the Settlement Class in this Litigation has been given notice of Plaintiffs' intention to seek Service Awards. I recognize that the grant of such an award is entirely in the Court's discretion.

11. I respectfully request that the Court approve a Service Award in the amount of $2,000, which is commensurate with my contributions in the Litigation.

12. I understand that the Settlement resolves claims against GoodRx and Criteo only, and that this Litigation continues against Meta Platforms, Inc. and Google LLC. My commitment to the Settlement Class does not depend on whether the Court approves a Service Award. Regardless of the Court's decision, I will continue to assist Interim Co-Lead Counsel in prosecuting the remaining claims, including by responding to discovery, sitting for a deposition, and testifying at trial if needed, and I stand ready to represent the interests of any class the Court may certify that I am eligible to represent.

13. I understand that Plaintiffs' Counsel have invested considerable time and effort prosecuting this Litigation on my and the Settlement Class's behalf. This includes advancing more than $100,000 in expenses and investing thousands of hours of attorney and staff time in this Litigation, with no guarantee of recovery or payment. I therefore support their application for attorneys' fees and reimbursement of expenses in an amount approved by the Court that is fair and reasonable and accounts for the uncertainty of the recovery and the considerable time and effort spent by Plaintiffs' Counsel thus far in prosecuting this Litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 23, 2026 in Salinas, California.

Jose Marquez (Nov 23, 2026 13:54:44 PST)

Jose Marquez

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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF JOHN DOE IN SUPPORT OF (A) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT WITH GOODRX HOLDINGS, INC. AND CRITEO CORP. AND (B) INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

REDACTED

I, JOHN DOE, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the Plaintiffs in this Litigation. I respectfully submit this Declaration in support of: (a) Plaintiffs' Motion for Final Approval of Settlement with GoodRx Holdings, Inc. and Criteo Corp. and (b) Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards. I have personal knowledge of all facts stated herein, and if called to testify as a witness, I could and would competently testify to them.

2. Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. On February 17, 2023, I filed a complaint in this Litigation and chose to serve as a named plaintiff because I believe that privacy is an important right, and defendants' alleged surreptitious collection, storage, and dissemination of my sensitive personal health information violated my privacy.

4. I am not aware of any conflict of interest that I could have with any other Settlement Class Member.

5. I retained attorneys at Zimmerman Law Offices, P.C. who are experienced in consumer protection and data privacy class action litigation to represent me in this matter. At the outset of the case, I was informed of and understood my duties as a named plaintiff and believe that I have fulfilled these duties.

6. Over the past 3 ½ years, I have faithfully and diligently discharged my duties as a named plaintiff, and I have worked closely with my attorneys to ensure the efficient and effective prosecution of the Litigation. To that end, I have: (1) routinely communicated with Interim Co-Lead Counsel including through attorneys at Zimmerman Law Offices, P.C. concerning this Litigation; (2) remained fully informed about case developments; (3) routinely reviewed the various pleadings filed

in this Litigation; (4) searched for and produced documents; and (5) responded to defendants' document requests and interrogatories.

7. For example, I have: (1) reviewed numerous pleadings and motions filed in this Litigation; (2) reviewed all of the discovery requests and responses; (3) searched for documents and emails requested by the defendants, including having my email searched by an expert; (4) responded to numerous sets of interrogatories, document requests, and requests to admit facts; (5) reviewed thousands of pages of documents; (6) met with my attorneys to prepare for my deposition; and (7) testified at a 7-hour deposition.

8. I worked closely with my attorneys during settlement negotiations. I discussed the nature of the Settlement (including the Settlement Amount) with my counsel and approved Interim Co-Lead Counsel's recommendation. Based on my involvement, I believe that the Settlement provides a fair, reasonable, and adequate recovery for the Settlement Class.

9. I estimate that I have spent a total of 1,000 hours on activities related to my role as a named plaintiff and representative of the Settlement Class. When I agreed to serve as a named plaintiff, I understood that the case concerns sensitive health-related information, that my participation could become public, and that I could be required to answer discovery and sit for a deposition about my use of GoodRx. I also understood that I might receive nothing if the case was unsuccessful.

10. I have not received, nor was I promised or offered, any financial incentive or compensation for serving as a Plaintiff in this Litigation. Nevertheless, I understand that courts may authorize an award to a class representative relating to their representation of a class, and that the Settlement Class in this Litigation has been given notice of Plaintiffs' intention to seek Service Awards. I recognize that the grant of such an award is entirely in the Court's discretion.

11. I respectfully request that the Court approve a Service Award in the amount of $2,000, which is commensurate with my contributions in the Litigation.

12. I understand that the Settlement resolves claims against GoodRx and Criteo only, and that this Litigation continues against Meta Platforms, Inc. and Google LLC. My commitment to the Settlement Class does not depend on whether the Court approves a Service Award. Regardless of the Court's decision, I will continue to assist Interim Co-Lead Counsel in prosecuting the remaining claims, including by responding to discovery, sitting for a deposition, and testifying at trial if needed, and I stand ready to represent the interests of any class the Court may certify that I am eligible to represent.

13. I understand that Plaintiffs' Counsel have invested considerable time and effort prosecuting this Litigation on my and the Settlement Class's behalf. This includes advancing more than $100,000 in expenses and investing thousands of hours of attorney and staff time in this Litigation, with no guarantee of recovery or payment. I therefore support their application for attorneys' fees and reimbursement of expenses in an amount approved by the Court that is fair and reasonable and accounts for the uncertainty of the recovery and the considerable time and effort spent by Plaintiffs' Counsel thus far in prosecuting this Litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 23, 2026 in Chicago, Illinois.

DocuSigned by:
[redacted]
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JOHN DOE

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Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., et al.

Defendants.

Lead Case No.: 4:23-cv-00501-AMO

DECLARATION OF HOLLIS WILSON IN SUPPORT OF (A) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT WITH GOODRX HOLDINGS, INC. AND CRITEO CORP. AND (B) INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS

CONSOLIDATED CLASS ACTION

COMPLAINT FILED: February 2, 2023

Judge: Hon. Araceli Martínez-Olguín
Date: February 11, 2027
Time: 11:00 AM
Courtroom: 5

I, Hollis Wilson, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the Plaintiffs in this Litigation. I respectfully submit this Declaration in support of: (a) Plaintiffs' Motion for Final Approval of Settlement with GoodRx Holdings, Inc. and Criteo Corp. and (b) Interim Co-Lead Counsel's Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Awards. I have personal knowledge of all facts stated herein, and if called to testify as a witness, I could and would competently testify to them.

2. Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as in the Amended Class Action Settlement Agreement and Release between Plaintiffs, GoodRx Holdings, Inc. ("GoodRx"), and Criteo Corp. ("Criteo") and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. (together, the "Settlement Agreement"). ECF Nos. 357-2, 357-6.

3. On March 20, 2023, I filed a complaint in this Litigation and chose to serve as a named plaintiff because I believe that privacy is an important right, and defendants' alleged surreptitious collection, storage, and dissemination of my sensitive personal health information violated my privacy.

4. I am not aware of any conflict of interest that I could have with any other Settlement Class Member.

5. I retained attorneys at Shub Johns & Holbrook LLP who are experienced in consumer protection and data privacy class action litigation to represent me in this matter. At the outset of the case, I was informed of and understood my duties as a named plaintiff and believe that I have fulfilled these duties.

6. Over the past three and a half years, I have faithfully and diligently discharged my duties as a named plaintiff, and I have worked closely with my attorneys to ensure the efficient and effective prosecution of the Litigation. To that end, I have: (1) routinely communicated with Interim Co-Lead Counsel including through attorneys at Shub Johns & Holbrook LLP ("SJH") concerning this Litigation; (2) remained fully informed about case developments; (3) routinely reviewed the

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various pleadings filed in this Litigation; (4) searched for and produced documents; and (5) responded to defendants' document requests and interrogatories.

7. For example, I reviewed personal files, platforms such as my email inboxes and social media sites, and locally stored electronic and paper documents for information and documentation responsive to Defendants' production requests; spoke with my attorneys regularly for status updates on the litigation; sat with attorneys for deposition prep; traveled for deposition sessions and meetings with Plaintiffs' counsel and vendors to collect electronically stored information from my devices; and other similar duties throughout the Litigation.

8. I worked closely with my attorneys during settlement negotiations. I discussed the nature of the Settlement (including the Settlement Amount) with my counsel and approved Interim Co-Lead Counsel's recommendation. Based on my involvement, I believe that the Settlement provides a fair, reasonable, and adequate recovery for the Settlement Class.

9. I estimate that I have spent a total of 40 hours on activities related to my role as a named plaintiff and representative of the Settlement Class. When I agreed to serve as a named plaintiff, I understood that the case concerns sensitive health-related information, that my participation could become public, and that I could be required to answer discovery and sit for a deposition about my use of GoodRx. I also understood that I might receive nothing if the case was unsuccessful.

10. I have not received, nor was I promised or offered, any financial incentive or compensation for serving as a Plaintiff in this Litigation. Nevertheless, I understand that courts may authorize an award to a class representative relating to their representation of a class, and that the Settlement Class in this Litigation has been given notice of Plaintiffs' intention to seek Service Awards. I recognize that the grant of such an award is entirely in the Court's discretion.

11. I respectfully request that the Court approve a Service Award in the amount of $2,000, which is commensurate with my contributions in the Litigation.

12. I understand that the Settlement resolves claims against GoodRx and Criteo only, and that this Litigation continues against Meta Platforms, Inc. and Google LLC. My commitment to the Settlement Class does not depend on whether the Court approves a Service Award. Regardless of the Court's decision, I will continue to assist Interim Co-Lead Counsel in prosecuting the remaining claims, including by responding to discovery, sitting for a deposition, and testifying at trial if needed, and I stand ready to represent the interests of any class the Court may certify that I am eligible to represent.

13. I understand that Plaintiffs' Counsel have invested considerable time and effort prosecuting this Litigation on my and the Settlement Class's behalf. This includes advancing more than $100,000 in expenses and investing thousands of hours of attorney and staff time in this Litigation, with no guarantee of recovery or payment. I therefore support their application for attorneys' fees and reimbursement of expenses in an amount approved by the Court that is fair and reasonable and accounts for the uncertainty of the recovery and the considerable time and effort spent by Plaintiffs' Counsel thus far in prosecuting this Litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 23, 2026 in Burlingame, California.

DocuSigned by:
D0820343FFC447F...
HOLLIS WILSON

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, JANE DOE II, JOHN DOE, JOSE MARQUEZ, and HOLLIS WILSON, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOODRX HOLDINGS, INC., CRITEO CORP., META PLATFORMS, INC., and GOOGLE LLC,

Defendants.

Case No. 4:23-cv-00501-AMO

ATTESTATION

Hon. Araceli Martínez-Olguín

Pursuant to Civil Local Rule 5-1(i)(3), I, L. Timothy Fisher, attest that the Signatories on the declarations of Ada Diring, Jose Marquez, Hollis Wilson, John Doe, Christian Levis, Benjamin F. Johns, Israel David, Thomas A. Zimmerman, and Willem F. Jonckheer have concurred in the filing of the declarations, which shall serve in lieu of their signatures on the declarations.

Dated: November 24, 2026

By: */s/ L. Timothy Fisher*
L. Timothy Fisher

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JANE DOE, et al., individually and on behalf of all others similarly situated, Plaintiffs, v. GOODRX HOLDINGS, INC., et al. Defendants.	Lead Case No.: 4:23-cv-00501-AMO **[PROPOSED] ORDER GRANTING INTERIM CO-LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES AND EXPENSES, AND PLAINTIFFS' APPLICATION FOR SERVICE AWARDS**

This matter came before the Court for a duly-noticed hearing on February 11, 2027 (the "Final Approval Hearing") upon Interim Co-Lead Counsel's Notice of Motion and Motion for Attorneys' Fees and Expenses and Plaintiffs' Application for Service Award ("Fee and Expense Application") (ECF No. [___]) in connection with the class settlement with Defendants GoodRx Holdings, Inc. ("GoodRx") and Criteo Corp. ("Criteo," and with GoodRx, "Defendants").[1] Due and adequate notice of the Settlement Agreement[2] and the Fee and Expense Application having been given to members of the Class, the Final Approval Hearing having been held, and the Court having considered all papers filed and proceedings had herein, and otherwise being fully informed in the premises and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. This Order hereby incorporates by reference the definitions in the Settlement Agreement and all terms used herein, except as otherwise expressly defined herein, shall have the same meanings as set forth in the Settlement Agreement.

[1] "Plaintiffs" refers to John Doe, Jose Marquez, and Hollis Wilson.
[2] "Settlement Agreement" means, collectively, the Amended Class Action Settlement Agreement and Release dated November 19, 2025 and the Addendum to the November 19, 2025 Amended Class Action Settlement and Release between Plaintiffs, GoodRx Holdings, Inc., and Criteo Corp. dated March 24, 2026. ECF Nos. 357-2, 357-6.

2. The Court has jurisdiction over the subject matter of the Litigation and over all parties to the Litigation, including members of the Settlement Class. The Court has jurisdiction to finally approve the Settlement Agreement.

3. Notice of the Fee and Expense Application was given to all Settlement Class Members in a reasonable manner. The form and method of notifying Class Members of the Fee and Expense Application complied with Rules 23(h)(1) and 54 of the Federal Rules of Civil Procedure and due process requirements, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

4. The Court has independently reviewed and considered all relevant factors and has conducted an independent examination into the propriety of the Fee and Expense Application.

5. The Court hereby awards attorneys' fees of $_____, together with interest for the same time period and at the same rate as earned by the Settlement Fund until paid, which shall be paid out of the Settlement Fund. This is the total awarded to all attorneys acting on behalf of the Class. The award is ____% of the total Settlement Fund of $32,000,000 and equates to a multiplier of _____ on the total lodestar described in the Fee and Expense Application.

6. Interim Co-Lead Counsel is hereby authorized to allocate the attorneys' fees among Plaintiffs' Counsel in a manner in which, in Interim Co-Lead Counsel's judgment, reflects the contributions of such counsel to the institution, prosecution, and settlement of the Litigation.

7. The Court awards litigation expenses of $_____, together with interest for the same time period and at the same rate as earned by the Settlement Fund until paid, which shall be paid out of the Settlement Fund.

8. The above awards are found to be fair and reasonable.

9. In making these awards of attorneys' fees and expenses to Interim Co-Lead Counsel, the Court has considered and found that:

a. the Settlement has created a fund of $32,000,000 in cash plus accrued interest, and numerous Settlement Class Members who have submitted, or who submit approved claims will benefit from the Settlement achieved by Interim Co-Lead Counsel;

b. notice was sent to Settlement Class Members indicating that Interim Co-Lead Counsel would move for attorneys' fees not to exceed 33% of the total Settlement Fund and for up to $125,000 in expenses, and [____] objection[s] to the fees and expenses [was/were] filed, and the objection[s] [has/have] been overruled;

c. Interim Co-Lead Counsel pursued the Litigation and achieved the Settlement with skill, perseverance, and diligent advocacy;

d. Interim Co-Lead Counsel expended substantial time and effort pursuing the Litigation on behalf of the Settlement Class;

e. Interim Co-Lead Counsel pursued the Litigation on a contingent basis, having received no compensation during the Litigation, and any fee amount has been contingent on the results achieved; and

f. had Interim Co-Lead Counsel not achieved the Settlement, there would have remained a significant risk that the Settlement Class may have recovered less or nothing from the Defendants.

10. The Court awards the following service awards to Plaintiffs for their service to the Settlement Class:

a. John Doe: $_____;

b. Jose Marquez: $_____; and

c. Hollis Wilson: $_____.

SO ORDERED this ____ day of _____, 2026.

_____
THE HONORABLE ARACELI MARTÍNEZ-OLGUÍN
UNITED STATES DISTRICT JUDGE