**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION**

BRADLEY ACALEY, individually and on behalf of all others similarly situated, *Plaintiff,* v. VIMEO.COM, INC., a Delaware corporation, *Defendant.*	Case No. 2019CH10873 Judge: Hon. Clare J. Quish

**AFFIDAVIT OF BRADLEY K. KING IN SUPPORT OF PLAINTIFF'S UNOPPOSED
MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND
FOR A CLASS REPRESENTATIVE SERVICE AWARD**

I, Bradley K. King, declare under penalty of perjury, based on my own personal knowledge and, where indicated, as based on information and belief, that the following statements are true:

1.   I am an attorney duly admitted to practice law in California, New York, New Jersey, and the District of Columbia. I have been admitted *pro hac vice* into this Action. I am a partner at Ahdoot & Wolfson, PC ("AW"). I respectfully submit this Affidavit in support of Plaintiff's Unopposed Motion for Attorneys' Fees, Reimbursement of Expenses, and for a Class Representative Service Award.[1]

2.   For the last three years, since 2019, Class Counsel has vigorously and zealously represented the interests of the proposed Class from the pre-filing investigation and inception of this hard-fought litigation until the present.

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[1] Unless otherwise defined herein, capitalized words and phrases shall have the same meaning as in the Definitions Section of the Settlement Agreement ("Settlement Agreement" or "SA"), which is attached as Exhibit A to the Unopposed Amended Motion for Preliminary Approval of Class Action Settlement dated December 12, 2022.

3.   The proposed Settlement establishes a $2,250,000 non-reversionary cash Settlement Fund from which Class Members who file valid claims will be compensated. The Settlement calls for a *pro rata* distribution of the Settlement Fund to participating Class Members, after deduction of settlement administration costs and any Court-approved service award to the Class Representative and attorneys' fees and expenses.

4.   The Settlement also provides meaningful prospective relief. Pursuant to the Settlement Agreement, Vimeo has provided a declaration confirming that, as of February 15, 2023, Vimeo will delete (or has deleted) all geometric measurement data derived and collected from a face appearing in a photo or video on Magisto and will not sell such data. Going forward, Vimeo has agreed to comply with BIPA and any other law or provision of a law under which a claim relating to biometric identifiers or biometric information could be brought with respect to photographs or videos of faces that were uploaded onto Magisto. This relief ensures Vimeo's compliance with BIPA in the future.

5.   In my opinion, the Settlement is an excellent outcome for the Settlement Class in light of the substantial benefits provided by the Settlement—including the $2.25 million Settlement Fund from which all Class Members are entitled to receive a *pro rata* share, without the need to wait for the litigation and subsequent appeals to run their course.

6.   I believe the proposed Settlement to be fair, reasonable, and adequate, and in the best interests of the proposed Settlement Class.

7.   In achieving this result, Class Counsel devoted significant time, effort, and resources on behalf of Class Members in the three years since this litigation first commenced, and their efforts have yielded an extraordinary benefit to the Class.

HISTORY OF THE LITIGATION AND CLASS COUNSEL'S EFFORTS ON BEHALF OF THE CLASS

8.   On September 20, 2019, Plaintiff Bradley Acaley filed this Action in Illinois Circuit Court, alleging that he suffered harm as a result of Defendant's violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* ("BIPA"). Prior to commencing this litigation,

Class Counsel conducted significant pre-filing investigations, which included detailed review and evaluation of the facts, thorough and exhaustive investigation of issues related to Vimeo's violations of BIPA, and comprehensive research and analysis of the applicable law, including those related to an arbitration clause in the Magisto Terms of Service.

9.   During the litigation, the Parties vigorously briefed Defendant's motion to compel arbitration, and their opening, response, and reply briefs in the Appeal of the order denying that motion, among numerous other materials. After the Appeal was fully briefed, Plaintiff's counsel began preparing for oral argument before the Seventh Circuit.

10.   After removing this case to federal court, Defendant moved to stay and compel individual arbitration of Plaintiff's claims (*Acaley v. Vimeo, Inc.*, Case No. 1:19-cv-07164 (N.D. Ill. Dec. 20, 2019) (the "*Federal Action*"), ECF No. 17 ("Arbitration Motion")). On June 1, 2020, after the Arbitration Motion was fully briefed, the District Court denied Defendant's Arbitration Motion (*Federal Action*, ECF No. 41). On June 18, 2020, Defendant filed a notice of appeal of the Court's order denying the Arbitration Motion (*Federal Action*, ECF No. 42; *Acaley v. Vimeo, Inc.*, Case No. 20-2047 (7th Cir.) ("Appeal").

<div align="center">SETTLEMENT NEGOTIATIONS AND MEDIATION</div>

11.   After the appeal was docketed, the Parties entered into the Seventh Circuit mediation program with the Chief Seventh Circuit Mediator, Joel Shapiro. With the supervision and assistance of Mr. Shapiro, the Parties engaged in extensive, arm's-length negotiations where counsel for each Party zealously advocated its position. The Parties' extensive settlement discussions lasted approximately two years, during which the Parties overcame apparent impasses and went forward with fully briefing Defendant's Appeal while continuing to explore resolution.

12.   The Settlement is the product of an in-depth pre-filing investigation that began in 2019 and comprehensive discovery concerning the Parties' claims and defenses.

13.   Class Counsel requested and received substantial discovery in the context of settlement discussions. These efforts included an agreement and coinciding protective order

negotiated by the Parties and approved by the Federal Court. Class Counsel also consulted with and retained an expert consultant to assist with the analysis of the facts and information obtained.

14.　　The Parties remained unable to reach a resolution in the months after the commencement of negotiations supervised by Mr. Shapiro. In June 2021, Plaintiff notified Mr. Shapiro that the Parties still had not been successful achieving a settlement and asked him to set a briefing schedule for Defendant's appeal. The Parties then spent considerable time and resources briefing Vimeo's appeal of the order denying its motion to compel arbitration.

15.　　In December 2021, after the Parties had fully briefed Vimeo's appeal and the Seventh Circuit set oral argument for February 10, 2022, the Parties revisited settlement discussions, ultimately agreeing to a mediation with Mr. Shapiro on January 7, 2022. After a full-day mediation with Mr. Shapiro on January 7, 2022, the Parties reached a settlement in principle to resolve all claims asserted in this Action.

16.　　The Settlement Agreement was finalized and fully executed in early June 2022. In the five months post-dating their January 2022 achievement of a settlement in principle, the Parties engaged in intense back-and-forth negotiations regarding every detail of the Settlement. The Parties did not negotiate the maximum amount for the Service Award and for attorneys' fees to be sought until after they already reached an agreement in principle for the relief provided to the Settlement Class.

17.　　Although Plaintiff believes that each claim asserted in the Action has merit, that he would have ultimately succeeded in obtaining adversarial certification of the proposed Settlement Class of non-users, and that he would have prevailed on the merits at summary judgment or at trial, Plaintiff and Class Counsel recognize that Defendant has raised factual and legal defenses in the Action that present a risk that Plaintiff may not prevail and/or that a Class might not be certified for trial. Plaintiff and Class Counsel have also fully accounted for the uncertain outcome and risks of any litigation, especially in complex actions, as well as the difficulty and delay inherent in such litigation. Class Counsel weighed these issues and concluded that it is desirable that the Released

Claims be fully and finally compromised, settled, and resolved with prejudice, and barred pursuant to the terms and conditions set forth in the Settlement Agreement.

18.   Before and during all settlement discussions and mediation, the Parties exchanged documents and information on an arm's-length basis to enable Plaintiff and Class Counsel to adequately evaluate the scope of the potential class-wide liability and thus engage in meaningful settlement discussions on behalf of the Class. In total, the Parties engaged in almost two years of settlement negotiations, which continued contemporaneously with their briefing of Vimeo's appeal, and included nearly five months of negotiation with respect to the Settlement Agreement and its exhibits after a settlement in principle was reached in January 2022.

19.   Plaintiff also requested bids from a number of settlement administrators, and the Notice Plan and each document comprising the Class Notice were negotiated and exhaustively refined, with input from experts, to ensure that these materials will be clear, straightforward, and understandable by Class Members.

PRELIMINARY APPROVAL AND IMPLEMENTATION OF NOTICE PLAN

20.   The Court held three hearings on Plaintiff's first unopposed motion for preliminary approval ("First Motion") on August 2, August 18, and September 15, 2022. At these hearings, the Court expressed its concerns that the net settlement fund for distribution to the class was too low in relation to the proposed $2.25 million gross settlement fund, with a focus on the estimated costs for notice and claims administration of approximately $250,000. Also at the August 2 hearing, the Court ordered Plaintiff to make several edits to the notice exhibits 1-4 to the Settlement Agreement. Those edits, which were submitted to the Court in August 2022, are reflected in the amended Exhibits 1-4 to the Settlement Agreement attached to the Plaintiff's unopposed motion for preliminary approval filed on December 12, 2022 ("Amended Motion") as Exhibit A.

21.   At the Court's request, on August 15, 2022, Plaintiff submitted a supplemental brief in support of the First Motion, with a supporting declaration from the proposed settlement administrator, KCC, that itemized its estimated costs of administration. At the August 18 hearing, the Court asked Plaintiff to submit additional information comparing the estimated administration

costs and other proposed deductions to the gross settlement fund with those in other settlements cited by Plaintiff in his supplemental briefing.

22.   On September 1, 2022, Plaintiff filed a second supplemental submission containing a chart showing the gross and net settlement funds of comparable settlements, with a breakdown of administration costs, attorney fees and expense awards, and service awards that illustrated the resulting net-to-gross settlement fund percentage. In particular, Plaintiff's chart estimated that should the instant settlement be approved, the net settlement fund would be 48.9% of the $2.25 million gross settlement fund. At the September 15 hearing, the Court again expressed concern regarding the amount of the estimated administration expenses and set an October 18, 2022 status conference.

23.   After the September 15 hearing, the Parties conferred and re-opened the bidding for settlement administration in the hopes of securing lower bids without reducing the metrics of their proposed notice plan. Plaintiff obtained and shared with Defendant three new bids. At the October 18 status conference, Plaintiff informed the Court of the parties' renewed bidding process. The Court set a further status conference for November 16, 2022 and permitted Plaintiff to file a third supplemental submission in support of the First Motion.

24.   After the October 18 status conference, the Parties carefully evaluated the new bids, conferred further with the candidates, and selected a new proposed administrator, Postlethwaite & Netterville ("P&N"). P&N estimates its total cost of notice and claims administration at $160,274 if 10,000 class members submit claims, $165,820 if 15,000 claims are submitted, and $171,740 if 20,000 claims are submitted. P&N also agreed to a hard cap for each of these claim amounts, at $178,000, $182,000, and $189,500, respectively. Pursuant to the Court's request, Plaintiff submitted P&N's bid *in camera* after the November 22, 2022 status conference, which was continued from the November 16 status conference.

25.   In my opinion, Plaintiff maximized the amount that would be available to the Class by minimizing the notice and administration costs, while ensuring that the notice and administration plan complied with all rules, guidelines, and due process requirements. Plaintiff's

decision to reduce the maximum amount of attorney fees sought to 35% of the gross settlement fund ($787,500), along with the lower administration estimates, will result in a significantly higher net settlement fund available to the Class if approved.

26.   On January 20, 2023, the Court preliminarily approved the Settlement and ordered that the Class be given notice. *See* Preliminary Approval Order ¶¶ 2, 5, 9. After the Court preliminarily approved the Settlement, the Parties continued to work with the Settlement Administrator to supervise dissemination of Notice to Class Members. These efforts included review and drafting of the language and format of the Settlement Website, the language and format of the Settlement Class Notice forms, monitoring for exclusion requests and objections, and ensuring prompt response to each and every Class Member inquiry (whether by phone or e-mail) regarding the Settlement.

27.   Under the Settlement Agreement's Notice Plan, which I am informed by P&N has already gone into effect, direct, publication, and Internet Notice of the Settlement was disseminated to the Settlement Class Members. In addition, the Settlement Website, which has been fully operational since March 21, 2023 makes available the Claim Form, Long Form Notice, and all relevant case information.

28.   As of April 19, 2023, with over six weeks left in the claims period, P&N reports that 4,784 claims have been submitted. To date, no Class Member has objected to the proposed Settlement, and no Class Member has requested exclusion from the Settlement Class. The Settlement Administrator will provide an Affidavit, along with Plaintiff's Motion for Final Approval, which will provide the specifics of the dissemination of notice and updated numbers regarding the volume of claims, exclusions, and objections (if any).

THE REQUESTED FEE AND EXPENSE AWARD AND CLASS REPRESENTATIVE SERVICE AWARD

29.   Class Counsel, in Plaintiff's Unopposed Motion for Attorneys' Fees, Reimbursement of Expenses, and for a Class Representative Service Award filed concurrently herewith, is applying for an award of attorneys' fees of 35% of the Settlement Fund (or $787,500),

reimbursement of reasonable costs and expenses incurred by Class Counsel in the amount of $23,019.31, and for a Service Award of $5,000 to the Class Representative in recognition of his efforts on behalf of the Settlement Class.

30. As explained herein, Class Counsel invested an enormous amount of time and significant resources, monetary and otherwise, investigating and litigating the claims and also negotiating the Settlement.

31. Despite the risks of non-recovery to the Class and of non-payment to Class Counsel described above, both at the outset and for the duration of the litigation, Class Counsel nevertheless expended substantial attorney time and out-of-pocket expenses investigating, prosecuting, and resolving the claims alleged in this case without any guarantee of reimbursement.

32. I expect AW to maintain a high level of oversight and involvement in this case, and will continue to expend significant attorney time given the future work still needed for completion of the Settlement, including: preparing and filing final approval papers, attending the final approval hearing, responding to Class Member inquiries, responding to any requests for exclusion or objections, addressing any appeals, and working with Defendant and the Settlement Administrator on the distribution of benefits to the Class.

33. To date, Class Counsel has incurred a total of $23,019.31 in unreimbursed costs and expenses that were necessarily incurred in connection with the investigation, prosecution, and settlement of this litigation as follows:

Description	Amount
Court Fees	$1,110.88
Electronic Research Fees	$34.30
Attorney Service Fees	$86.42
Copying and Reproduction	$226.26
Postage and Delivery	$262.35
Travel	$1,204.10
Court Reporting and Transcript Fees	$2,351.25
Expert Fees	$17,743.75

Total	$23,019.31

34.   These costs include court fees, electronic research fees, attorney service fees, expert fees, postage, duplication costs, court reporting and transcript fees, travel, and other related costs. Each of these costs and expenses are fully documented, and in my opinion, necessary and reasonable.

35.   In my opinion, Class Counsel's requested fee award is justified given the exceptional monetary and non-monetary relief provided by the Settlement, consistent with Illinois law and fee awards granted in other cases in Illinois courts, and reasonable given the considerable time and costs committed by Counsel into this litigation.

36.   The Settlement would not have been possible without the time and effort of the Class Representative, who stepped forward on behalf of other Class Members, accepting the responsibility of cooperating in the litigation and discovery in order to right the wrong that affected him and so many others. Plaintiff Acaley participated in the ongoing investigation of the facts related to the Action, provided information for the complaint, reviewed case documents, stayed in regular contact with Class Counsel, responded to all inquiries he was called to answer, participated in the settlement process and has fulfilled his obligations as Class Representative throughout the nearly three years this litigation has been pending.

37.   In my opinion, the Class Representative is well-deserving of $5,000 Service Award given his vital role in pursuing the case on behalf of the Settlement Class, and working closely with Class Counsel in reaching the proposed Settlement. Plaintiff supports the Settlement and believes that it constitutes a fair, reasonable, and adequate result for the Settlement Class.

AHDOOT & WOLFSON, PC FIRM EXPERIENCE

38.   At all times, AW had the experience and expertise to effectively litigate any and all issues related to this litigation.

39.   In March 1998, Tina Wolfson and Robert Ahdoot founded Ahdoot & Wolfson, PC ("AW"), now a nationally recognized law firm that specializes in complex and class action litigation, with a focus on privacy rights, consumer fraud, anti-competitive business practices,

employee rights, defective products, civil rights, and taxpayer rights. The attorneys at AW are experienced litigators who have often been appointed by state and federal courts as lead class counsel, including in multidistrict litigation. In over two decades of its successful existence, AW has successfully vindicated the rights of millions of class members in protracted, complex litigation, conferring hundreds of millions of dollars to the victims, and affecting real change in corporate behavior. The firm's resume is attached hereto as **Exhibit 1.**

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

41.   Tina Wolfson attended and graduated Harvard Law School *cum laude* in 1994. Ms. Wolfson began her civil litigation career at Morrison & Foerster, LLP, where she defended major corporations in complex actions and represented indigent individuals in immigration and deportation trials as part of the firm's *pro bono* practice. She then gained further invaluable litigation and trial experience at a boutique firm, focusing on representing plaintiffs on a contingency basis in civil rights and employee rights cases. Ms. Wolfson frequently lectures on numerous topics related to class action litigation across the country.

42.   Robert Ahdoot attended and graduated Pepperdine Law School *cum laude* in 1994, where he served as Literary Editor of the Pepperdine Law Review. Mr. Ahdoot also clerked for the Honorable Paul Flynn at the California Court of Appeals, and he began his career as a civil litigator at the Los Angeles office of Mendes & Mount, LLP, where he defended large corporations and syndicates such as Lloyds of London in complex environmental and construction-related

litigation as well as a variety of other matters. Mr. Ahdoot has also lectured on numerous topics related to class action litigation across the country.

43.   Theodore Maya is also a partner at AW and worked on this matter. Mr. Maya graduated from UCLA Law School in 2002 after serving as Editor-in-Chief of the *UCLA Law Review*. From July 2003 to August 2004, Mr. Maya served as Law Clerk to the Honorable Gary Allen Feess in the United States District Court for the Central District of California. Mr. Maya was also a litigation associate in the Los Angeles offices of Kaye Scholer LLP for approximately eight years, where he worked on a large variety of complex commercial litigation from inception through trial. Mr. Maya was named "Advocate of the Year" for 2007 by the Consumer Law Project of Public Counsel for successful *pro bono* representation of a victim of a large-scale equity fraud ring.

44.   Henry Kelston is a partner at AW who worked on this matter. Mr. Kelston graduated from New York University School of Law in 1978 and is a member of the New York and Connecticut Bars. Mr. Kelston has litigated a broad array of class actions for more than two decades, including actions challenging improperly charged bank fees, unauthorized collection of biometric data, and unlawful no-poach agreements among employers. He has been on the front lines in major data breach cases against companies such as Yahoo! and Facebook, and has represented consumers in class actions challenging food labeling practices, including the use of "natural" claims on products containing GMOs. His work in *In re Conagra Foods, Inc.*, contributed to a groundbreaking decision by the Ninth Circuit Court of Appeals, significantly strengthening the rights of consumers to bring class actions. Mr. Kelston is also a frequent speaker and CLE presenter on electronic discovery, and a member of The Sedona Conference Working Group 1 on Electronic Document Retention and Production.

45.   I graduated from Pepperdine University School of Law in 2010, where I served as Associate Editor of the Pepperdine Law Review. I worked as a law clerk for the California Office of the Attorney General, Correctional Law Section in Los Angeles and was a certified law clerk for the Ventura County District Attorney's Office. I began my legal career at a boutique civil rights

law firm, gaining litigation experience in a wide variety of practice areas, including employment law, police misconduct, municipal contract, criminal defense, and premises liability cases. At AW, I have focused my practice on consumer class actions, and privacy class actions in particular.

46. Andrew W. Ferich is a partner at AW who worked on this matter. Mr. Ferich is admitted to the bars of Pennsylvania, New Jersey, and the District of Columbia. Mr. Ferich received his law degree from Villanova University's Charles Widger School of Law in 2012, where he served as Executive Editor of the Journal of Catholic Social Thought. Mr. Ferich has significant experience in consumer protection, data privacy, ERISA/retirement plan, and whistleblower/qui tam litigation. Prior to joining the firm, Mr. Ferich was a senior associate at a well-known Philadelphia-area class action law firm. Before joining the plaintiffs' bar, Mr. Ferich was an associate at an AmLaw 200 national litigation firm in Philadelphia where he focused his practice on commercial litigation and financial services litigation. Mr. Ferich has represented a wide array of clients and has received numerous court-appointed leadership positions in large class actions. Mr. Ferich possesses major jury trial experience and has assisted in litigating cases that have collectively resulted in over $100 million in settlement value in damages and injunctive relief for various classes and groups of people.

47. Deborah De Villa is a senior associate at AW who worked on this matter. Ms. De Villa is a member of the State Bars of New York and California. At AW, Ms. De Villa focuses on consumer protection and class actions. She graduated from Pepperdine University School of Law in 2016, where she earned the CALI Excellence for the Future Award in immigration law, business planning and commercial law. During law school, Ms. De Villa completed internships at the Los Angeles District Attorney's Office, Hardcore Gangs Unit, and at the Supreme Court of the Philippines, Office of the Court Administrator. Born in the Philippines, Ms. De Villa moved to Florida at the age of sixteen to attend IMG Golf Academy as a full-time student-athlete. Ms. De Villa earned a scholarship to play NCAA Division 1 college golf at Texas Tech University, where she graduated *magna cum laude* with a Bachelor of Arts in Psychology and a minor in Legal

Studies. Ms. De Villa has substantial experience litigating class actions with AW serving in leadership roles.

48.   Sarper Unal is an associate attorney at AW who worked on this matter. Mr. Unal graduated from the University of California, Irvine School of Law in 2021. Prior to joining AW, Mr. Unal gained litigation experience in a class action firm in the District of Columbia focusing on employment discrimination cases. He also clerked for the Orange County Public Defender's Office and served as an intake coordinator at the Civil Rights Litigation Clinic during law school. At AW, Mr. Unal has contributed to the firm's efforts in privacy and antitrust class actions.

49.   Since 1999, AW has been appointed lead counsel in numerous complex consumer class actions. Many of these matters are set forth in AW's firm resume attached hereto.

50.   The following matters, however, are some more recent examples of class actions that AW has litigated to conclusion or are currently litigating on behalf of clients, either as class counsel, proposed class counsel or members of a Court appointed Plaintiff Steering Committee:

- *In re Zoom Video Communications, Inc. Privacy Litigation*, No. 5:20-cv-02155-LHK (N.D. Cal.) (Hon. Lucy H. Koh) (Final Approval April 2022): AW and co-counsel reached a nationwide settlement with Zoom providing for, among other things, an $85 million settlement fund to resolve data privacy and other claims in a class action alleging Zoom's failure to implement adequate security protocols for its video-conferencing platform that breached millions of consumers' privacy, fell well short of its promises, and diminished the value of the products and services it provided.

- *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605 (C.D. Cal.) (Hon. James Selna) (Final Approval February 2021): AW achieved a nationwide class action settlement conservatively valued at approximately $420 million in this breach of contract class action alleging that defendant did not honor its lifetime subscriptions. The settlement extended the promised lifetime subscription for the lifetime of class members who have active accounts, and it provided the opportunity for class members with closed accounts to reactivate their accounts and enjoy a true lifetime subscription or recover $100. The district court had granted the motion to compel

arbitration on an individual basis, and AW appealed. AW reached the final deal points of the nationwide class action settlement literally minutes prior to oral argument in the Ninth Circuit.

- *Eck, et al. v. City of Los Angeles*, No. BC577028 (Los Angeles Superior Court ("LASC") (Final Approval February 2018): AW was appointed co-Class Counsel and achieved a $295 million settlement based on allegedly unlawful city tax regulations regarding electrical power.

- *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC) (Hon. Ann I. Jones) (Final Approval October 2019): AW as lead Class Counsel, in a case challenging the imposition of certain utility taxes on the use of natural gas, prevailed on summary adjudication, certified a class, and achieved a $91 million settlement (which included a cash fund and direct tax savings for all future years where the City of Los Angeles will charge the natural gas tax at issue in the litigation).

- *In re: Experian Data Breach Litig.*, No. 8:15-cv-01592-AG-DFM (C.D. Cal.) (Final Approval May 2019): AW served as Co-Lead Counsel, in this MDL Data Breach Class Action, for a Class of almost 16 million class members who were victims of a data breach affecting T-Mobile applicants and customers whose personal data was stored by Experian. Class action settlement conservatively valued at over $150 million.

- *Kirby v. McAfee, Inc.*, No. 14-cv-02475-EJD (N.D. Cal.) (Hon. Edward J. Davila) (Final Approval February 2017): AW served as co-Class Counsel in a class action case arising from McAfee's auto renewal and discount practices, AW and co-counsel achieved a settlement that made $80 million available to the class and required McAfee to notify customers regarding auto-renewals at an undiscounted subscription price and change its policy regarding the past pricing it lists as a reference to any current discount.

- *McKnight v. Uber, LLC*, No. 4:14-cv-05615-JST (N.D. Cal.) (Hon. Jon S. Tigar) (Final Approval October 2021): AW served as co-lead class counsel and achieved a $32.5 million settlement for the passenger plaintiff class alleging that Uber falsely advertised and illegally charged a "safe rides fee."

- *Pantelyat v. Bank of America, N.A.,* No. 1:16-cv-08964-AJN (S.D.N.Y.) (Hon. Alison J. Nathan) (Final Approval January 2019): AW served as sole class counsel for plaintiffs in a class action arising from allegedly improper overdraft fees and achieved a $22 million class settlement, representing approximately 80% of total revenues gleaned by the bank's alleged conduct.

- *Carter, et al. v. General Nutrition Centers, Inc. and GNC Holdings, Inc.,* No. 2:16-cv-00633-MRH (W.D. Pa.) (Hon. Mark R. Hornak) (Final Approval December 2019): AW achieved a $6 million class settlement in a "false discount" class action involving products for sale on the GNC website. In finally approving the settlement, Judge Hornak noted the "simply superlative" materials prepared by counsel and commended the "effectiveness and efficiency" with which counsel brought the case to conclusion.

- *Berman v. General Motors, LLC*, No. 2:18-cv-14371 (S.D. Fla.) (Hon. Robin L. Rosenberg) (Final Approval November 2019): AW served as co-lead counsel in a class action rising from allegations of a vehicle defect causing excessive oil consumption. The parties recently reached a settlement valued at approximately $45 million.

- *In re: Uber FCRA Litig.*, No. 3:14-cv-05200-EMC (N.D. Cal.) (Hon. Edward M. Chen) (Final Approval May 2018): class settlement provided $8.2M in monetary relief as well as injunctive relief guaranteeing Uber's compliance with FCRA background check requirements; settlement reached while district court's denial of a motion to compel individual arbitration was pending (and ultimately overturned) before the 9th Circuit.

- *In re: The Home Depot, Inc., Customer Data Sec. Breach Litig.*, No. 1:14-md- 02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.) (Final Approval September 2017): AW served, by court appointment, on the MDL Consumer Plaintiffs' Steering Committee. The settlement provided approximately $29 million of monetary relief to the consumer class, as well as robust injunctive relief requiring Home Depot to overhaul its data security practices.

- *Smith v. Floor and Decor Outlets of America, Inc.*, No. 1:15-cv-04316-ELR (N.D. Ga.) (Hon. Eleanor L. Ross) (Final Approval January 2017): AW served as co-Class Counsel

in a class action that resulted in a $14 million class settlement regarding flooring product defect allegations.

- *Chimeno-Buzzi v. Hollister Co.*, No. 1:14-cv-23120-MGC (S.D. Fla.) (Hon. Marcia G. Cooke) (Final Approval April 2016): AW served as co-Class Counsel in a class action that resulted in a $10 million class settlement arising from violations of the Telephone Consumer Protection Act of 1991 ("TCPA").

- *In re: Apple Inc. Device Performance Litig.*, No. 5:18-md-02827-EJD (N.D. Cal.) (Hon. Edward J. Davila): AW appointed to the Plaintiffs' Steering Committee after contested applications in a case alleging deceptive conduct by Apple impacting iPhones nationwide. AW helped achieve a nationwide settlement of $300 million to $500 million.

- *Novoa v. The Geo Group, Inc.,* No. 5:17-cv-02514-JGB-SHK (C.D. Cal.) (Hon. Jesus G. Bernal): AW is co-counsel for the plaintiffs; case challenges private prison's alleged practices of forced labor against immigration detainees.

- *In re: U.S. Office of Pers. Mgmt. Data Sec. Breach Litig.*, No. 1:15-mc-01394-ABJ (D.D.C.) (Hon. Amy Berman Jackson): AW, as a member of the PSC, briefed and argued, in part, the granted motions to dismiss based on standing, briefed in part the successful appeal to the D.C. Circuit, and had an important role in a preliminarily approved settlement providing for a $63 million settlement fund.

51.   Thus, AW has decades of experience in the prosecution of class actions and, in particular, class actions on behalf of consumers, and can more than adequately represent the Settlement Class.

52.   Based on my experience and my knowledge regarding the factual and legal issues in this matter, and given the substantial benefits provided by the Settlement, it is my opinion that the proposed Settlement in this matter is fair, reasonable, and adequate, and is in the best interests of the Settlement Class Members.

Pursuant to 28 U.S.C. § 1746, and the laws of the State of Illinois, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 21st day of April, 2023.

/s/ Bradley K. King
Bradley K. King

EXHIBIT 1

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

Privacy Class Actions

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

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

In *Rivera v. Google LLC*, No. 2019-CH-00990 (Ill Cir. Ct.) (Hon. Anna M. Loftus), a class action arising from Google's alleged illegal collection, storage, and use of the biometrics of individuals who appear in photographs uploaded to Google Photos in violation of the Illinois Biometric Information

Privacy Act, 740 ILCS 14/1, *et seq.* ("BIPA"), AW achieved a settlement that was preliminarily approved by Judge Loftus on April 25, 2022. The settlement establishes a $100 million non-reversionary cash settlement fund and provides meaningful prospective relief for the benefit of class members.

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

As an invaluable member of a five-firm Plaintiffs' Steering Committee ("PSC") in the *Premera Blue Cross Customer Data Sec. Breach Litigation*, No. 3:15-cv-2633-SI (D. Or.) (Hon. Michael H. Simon), arising from a data breach disclosing the sensitive personal and medical information of 11 million Premera Blue Cross members, AW was instrumental in litigating the case through class certification and achieving a nationwide class settlement valued at $74 million.

Similarly, in the *U.S. Office of Personnel Management Data Security Breach Litigation*, No. 1:15-mc-1394-ABJ (D.D.C.) (Hon. Amy Berman Jackson), AW, as a member of the PSC, briefed and argued, in part, the granted motions to dismiss based on standing, and briefed in part the successful appeal to the D.C. Circuit. Recently, Judge Jackson preliminarily approved a $60 million settlement for the benefit of class members.

In *The Home Depot, Inc., Customer Data Sec. Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.), AW served on the consumer PSC and was instrumental in achieving a $29 million settlement fund and robust injunctive relief for the consumer class. As co-lead counsel in *Gordon v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01415-CMA-MLC (D. Colo.) (Hon. Christine M. Arguello), AW secured a settlement for the nationwide class that provides for up to $250 in claimed damages or $10,000 in extraordinary damages.

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

In *Miracle-Pond v. Shutterfly, Inc.*, No. 2019CH07050 (Cir. Ct. Cook County) (Hon. Raymond W. Mitchell), a class action arising from Shutterfly's alleged illegal collection, storage, and use of the biometrics of individuals (including those without Shutterfly accounts) who appear in photographs uploaded to Shutterfly in violation of BIPA. AW achieved a settlement that established a $6.75 million non-reversionary cash Settlement Fund and provided meaningful prospective relief for the benefit of class members.

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

<u>**Noteworthy Results in Other Consumer Class Actions**</u>

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

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

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

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

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

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

As co-lead counsel in *Berman v. Gen. Motors, LLC*, No. 2:18-cv-14371-RLR (S.D. Fla.) (Hon. Robin L. Rosenberg) (vehicle oil consumption defect class action), AW achieved a $40 million settlement.

In *McKnight v. Uber Technologies, Inc.*, No. 4:14-cv-05615-JST (N.D. Cal.) (Hon. Jon S. Tigar), AW achieved a $32.5 million settlement for the passenger plaintiff class alleging that Uber falsely advertised and illegally charged a "safe rides fee."

In *Pantelyat v. Bank of America, N.A.*, No. 1:16-cv-08964-AJN (S.D.N.Y.) (Hon. Alison J. Nathan), a class action arising from allegedly improper overdraft fees, AW, serving as sole class counsel for plaintiffs, achieved a $22 million class settlement, representing approximately 80% of total revenues gleaned by the bank's alleged conduct.

Current Noteworthy Leadership Roles

AW was appointed to serve as co-lead interim class counsel in the *Google Location History Litigation*, No. 5:18-cv-5062-EJD (N.D. Cal.) (Hon. Edward J. Davila), a consumer class action arising out of Google's allegedly unlawful collection and use of mobile device location information on all Android and iPhone devices.

AW was appointed, after competing applications, to serve as interim co-lead class counsel in the *Ring LLC Privacy Litigation*, No. 2:19-cv-10899-MWF-RAO (C.D. Cal.) (Hon. Michael W. Fitzgerald), a consolidated class action arising from Ring's failure to implement necessary measures to secure the privacy of Ring user accounts and home-security devices, and failure to protect its customers from hackers despite being on notice of the inadequacies of its cybersecurity.

AW also currently serves on the PSC in *Am. Med. Collection Agency, Inc., Customer Data Sec. Breach Litigation*, No. 2:19-md-2904-MCA-MAH (D.N.J.) (Hon. Madeline Cox Arleo), a class action arising out of a medical data breach that disclosed the personal and financial information of over 20 million patients, as well as many other data breach class actions.

AW was appointed, after competing applications, to serve as interim co-lead class counsel in the *StubHub Refund Litigation*, No. 4:20-md-02951-HSG (N.D. Cal.) (Hon. Haywood S. Gilliam, Jr.). This consolidated multidistrict litigation alleges that StubHub retroactively changed its policies for refunds for cancelled or rescheduled events as a result of the Covid-19 pandemic and refused to offer refunds despite promising consumers 100% of their money back if events are cancelled.

AW also serves on the Plaintiffs' Executive Committees in *Allergan Biocell Textured Breast Implant Products Liability Litigation*, No. 2:19-md-2921-BRM-JAD (D.N.J.) (Hon. Brian R. Martinotti), a class action alleging textured breast implants caused a rare type of lymphoma and in *ZF-TRW Airbag Control Units Products Liability Litigation*, No. 2:19-ml-2905-JAK-FFM (C.D. Cal.) (Hon. John A. Kronstadt), a class action alleging a dangerous defect in car airbag component units.

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As part of the leadership team in *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-2514-JGB-SHK (C.D. Cal.) (Hon. Jesus G. Bernal), AW certified a class of immigration detainees challenging private prison's alleged forced labor practices.

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

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

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

In *Robinson v. Jackson Hewitt, Inc.*, No. 2:19-cv-09066-SDW-ESK (D.N.J.) (Hon. Susan D. Wigenton), a class action alleging that a standardized "no-poach" agreement among Jackson Hewitt and its franchisees limited mobility and compensation prospects for the tax preparer employees, AW is asserting claims on behalf of consumers under both federal antitrust and California employment laws.

<u>Attorney Profiles</u>

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

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

- Class Action Mastery Forum at the University Of San Diego School of Law (Consumer Class Actions Roundtable) March 2020, featuring Hon. Lucy H. Koh, Hon. Edward M. Chen, and Hon. Fernando M. Olguin.
- Class Action Mastery Forum at the University Of San Diego School of Law (Data Breach/Privacy Class Action Panel) January 16, 2019.
- Association of Business Trial Lawyers: "Navigating Class Action Settlement Negotiations and Court Approval: A Discussion with the Experts," Los Angeles May 2017, featuring Hon. Philip S. Gutierrez and Hon. Jay C. Gandhi.
- CalBar Privacy Panel: "Privacy Law Symposium: Insider Views on Emerging Trends in Privacy Law Litigation and Enforcement Actions in California," Los Angeles Mar. 2017 (Moderator), featuring Hon. Kim Dunning.
- American Conference Institute: "2nd Cross-Industry and Interdisciplinary Summit on Defending and Managing Complex Class Actions," April 2016, New York: Class Action Mock Settlement Exercise featuring the Hon. Anthony J. Mohr.
- Federal Bar Association: N.D. Cal. Chapter "2016 Class Action Symposium," San Francisco Dec. 2016 (Co-Chair), featuring Hon. Joseph F. Anderson, Jr. and Hon. Susan Y. Illston.
- Federal Bar Association: "The Future of Class Actions: Cutting Edge Topics in Class Action Litigation," San Francisco Nov. 2015 (Co-Chair &Faculty), featuring Hon. Jon S. Tigar and Hon. Laurel Beeler.
- American Association for Justice: AAJ 2015 Annual Convention – "The Mechanics of Class Action Certification," July 2015, Montreal, Canada.
- HarrisMartin: Data Breach Litigation Conference: The Coming of Age – "The First Hurdles: Standing and Other Motion to Dismiss Arguments," March 2015, San Diego.
- Bridgeport: 2015 Annual Consumer Class Action Conference, February 2015, Miami (Co-Chair).
- Venable, LLP: Invited by former opposing counsel to present mock oral argument on a motion to certify the class in a food labeling case, Hon. Marilyn Hall Patel (Ret.) presiding, October 2014, San Francisco.
- Bridgeport: 15th Annual Class Action Litigation Conference – "Food Labeling and Nutritional Claim Specific Class Actions," September 2014, San Francisco (Co-Chair and Panelist).
- Bridgeport: 2014 Consumer Class Action Conference – "Hot Topics in Food Class Action Litigation," June 2014, Chicago.
- Perrin Conferences: Challenges Facing the Food and Beverage Industries in Complex Consumer Litigations, invited to discuss cutting edge developments in settlement negotiations, notice, and other topics, April 2014, Chicago.
- Bridgeport: Class Action Litigation & Management Conference – "Getting Your Settlement Approved," April 2014, Los Angeles.

- HarrisMartin: Target Data Security Breach Litigation Conference – "Neiman Marcus and Michael's Data Breach Cases and the Future of Data Breach Cases," March 2014, San Diego.
- Bridgeport: Advertising, Marketing & Media Law: Litigation and Best Management Practices – "Class Waivers and Arbitration Provisions Post-*Concepcion / Oxford Health Care,*" March 2014, Los Angeles.

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

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

- MassTorts Made Perfect: Speaker Conference, April 2019, Las Vegas: "Legal Fees: How Companies and Governments Charge The Public, and How You Can Fight Back."
- HarrisMartin: Lumber Liquidators Flooring Litigation Conference, May 2015, Minneapolis: "Best Legal Claims and Defenses."
- Bridgeport: 15th Annual Class Action Litigation Conference, September 2014, San Francisco: "The Scourge of the System: Serial Objectors."
- Strafford Webinars: Crafting Class Settlement Notice Programs: Due Process, Reach, Claims Rates and More, February 2014: "Minimizing Court Scrutiny and Overcoming Objector Challenges."
- Pincus: Wage & Hour and Consumer Class Actions for Newer Attorneys: The Do's and Don'ts, January 2014, Los Angeles: "Current Uses for the 17200, the CLRA an PAGA."
- Bridgeport: 2013 Class Action Litigation & Management Conference, August 2013, San Francisco: "Settlement Mechanics and Strategy."

Theodore W. Maya is a partner at AW. Mr. Maya graduated from UCLA Law School in 2002 after serving as Editor-in-Chief of the UCLA Law Review. From July 2003 to August 2004, Mr. Maya served as Law Clerk to the Honorable Gary Allen Feess in the United States District Court for the Central District of California. Mr. Maya was also a litigation associate in the Los Angeles

offices of Kaye Scholer LLP for approximately eight years where he worked on a large variety of complex commercial litigation from inception through trial. Mr. Maya was named "Advocate of the Year" for 2007 by the Consumer Law Project of Public Counsel for successful pro bono representation of a victim of a large-scale equity fraud ring. As a partner at AW, Mr. Maya has extensive experience litigating all aspects of complex and consumer class actions.

Henry J. Kelston, a partner at AW, graduated from New York University School of Law in 1978 and is a member of the New York and Connecticut Bars. Mr. Kelston has litigated a broad array of class actions for more than two decades, including actions challenging improperly charged bank fees, unauthorized collection of biometric data, and unlawful no-poach agreements among employers. He has been on the front lines in major data breach cases against companies such as Yahoo! and Facebook, and he has represented consumers in class actions challenging food labeling practices, including the use of "natural" claims on products containing GMOs. His work in *In re Conagra Foods, Inc.*, contributed to a groundbreaking decision by the Ninth Circuit Court of Appeals, significantly strengthening the rights of consumers to bring class actions. Mr. Kelston is also a frequent speaker and CLE presenter on electronic discovery, and a member of The Sedona Conference® Working Group 1 on Electronic Document Retention and Production.

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

Andrew W. Ferich, also a partner at AW, is admitted to the bars of Pennsylvania, New Jersey, and the District of Columbia. Mr. Ferich received his law degree from Villanova University's Charles Widger School of Law in 2012, where he served as Executive Editor of the *Journal of Catholic Social Thought*. Mr. Ferich has significant experience in consumer protection, data privacy, ERISA/retirement plan, and whistleblower/*qui tam* litigation. Prior to joining the firm, Mr. Ferich was a senior associate at a well-known Philadelphia-area class action law firm. Before joining the plaintiffs' bar, Mr. Ferich was an associate at an AmLaw 200 national litigation firm in Philadelphia where he focused his practice on commercial litigation and financial services litigation. Mr. Ferich has represented a wide array of clients and has received numerous court-appointed leadership

positions in large class actions. Mr. Ferich possesses major jury trial experience and has assisted in litigating cases that have collectively resulted in over $100 million in settlement value in damages and injunctive relief for various classes and groups of people.

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

Sarper Unal is an associate attorney at AW. Mr. Unal graduated from the University of California, Irvine School of Law in 2021. Prior to joining AW, Mr. Unal gained litigation experience in a class action firm in the District of Columbia focusing on employment discrimination cases. He also clerked for the Orange County Public Defender's Office and served as an intake coordinator at the Civil Rights Litigation Clinic during law school. At AW, Mr. Unal has contributed to the firm's efforts in privacy and antitrust class actions.