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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

**In re VNGR BEVERAGE, LLC
LITIGATION**

Case No. 4:24-cv-03229-HSG (lead)

No. 4:24-cv-03612-SK

**PLAINTIFFS' MOTION FOR
ATTORNEY FEES, COSTS, AND
INCENTIVE AWARDS**

MOTION HEARING

DATE: November 20, 2025

TIME: 2:00 p.m.

CTRM: 2 (4th Floor)

Judge: Hon. Haywood S. Gilliam, Jr.

1 **PLEASE TAKE NOTICE** that on November 20, 2025, at 2:00 p.m. in the United States
2 District Court for the Northern District of California, before the Honorable Haywood S. Gilliam, Jr.
3 in the Oakland Courthouse, 1301 Clay Street, in Courtroom 2 on the 4th Floor, Plaintiffs Kristin
4 Cobbs, Sarah Coleman, and Megan Wheeler (collectively, “Plaintiffs”) will and do move,
5 consistent with the Settlement Agreement filed in the above-entitled action (ECF 55-1, Ex. 1), for
6 an award of \$2,670,000 in attorneys’ fees, an award of \$23,593.48 in costs, and incentive awards in
7 the amount of \$5,000 each for Plaintiffs Kristin Cobbs, Sarah Coleman, and Megan Wheeler.
8 This Motion is supported by the Settlement Agreement (ECF 55-1, Ex. 1); the Memorandum of
9 Points and Authorities in Support of Plaintiffs’ Application for Attorneys’ Fees, Costs, and
10 Incentive Awards; the Declaration of Seth A. Safier in Support of Plaintiffs’ Application for
11 Attorneys’ Fees, Costs, and Incentive Awards (“Safier Decl.”); the Declaration of L. Timothy
12 Fisher in Support of Plaintiffs’ Application for Attorneys’ Fees, Costs, and Incentive Awards
13 (“Fisher Decl.”); the Declaration of Adrian Gucovschi in Support of Plaintiffs’ Application for
14 Attorneys’ Fees, Costs, and Incentive Awards (“Gucovschi Decl.”); the Declaration of Laurence D.
15 King (“King Decl.”) in Support of Plaintiffs’ Motion for Attorneys’ Fees and Motion for Incentive
16 Payments and accompanying exhibits; Declarations of Plaintiffs Cobbs, Wheeler, and Coleman;
17 and the pleadings and papers on file in this action and any other matter of which this Court may
18 take notice.

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I. INTRODUCTION & BACKGROUND

In this suit, Plaintiffs alleged that Defendant's labeling of its prebiotic soda (the "Products") with the phrases "for a healthy gut," "Be Gut Healthy," and "Prebiotics for a Healthy Gut" (collectively, the "Prebiotic Representations") was false and misleading. Plaintiffs alleged that the Prebiotic Representations were misleading because they lead reasonable consumers to believe that they will receive gut health benefits from the Products, but in reality, the Products do not support gut health and in fact harm gut health because the Products contain more sugar than fiber. As further explained in Plaintiffs' briefing in support of settlement approval (ECF 55), the settlement confers significant benefits on all U.S. purchasers of Defendant's Products, excluding resale purchasers, and achieves the outcomes sought in the litigation. The settlement reflects that:

- Defendant agreed to create a non-reversionary Settlement Fund of \$8,900,000 against which Class Members may file a Claim to receive a Cash Payment of up to the following: seventy-five cents (\$0.75) per each Single Can Unit of the Products purchased; three dollars (\$3.00) per 4-pack Unit of the Products purchased; six dollars (\$6.00) per 8-pack Unit of the Products purchased; nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Products purchased. All Class Members that submit a Valid Claim are entitled to a Minimum Cash Payment of \$5.00.
- If a Class Member does not provide Proof of Purchase, the Class Member can claim a maximum Cash Payment of \$16.00 per Household.

Plaintiffs and their counsel have not yet received any compensation for their work on the three consolidated cases or for the out-of-pocket expenses they have incurred. They collectively expended hundreds of hours investigating, litigating, and negotiating to reach the successful settlement of the cases. This motion is submitted pursuant to the Court's Order (ECF 63) to apply for an award of attorneys' fees, costs, and an incentive awards as provided in the Settlement Agreement. The amounts will be paid out of the settlement common fund.

Plaintiffs also request payment from the Settlement Fund of their out-of-pocket expenses, approximately \$23,593.48, plus attorneys' fees in the amount of \$2,670,000, which represents 30% of the common fund. *Id.* ¶ 8.1. The Parties negotiated these provisions of the Settlement Agreement

only after negotiating and reaching an agreement as to all the other material terms. Such an approach is endorsed by the *Manual For Complex Litigation*. See *Manual For Complex Litigation* ¶ 21.7 (4th ed. 2004) (“Separate negotiation of the class settlement before an agreement on fees is generally preferable.”). This request is in line with standard awards under other common fund settlements that award fees as a percentage of the fund, as set out in *Williams v. MGM Pathe Commc’ns. Corp.*, 129 F.3d 1026 (9th Cir. 1997). As discussed herein, the request is also reasonable under a lodestar-multiplier cross-check. The resulting settlement is the product of a non-collusive, adversarial negotiation in light of the work devoted by Class Counsel under California law. Class Counsel’s corresponding request for fees and costs is fair, just and reasonable under California law and should be granted.

Finally, as provided in the Settlement Agreement, Plaintiffs also request payment from the Settlement Fund of Incentive Awards of \$5,000 each for Plaintiffs Cobbs, Coleman, and Wheeler. ECF 55-1, Ex. 1 at ¶ 8.2. The Incentive Awards are designed to compensate Plaintiffs for (1) the time and risk they took in prosecuting this action (including the risk of liability for Defendant’s costs and for negative attention from the press and on social media) and (2) agreeing to a release broader than the one that will bind settlement class members. *Id.* at ¶¶ 8.2, 9.3.

II. APPROVAL OF THE FEES AND COST AWARDS

Under Ninth Circuit standards, a District Court may analyze and issue an attorneys’ fee award: (1) as a percentage of the total benefit made available to the settlement class, including costs, fees, and injunctive relief; or (2) under the “lodestar” method. See, e.g., *Bluetooth Headset Prods. Liability Litig.*, 654 F.3d 935, 941 (9th Cir. 2011); *Nwabueze v. AT&T, Inc.*, No. C 09-01529 SI, 2014 WL 324262, at *2-3 (N.D. Cal. Jan. 29, 2014); *Lopez v. Youngblood*, No. CV-F-07-0474 DLB, 2011 WL 10483569, at *11-12 (E.D. Cal. Sept. 2, 2011). Plaintiffs’ fee request is reasonable under either of these approaches. Further, an attorney is entitled to “recover as part of the award of attorney’s fees those out-of-pocket expenses that would normally be charged to a fee paying client.” *Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) (internal quotation marks and citation omitted). To support an expense award, plaintiffs should file an itemized list of their expenses by category, listing the total amount advanced for each category, allowing the Court to

1 assess whether the expenses are reasonable. *See Wren v. RGIS Inventory Specialists*, No. 06-cv-
 2 05778-JCS, 2011 WL 1230826, at *30 (N.D. Cal. Apr. 1, 2011); District Guidelines ¶ 6. Plaintiffs
 3 have done that here.

4 Plaintiffs request an award of \$2,670,000 for attorneys' fees. This represents 30% of the
 5 \$8,900,000 common fund, and a multiplier of Class Counsel's lodestar of approximately 3.2. Both
 6 the percentage method and lodestar method require examination of (1) the results achieved; (2) the
 7 risk of litigation; (3) the skill required and the quality of work; (4) the contingent nature of the fee
 8 and the financial burden carried by the plaintiffs; and (5) awards made in similar cases. *Larsen v.*
 9 *Trader Joe's Co.*, No. 11-cv-05188-WHO, 2014 U.S. Dist. LEXIS 95538, at *28-29 (N.D. Cal.
 10 July 11, 2014). Each of the relevant factors supports Plaintiffs' request. For the reasons explained
 11 below, Plaintiffs' request for fees is reasonable and should be awarded.

12 **A. Plaintiffs' Counsel's Requested Fee Is a Reasonable Percentage**
 13 **of the Total Benefit Made Available to the Class.**

14 "The typical range of acceptable attorneys' fees in the Ninth Circuit is 20% to 33 1/3% of
 15 the total settlement value, with 25% considered the benchmark. However, . . . in 'most common
 16 fund cases, the award exceeds that benchmark.'" *Vasquez v. Coast Valley Roofing, Inc.*, 266 F.R.D.
 17 482, 491 (E.D. Cal. 2010); *see also In re MacBook Keyboard Litig.*, No. 5:18-cv-02813-EJD, 2023
 18 U.S. Dist. LEXIS 92063, at *42-43 (N.D. Cal. May 25, 2023) (awarding fees equal to 30% of the
 19 fund and noting multiple courts have done the same); *In re Activision Sec. Litig.*, 723 F. Supp.
 20 1373, 1377 (N.D. Cal. 1989) (explaining that an attorney fee award of 30% is appropriate in most
 21 common fund settlements); *In re Pac. Enters. Sec. Litig.*, 47 F.3d 373, 378-79 (9th Cir. 1995)
 22 (affirming attorneys' fee award of 33% of the recovery); *Morris v. Lifescan, Inc.*, 54 F. App'x 663,
 23 664 (9th Cir. 2003) (affirming attorneys' fee award of 33% of the recovery). In deciding on a fee
 24 award, the Court must consider "all of the circumstances of the case" such as the results achieved,
 25 the risk undertaken by Class Counsel, benefits obtained beyond the Settlement Amount, and
 26 whether Class Counsel declined other work to pursue the Actions. *See Vizcaino v. Microsoft Corp.*,
 27 290 F.3d 1043, 1048-49 (9th Cir. 2002) (affirming a 28% fee award). The Court may also consider
 28

the skill required and quality of the work. *Sypherd v. Lazy Dog Rests., LLC*, No. 5:20-cv-00921-FLA (KKx), 2023 U.S. Dist. LEXIS 23257, at *12-15 (C.D. Cal. Feb. 10, 2023).

In *Sypherd*, the court found it was reasonable to award fees equal to 30% of the fund where: (1) the \$2.15M fund provided a benefit class members could not have obtained individually, particularly because it was unlikely they would have even discovered the practices at issue; (2) there were significant litigation risks given the lack of on-point authority, unique legal questions; (3) class counsel was very experienced with class actions and skillfully and earnestly litigated the case through discovery and several motions; and (4) class counsel litigated the case on a contingent basis. *Id.* Similarly, in *MacBook Keyboard*, the court awarded fees of 30% where (1) class counsel “achieved excellent results” by obtaining a fund representing between 9% and 28% of total estimated damages; (2) the class action against a major corporation was risky, particularly in light of potential decertification, trial, a battle of experts, and appeals; (3) the class benefited from the experience and skill of class counsel, as evidenced by class counsel’s ability to prevail on motions to dismiss and to certify a class while litigating against highly qualified and experienced defense counsel; and (4) class counsel took the case on a contingency fee basis. 2023 U.S. Dist. LEXIS 92063, at *39-43.

As explained below, all of these factors justify an award of 30% in this case.

1. The Settlement Confers Substantial Benefits to the Class

The results achieved in the Settlement represent substantial benefits for the class. Defendant has agreed to create a Settlement Fund of \$8,900,000 from which consumers who submit Valid Claims can receive a Cash Payment up to the following: seventy-five cents (\$0.75) per each Single Can Unit of the Products purchased; three dollars (\$3.00) per 4-pack Unit of the Products purchased; six dollars (\$6.00) per 8-pack Unit of the Products purchased; nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Products purchased. All Class Members that submit a Valid Claim are entitled to a Minimum Cash Payment of \$5.00. The Minimum Cash Payment to any Settlement Class Member who submits a Valid Claim is \$5.00 per Household. Settlement Class Members who do not provide Proof of Purchase may obtain a maximum Cash Payment of sixteen dollars (\$16.00).

Based on Plaintiffs' Counsel's experience in comparable litigation, the price premium associated with the Gut Health Representations is likely between five and ten percent (5-10%). ECF 55-1 ¶ 19 (Fisher Declaration in support of preliminary approval of settlement); Fisher Decl. ¶ 18. Thus, the Cash Payment for Valid Claims exceeds, on a per-Unit basis, the payments that the Class would be awarded if Plaintiffs were successful at trial: a single can of the Product sells at retail for upward of \$2.50. If Plaintiffs recovered the entire amount of the monetary damages under the price premium model, the maximum potential recovery available to Class Members per single can would be approximately \$0.13-\$0.25. This result warrants an upward adjustment. *See e.g., Mauss v. NuVasive, Inc.*, 2018 WL 6421623, at *6 (S.D. Cal. Dec. 6, 2018) (where settlement was "approximately 23 to 34 percent" of maximum damages weighed in favor of upward adjust to 30 percent of common fund).

Under this Settlement, a Class Member with an Approved Claim is entitled to a Class Payment of seventy-five cents (\$0.75) per each Single Can Unit purchased, three dollars (\$3.00) per 4-pack Unit purchased, six dollars (\$6.00) per 8-pack Unit purchased and nine dollars (\$9.00) per 12-pack or 15-pack unit purchased. ECF 55-1, Ex. 1 § 6.1.5. These amounts constitute a significant percentage of the Products' total cost. In addition, each Claimant is entitled to the Minimum Payment of five dollars (\$5.00) and there is no maximum limit on the recovery Claimants may receive with Proof of Purchase. *Id.* Given that Defendant moved to dismiss all of Plaintiffs' claims, this Settlement is an outstanding result as Defendant could have prevailed on the motion to dismiss, narrowed the scope of the Products at issue, the breadth of the Class, and/or the claims. Moreover, even if Plaintiffs won at trial, Class Members would still need to file claims to receive compensation as Defendant does not have records of individual purchases, and the overall recovery would likely be lower.

The settlement in this case is also significantly larger than settlements in comparable cases. *See, e.g., Andrade-Heymsfield v. NextFoods, Inc.*, 2024 WL 3871634 (S.D. Cal. Apr. 8, 2024) (approving \$1.25 million settlement where the plaintiff alleged that a probiotic drink did not provide the promised health benefits); *Metague v. Woodbolt Distrib. LLC*, D. Md. Case No. 8:20-cv-2186-PX, Dkt. No. 67 (approving \$3 million settlement where the plaintiff alleged that a drink

1 had zero calories but the drink actually contained 30-50 calories); *Bayol v. Health-Ade LLC*, N.D.
 2 Cal. Case No. 3:18-cv-1462-MMC, Dkt. No. 59 (approving \$3.9 million settlement in case alleging
 3 that a beverage understated its sugar content and failed to disclose its alcohol content); *Hezi v.*
 4 *Celsius Holdings, Inc.*, 2023 WL 2785820 (S.D.N.Y. Apr. 5, 2023) (approving \$7.8 million
 5 settlement where the plaintiff alleged that a beverage included preservatives despite a
 6 representation that it contained “no preservatives”); *Retta v. Millennium Products, Inc.*, 2017 WL
 7 5479637 (C.D. Cal. Aug. 22, 2017) (approving \$8.25 claims-made settlement where the plaintiffs
 8 alleged that the defendant failed to disclose the alcohol content of its kombucha beverage).

9 Thus, the “most critical factor” in analyzing a fee award, *i.e.*, the benefits for the class,
 10 strongly supports Plaintiffs’ request of 30% of the settlement fund. *Hensley v. Eckerhart*, 461 U.S.
 11 424, 436 (1983); *see also Weeks v. Google LLC*, 2019 WL 9135563, at *3 (N.D. Cal. Dec. 13,
 12 2019) (“The settlement in this case creates a \$7.25 million non-revisionary common fund that
 13 Class Counsel estimate is approximately 38 percent of the maximum class-wide damages. ... The
 14 recovery represents an excellent result thus supporting an increase from the benchmark.”). The
 15 results obtained for members of the Class here warrants a departure from the 25% benchmark.

16 **2. Risk of Further Litigation Supports the Fee Request**

17 To prevail at trial, Plaintiffs would have to prove that Defendant’s labeling and
 18 advertisements were unlawful and misleading; that consumers relied on the misrepresentations; the
 19 representations caused injuries; and that there were recoverable damages or restitution for the
 20 Class. Defendant also would likely oppose class certification. Although Plaintiffs believe the
 21 evidence obtained in discovery would establish the prerequisites for certification as well as
 22 Defendant’s liability and damages, Defendant vigorously denies those allegations. Among other
 23 things, Defendant was prepared to argue that its labeling advertising was truthful and not
 24 misleading to a reasonable consumer. Further litigation would have required significant expert
 25 work given the novel ingredients and claims at issue on Defendant’s Products. Plaintiffs also faced
 26 challenges in certifying a class and, if a class or classes were certified, establishing the amount of
 27 class-wide damages. Moreover, even if Plaintiffs prevailed at trial, any recovery could be delayed
 28 for years by an appeal. These obstacles would have made it considerably difficult to obtain a

1 similar recover through litigation. Thus, the risk of protracted litigation supports Plaintiffs' fee
2 request.

3 **3. The Skill and Quality of Plaintiffs' Counsel's Work**
4 **Supports Plaintiffs' Fee Request**

5 Plaintiffs' Counsel are experienced litigators whose skill and quality of work led to
6 significant benefits for the Settlement Class. Plaintiffs devoted significant resources to developing
7 the theory of the case and drafting the complaints, relying on complex scientific research into the
8 ingredients in Defendants' Products. *See* ECF 35 at ¶¶ 26-67. Plaintiffs briefed the motion to
9 dismiss, which promoted settlement before the Court issued its decision on the motion. ECF 43.
10 Beyond Plaintiffs' Counsel's skillful investigation of the facts and application of the law,
11 Counsel's efforts to date included, without limitation: (1) significant pre-filing investigation;
12 (2) drafting and filing the class action complaints, a consolidated complaint, and amended
13 complaints; (3) drafting and filing an opposition to Defendant's motion to dismiss; (4) drafting and
14 filing case management conference statements and case management stipulations; (5) drafting a
15 mediation statement and participating in an all-day mediation session before Hon. Jay Gandhi;
16 (6) negotiating and drafting the Settlement Agreement along with corresponding documents,
17 including the claim form and notice forms; (7) drafting and filing the motion for approval and
18 supporting documents, including a proposed preliminary approval order and a proposed final
19 judgment; (8) attending oral argument on the motion for approval; (8) ensuring the efficient and
20 complete claims process by engaging closely with the Claim Administrator; and (9) drafting and
21 filing this motion for attorneys' fees, costs, and incentive awards. *Safier Decl.* ¶¶ 5-17. Plaintiffs'
22 Counsel experience and skill significantly contributed to the outcome of this litigation and supports
23 Plaintiffs' fee request.

24 Plaintiffs' Counsel also agreed to work together and avoided an unnecessary dispute over
25 leadership. By self-organizing and working harmoniously with one another, they moved the case
26 forward swiftly and saved the Court from having to resolve a leadership dispute under Fed. R. Civ.
27 P. 23(g). *Safier Decl.* ¶¶ 8-10; 15-16. In addition, litigation tasks were allocated to prevent
28 "over-lawyering" and inefficiency. *Id.* ¶ 16. The bulk of the work was performed by a small

number of attorneys fully familiar with the complex factual and legal issues presented by this litigation. *Id.* This division of labor permitted the work to be done efficiently, resulting in an economy of service and avoiding duplication of effort. *Id.*

4. The Contingent Nature of the Fees Supports Granting the Fee Request.

“Courts have recognized that the public interest is served by rewarding attorneys who assume representation on a contingent basis with an enhanced fee to compensate them for the risk that they might be paid nothing for their work.” *Larsen*, 2014 U.S. Dist. LEXIS 95538, at *30. Plaintiffs’ Counsel bore considerable risk in litigating this case wholly on a contingent basis and advancing all costs. Safier Decl. ¶¶ 20-21; Fisher Decl. ¶¶ 20-23. Since Plaintiffs’ Counsel’s work is primarily focused on contingent-fee class action cases, it does not get paid in every case. Sometimes, it gets nothing or is awarded fees equal to only a small percentage of the amount it had worked. Here, Plaintiffs’ Counsel expended nearly 881 hours litigating this case on a contingent-basis, with no guarantee of compensation. Thus, this factor supports Plaintiffs’ fee request. *See Smith v. Keurig Green Mt., Inc.*, No. 18-cv-06690-HSG, 2023 U.S. Dist. LEXIS 32327, at *26 (N.D. Cal. Feb. 27, 2023) (“Courts have found that the importance of assuring adequate representation for plaintiffs who could not otherwise afford competent attorneys justifies providing those attorneys who accept matters on a contingent-fee basis a larger fee than if they were billing by the hour or as a flat fee.”).

B. As a Cross-Check, Plaintiffs’ Counsel’s Requested Fee Is Also Reasonable When Using the Lodestar Approach.

The Court is not obligated to perform a cross-check on Class Counsel’s lodestar when evaluating the percentage of the fund to be awarded as fees. *Farrell v. Bank of Am. Corp., N.A.*, 827 F. App’x 628, 630 (9th Cir. 2020) (affirming district court’s decision to use percentage-of-recovery to calculate fees without performing lodestar cross-check). Indeed, “[i]n a common fund case, a lodestar method does not necessarily achieve the stated purposes of proportionality, predictability and protection of the class and can encourage unjustified work and protracting the litigation.” *Bolton v. U.S. Nursing Corp.*, No. 12-cv-4466-LB, 2013 U.S. Dist. LEXIS 150299, at *13 (N.D. Cal. Oct. 18, 2013) (citing *In re Activision Sec. Litig.*, 723 F. Supp. 1373, 1378 (N.D.

Cal. 1989)). Should the Court elect to utilize a lodestar cross-check, Class Counsel's fee here is likewise eminently reasonable.

Under the lodestar approach, "[t]he lodestar (or touchstone) is produced by multiplying the number of hours reasonably expended by counsel by a reasonable hourly rate." *Lealao v. Beneficial California, Inc.*, 82 Cal. App. 4th 19, 26 (2000); *see also Kelly v. Wengler*, 822 F.3d 1085, 1099 (9th Cir. 2016) ("[A] court calculates the lodestar figure by multiplying the number of hours reasonably expended on a case by a reasonable hourly rate. A reasonable hourly rate is ordinarily the 'prevailing market rate [] in the relevant community.'" (alteration in original) (internal citation omitted) (quoting *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551 (2010))). Once the court has fixed the lodestar, it may increase or decrease that amount by applying a positive or negative "multiplier to take into account a variety of other factors, including the quality of the representation, the novelty and complexity of the issues, the results obtained and the contingent risk presented." *Lealao*, 82 Cal. App. 4th at 26; *see also Serrano v. Priest* ("*Serrano III*"), 20 Cal. 3d 25, 48-49 (1977). "Where, as here, the lodestar is being used as a cross-check, courts may do a rough calculation 'with a less exhaustive cataloging and review of counsel's hours.'" *McShan v. Hotel Valencia Corp.*, No. 19-cv-03316-LHK, 2021 U.S. Dist. LEXIS 69558, at *4 (N.D. Cal. Apr. 9, 2021). However, "[t]he line between over- and under-preparation is difficult to police, and so the Ninth Circuit has cautioned against second guessing a winning attorney's judgment about the time necessary to present a winning case." *Dragu v. Motion Picture Indus. Health Plan*, 159 F. Supp. 3d 1121, 1129 (N.D. Cal. 2016) (citation omitted).

"Generally, when determining a reasonable hourly rate, the relevant community is the forum in which the district court sits." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008).

Here, Plaintiffs' Counsel's lodestar through the date of this motion is approximately \$827,683. *See* Safier Decl. ¶ 22 (\$\$410,031); Fisher Decl. ¶ 24 (\$223,785); Gucovschi Decl. ¶ 7 (\$75,717.50); King Decl. ¶ 6 (\$118,150). Plaintiffs' Counsel calculated their lodestar using their regular billing rates, which for the attorneys involved range from \$450 to \$1,590 per hour and for the paralegals range from \$295 to \$400 per hour. Safier Decl. ¶ 24; Fisher Decl., Ex. 2; King Decl.

¶ 6. Plaintiffs' Counsel includes graduates of top law schools (including Berkeley, Yale, Harvard, and NYU), and the principal work was performed by lawyers with 8 or more years of experience.¹ Safier Decl. ¶ 39, Ex. 1; Fisher Decl. Ex. 1-2. "Affidavits of the plaintiffs' attorn[ies] ... regarding prevailing fees in the community, and rate determinations in other cases, particularly those setting a rate for the plaintiff[s] attorney, are satisfactory evidence of the prevailing market rate." *United Steelworkers of Amer. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).

For attorneys and staff at the GSLLP firm, these hourly rates are equal to or below market rates in San Francisco for attorneys of Plaintiffs' Counsel's background and experience. Safier Decl. ¶¶ 39-40. Additionally, the rates charged by Plaintiffs' Counsel have been deemed reasonable in connection with the approval of their fee applications in at least twelve recent matters. *Id.* Courts in other cases over the past several years have also approved similar fees charged by other firms. *See, e.g., Smith v. Apple, Inc.*, No. 21-cv-09527-HSG, 2025 U.S. Dist. LEXIS 83589, at *23 (N.D. Cal. May 1, 2025) (approving hourly rates between \$850 and \$1,300 for associates and senior attorneys); *Miller v. Travel Guard Grp., Inc.*, No. 21-cv-09751-TLT, 2024 U.S. Dist. LEXIS 238130, at *23 (N.D. Cal. Dec. 9, 2024) (approving hourly rate of \$1,252.09); *Elgindy v. AGA Serv. Co.*, No. 20-cv-06304-JST, 2024 U.S. Dist. LEXIS 196527, at *29 (N.D. Cal. Oct. 29, 2024) (approving hourly rates between \$825 and \$1175 for associates and partners); *Glob. Indus. Inv. Ltd. v. 1955 Capital Fund I GP LLC*, No. 21-cv-08924-HSG, 2023 U.S. Dist. LEXIS 173343, at *12 (N.D. Cal. Sep. 27, 2023) (granting fees, minus certain work, at hourly rates between \$1,085 and \$1,650 for counsel and partners and between \$645 and \$960 for associates); *Hessefort v. Super Micro Comput., Inc.*, No. 18-cv-00838-JST, 2023 U.S. Dist. LEXIS 198353, at *25 (N.D. Cal. May 5, 2023) (approving rates from \$770 to \$1,350 for partners or of counsel attorneys); *In re Volkswagen "Clean Diesel" Mktg., Sales Practices, & Prods. Liab. Litig.*, No. 2672 CRB (JSC), 2017 U.S. Dist. LEXIS 39115, 2017 WL 1047834, at *5 (N.D. Cal. Mar. 17, 2017) (approving reasonable rates of up to \$1600 for partners, \$790 for associates, and \$490 for paralegals); *In re Animation Workers Antitrust Litig.*, No. 14-cv-4062-LHK, 2016 U.S. Dist. LEXIS 156720, at *20-

¹ Some of Plaintiffs' Counsel also previously worked for top defense firms; had they remained at those firms their rates would be even higher than they are currently. Safier Decl. ¶¶ 40.

21 (N.D. Cal. Nov. 11, 2016) (approving hourly rates of senior attorneys of between \$845 and \$1,200).

For attorneys and staff at Bursor & Fisher, these hourly rates are also equal to or below market rates in San Francisco Bay Area for attorneys of Plaintiffs' Counsel's background and experience. California courts have repeatedly held rates commensurate with Class Counsel's rates to be fair and reasonable. *See, e.g., Andrews v. Equinox Holdings, Inc.* 570 F. Supp. 3d 803, 808 (N.D. Cal. 2021) (approving lead counsel rate of \$1,250); *Nozzi v. Hous. Auth. for the City of Los Angeles*, 2018 WL 1659984, at *7 (C.D. Cal. Feb. 15, 2018) (at 2017 rates, rates of \$1,150, \$750 and \$765 for senior attorneys in private law firm approved); *Nitsch v. DreamWorks Animation SKG Inc.*, 2017 WL 2423161, at *9 (N.D. Cal. June 5, 2017) (finding rates for senior attorneys of between \$870 to \$1200 per hour to be reasonable); *In re High-Tech Employee Antitrust Litig.*, 2015 WL 5158730, at *9 (N.D. Cal. Sept. 2, 2015) (approving billing rates of \$490 to \$975 for partners, \$310 to \$800 for non-partner attorneys, and \$190 to \$430 for paralegals, law clerks, and litigation support staff). Courts in California have found Bursor & Fisher's rates reasonable at levels close to where they currently stand. *See, e.g., Perez v. Rash Curtis & Associates*, 2020 WL 1904533, at *20 (N.D. Cal. Apr. 17, 2020) (finding Bursor & Fisher's hourly rates to be reasonable); *Kaupelis v. Harbor Freight Tools USA., Inc.* 2022 WL 2288895, at *9 (C.D. Cal. Jan. 12, 2022) (finding Bursor & Fisher's "rate range from \$700-\$1000 for partners, \$315-\$450 for associates, and \$350-\$300 for paralegals ... are 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's rates reasonable). Bursor & Fisher's rates have increased only slightly in the time since these orders. *See Fisher Decl., Ex. 2.*

Class Counsels' current rates are appropriate given the deferred and contingent nature of counsel's compensation. *See In re Washington Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1305 (9th Cir. 1994) ("The district court has discretion to compensate delay in payment in one of two ways: (1) by applying the attorneys' current rates to all hours billed during the course of litigation; or (2) by using the attorneys' historical rates and adding a prime rate enhancement.").

C. It Is Appropriate to Apply a Positive Multiplier to Class Counsels' Lodestar.

In a historical review of numerous class action settlements, the Ninth Circuit found that lodestar multipliers normally range from 0.6 to 19.6. *See Vizcaino v. Microsoft Corp.* 290 F.3d at 1051 n.6. State and federal courts often approve greater multipliers. *See Newberg, Attorney Fee Awards*, § 14.03 at 14–5 (1987) (“multiples ranging from one to four are frequently awarded in common fund cases when the lodestar method is applied.”). For instance, Judge Yvonne Gonzalez Rogers of the Northern District of California explicitly approved a multiplier of between 13.4 to 18.5 in a case where Bursor & Fisher was also class counsel. *See Perez*, 2020 WL 1904533, at *20-21; *see also Perera v. Chiron Corp.* Civ. No. 95-20725-SW (N.D. Cal. 1999, 2000) (approving multiplier of 9.14; cited in *California Class Actions and Coordinated Proceedings* § 15.05); *Stop & Shop Supermarket Co. v. SmithKline Beecham Corp.* 2005 WL 1213926, at *18 (E.D. Pa. May 19, 2005) (awarding 20% of a \$100 million settlement fund in attorneys’ fees, which represented a multiplier of 15.6); *Tierno v. Rite Aid Corp.*, 2009 WL 10699905, at *1 (N.D. Cal. Nov. 9, 2009) (“In evaluating the requested award based on the lodestar -plus-multiplier approach, the Court notes that other courts addressing fee requests in class action cases have approved multipliers as high as 5.0 to the underlying lodestars.”); *Behrens v. Wometco Enterprises, Inc.*, 118 F.R.D. 534, 549 (S.D. Fla. 1988) (“The range of lodestar multiples in large and complicated class actions runs from a low of 2.26 to a high of 4.5” (internal citations omitted)).

The requested fee equates to a 3.2 multiplier, and possibly lower depending on how much work Plaintiffs’ Counsel performs prior to (and after) Final Approval. A multiplier of 3.2 falls well within the range commonly awarded by courts. *See Rodman v. Safeway Inc.*, No. 11-cv-03003-JST, 2018 U.S. Dist. LEXIS 143867, at *16 (N.D. Cal. Aug. 22, 2018) (noting multipliers of one to four times the lodestar are common and awarding fees equal to 28% of the common fund, which represented a multiplier of approximately 1.75 of the lodestar); *Dyer v. Wells Fargo Bank, N.A.*, 303 F.R.D. 326, 334 (N.D. Cal. 2014) (“A 2.83 multiplier falls within the Ninth Circuit’s presumptively acceptable range of 1.0–4.0.”). *See also* Fisher Decl. ¶¶ 28-30. Similarly, “[t]he Ninth Circuit has recognized that multipliers typically can range up to 4” and courts “often apply

multipliers that far exceed that range.” *Ludlow v. Flowers Foods, Inc.* 2024 WL 1162049, at *8 (S.D. Cal. Mar. 18, 2024).

Further, where a plaintiff’s firm succeeds, it is appropriate to award a multiplier, to compensate for the risks the firm regularly undertakes. As the California Supreme Court has explained:

[a] contingent fee must be higher than a fee for the same legal services paid as they are performed. The contingent fee compensates the lawyer not only for the legal services he renders but for the loan of those services. The implicit interest rate on such a loan is higher because the risk of default (the loss of the case, which cancels the debt of the client to the lawyer) is much higher than that of conventional loans. A lawyer who both bears the risk of not being paid and provides legal services is not receiving the fair market value of his work if he is paid only for the second of these functions. If he is paid no more, competent counsel will be reluctant to accept fee award cases.

Ketchum v. Moses, 24 Cal. 4th 1122, 1132–33 (2001). Indeed, in *In re Continental Illinois Securities Actions*, 962 F.2d 566 (7th Cir. 1992), a federal appellate court reversed a fee award in a class action for, among other things, the trial court’s refusal to enhance class counsel’s lodestar for contingency risk. It explained, “[t]he judge refused to award a risk multiplier—that is, to give the lawyers more than their ordinary billing rates in order to reflect the risky character of their undertaking. This was error in a case in which the lawyers had no source of compensation for their services.” *Id.* at 569. “[T]he failure to make any provision for risk of loss may result in systematic under-compensation of Class Counsel in a class action case, whereas we have said the only fee that counsel can obtain is, in the nature of the case, a contingent one.” *Id.*

Indeed, a critical factor bearing on fee petitions in Ninth Circuit courts is the level of risk of non-payment faced by Class Counsel at the inception of the litigation. *See, e.g., Vizcaino*, 290 F.3d at 1048. The contingent nature of Class Counsel’s fee recovery, coupled with the uncertainty that any recovery would be obtained, are significant. *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300 (9th Cir. 1994). In *In re Wash. Pub. Power*, the Ninth Circuit recognized that:

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 [I]f this ‘bonus’ methodology did not exist, very few lawyers could take on the representation of a class client given the investment of substantial time, effort, and money, especially in light of the risks of recovering nothing.

1 *Id.* at 1299-1300 (citations omitted) (internal quotations marks omitted).

2 Throughout this case, Class Counsel expended substantial time and costs to prosecute a
3 nationwide class action suit with no guarantee of compensation or reimbursement in the hope of
4 prevailing against sophisticated defendants represented by high caliber attorneys. *See* Fisher Decl.
5 ¶ 20; 23. Class Counsel obtained a highly favorable result for the Class, knowing that if its efforts
6 were ultimately unsuccessful, it would receive no compensation or reimbursement for its costs.
7 This fact alone supports a finding that Class Counsel is entitled to a multiplier.

8 Additionally, Plaintiffs' Counsel reached a settlement before class certification and thus
9 should be rewarded for their efficiency (and the concomitant savings to the judicial system). *See Id.*
10 ¶ 31. In *Lealao*, the Court explained that, unless multipliers are provided when counsel agree to
11 settle early, there will be "a disincentive to settle promptly inherent in the lodestar methodology.
12 Considering that our Supreme Court has placed an extraordinarily high value on settlement, it
13 would seem counsel should be rewarded, not punished, for helping to achieve that goal, as in
14 federal courts." *Lealao*, 82 Cal. App. 4th at 52 (citing *Merola v. Atlantic Richfield Co.*, 515 F.2d
15 165, 168 (3d Cir. 1975) (lodestar-multiplier approach "permits the court to recognize and reward
16 achievements of a particularly resourceful attorney who secures a substantial benefit for his clients
17 with a minimum of time invested"); *see also Buccellato v. AT&T Operations, Inc.*, 2011 WL
18 3348055, at *2 (N.D. Cal. June 30, 2011) (explaining "[t]he resulting multiplier of 4.3 is
19 reasonable" because of, among other factors, "the excellent and quick results obtained for the
20 Class."); *Bowling v. Pfizer, Inc.*, 922 F. Supp. 1261, 1282-1283 (S.D. Ohio 1996) (awarding a
21 multiplier where case settled "in swift and efficient fashion"); *Arenson v. Board of Trade of City of*
22 *Chicago*, 372 F. Supp. 1349, 1358 (N.D. Ill. 1974) (awarding a fee of four times the normal hourly
23 rate on ground that, if the case had not settled and gone to verdict, "there is no doubt that the
24 number of hours of lawyer's time expended would be more than quadruple the number of hours
25 expended to date"). Similarly, in *Thayer v. Wells Fargo Bank*, 92 Cal. App. 4th 819 (2001), the
26 Court noted that "[t]he California cases appear to incorporate the 'results obtained' factor into the
27 'quality' factor: i.e., high-quality work may produce greater results in less time than would work of
28 average quality, thus justifying a multiplier." *Id.* at 838.

Finally, Plaintiffs' Counsel will perform more work before the Settlement becomes effective, including, communicating with Class Members, supervising the Claim Administrator, responding to objections, and opposing any appeals. Plaintiffs' Counsel anticipates another working an additional 20-35 hours before this Settlement is entirely complete and an estimated 100 hours if this Court's judgment is appealed. Safier Decl. ¶ 17; Fisher Decl. ¶ 33. Thus, Plaintiffs' requested fees are reasonable and merited under the lodestar cross-check.

D. Plaintiffs' Counsel Requests an Award of Its Actual Expenses.

Plaintiffs' Counsel requests that, in addition to reasonable attorneys' fees, the Court grant its application to reimburse \$23,23,593.48 in out-of-pocket expenses that it incurred in connection with the prosecution of the Actions. Safier Decl. ¶ 41, Ex. 2; Fisher Decl. ¶ 25, Ex. 3; King Decl. ¶ 7; Gucovschi Decl. ¶ 7. Plaintiffs' Counsel is typically entitled to reimbursement of all reasonable out-of-pocket expenses and costs in prosecution of the claims and in obtaining a settlement. *See Vincent v. Hughes Air West*, 557 F.2d 759, 769 (9th Cir. 1977). As required by the District Guidelines ¶ 6, a current accounting of the expenses incurred are itemized in counsels' declarations. Safier Decl. ¶ 41, Ex. 2; Fisher Decl. Ex. 3; King Decl. ¶ 7; Gucovschi Decl. ¶ 7.

III. APPROVAL OF THE INCENTIVE AWARDS.

This Court should also approve the requested Incentive Awards to the Plaintiffs as they are just, fair and reasonable. In deciding whether to approve such an award, a court should consider: "(1) the risk to the class representative in commencing suit, both financial and otherwise; (2) the notoriety and personal difficulty 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." *Van Vranken v. Atl. Richfield Co.*, 901 F. Supp. 294, 299 (N.D. Cal. 1995); *see also* District Guidelines ¶ 7. Further, as a matter of public policy, representative service awards are necessary to encourage consumers to challenge perceived false advertising and unfair business practices. Each seeks \$5,000 and "[m]any courts in the Ninth Circuit have held that a \$5,000 incentive award is 'presumptively reasonable.'" *Hendricks v. Starkist Co.*, 2016 WL 5462423, at *13 (N.D. Cal. Sept. 26, 2016) (Gilliam, Jr. J.).

1 The named plaintiffs in the Actions took on substantial risk, most importantly the risk of
 2 publicity and notoriety. Indeed, this case received significant media attention. Safier Decl. ¶ 42;
 3 Fisher Decl. ¶ 27. Additionally, Plaintiffs provided Counsel with information regarding their
 4 experiences and claims to enable them to join this case. Plaintiffs Cobbs, Coleman, and Wheeler
 5 remained actively involved in the Actions prior to and after settlement. Safier Decl. ¶ 43; Wheeler
 6 Decl. ¶¶ 3-4; Cobbs Decl. ¶¶ 3-4; Coleman Decl. ¶¶ 3-4. Finally, they all agreed to a broader
 7 general release than the release applicable to the other Settlement Class Members. *See* ECF 55-1,
 8 Ex. 1 ¶ 9.3.

9 The proposed Incentive Awards are reasonable in light of the Plaintiffs' efforts in litigating
 10 the Actions and the relief to the Settlement Class resulting from this Settlement. *See* Theodore
 11 Eisenberg & Geoffrey P. Miller, Incentive Awards to Class Action Plaintiffs: An Empirical Study,
 12 53 UCLA L. Rev. 1303, 1333 (2006) (an empirical study of incentive awards to class action
 13 plaintiffs has determined that the average aggregate incentive award within a consumer class action
 14 case is \$29,055.20, and that the average individual award is \$6,358.80.); *see also In re Mego Fin.*
 15 *Corp. Sec. Litig.*, 213 F.3d 454, 463 (9th Cir. 2000) (awarding plaintiff \$5,000 involving a class of
 16 5,400 people and a total recovery of \$1.725 million); *Smith v. CRST Van Expedited, Inc.*, 2013 WL
 17 163293, *6 (S.D. Cal. Jan. 14, 2013) (finding the amount of the incentive payments requested,
 18 \$15,000, is well within the range awarded in similar cases); *Gibson & Co. Ins. Brokers, Inc. v.*
 19 *Jackson Nat. Life Ins. Co.*, 2008 WL 618893 (C.D. Cal. Feb. 27, 2008) (awarding \$5,000 incentive
 20 fee); *Mendoza v. Hyundai Motor Co.*, No. 15-cv-01685-BLF, 2017 WL 34059, at *15 (N.D. Cal.
 21 Jan 23, 2017) ("\$5,000 is presumptively reasonable.") (citations omitted). The Court should award
 22 them.

23 **IV. CONCLUSION**

24 For the foregoing reasons, Class Counsel asks this Court to grant this application for an
 25 award of \$5,000 each for Plaintiffs Kristin Cobbs, Sarah Coleman, and Megan Wheeler;
 26 \$2,670,000 in attorneys' fees; and \$23,593.48 in costs incurred in this Litigation to be paid by from
 27 the Settlement Fund in accordance the Settlement Agreement.

1 Dated: August 12, 2025

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re VNGR BEVERAGE, LLC LITIGATION

Case No. 4:24-cv-03229-HSG

**DECLARATION OF L. TIMOTHY
FISHER IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEY FEES,
COSTS, AND INCENTIVE AWARDS**

This Document Relates to:
Case No. 4:24-cv-03612-HSG
Case No. 4:24-cv-06666-HSG

Date: November 20, 2025
Time: 2:00 p.m.
Dept: Courtroom 2
Judge: Hon. Haywood S. Gilliam, Jr.

1 I, L. Timothy Fisher, declare as follows:

2 1. I am a partner at Bursor & Fisher, P.A., counsel of record for Plaintiffs and co-lead
3 interim class counsel in this matter. I am an attorney at law licensed to practice in the State of
4 California, and I am a member of the bar of this Court. I have personal knowledge of the facts
5 contained in this declaration, and if called upon to testify I could and would testify competently
6 thereto.

7 2. I make this declaration in support of Plaintiffs' Motion for Attorney Fees, Costs,
8 and Incentive Awards.

9 **This Litigation**

10 3. On May 28, 2024, Plaintiff Cobbs sent a demand letter to Defendant VNGR
11 Beverage LLC d/b/a Poppi ("Defendant" or "Poppi") alleging that Defendant violated California's
12 Consumers Legal Remedies Act ("CLRA"), Cal. Civ. Code §§ 1750, *et seq.*, by intentionally
13 making and disseminating statements concerning its Poppi sodas' (the "Product") prebiotic
14 qualities and positive health effects to consumers in California and the general public.

15 4. Shortly thereafter, Plaintiff Cobbs filed her class action lawsuit against Poppi in this
16 Court, alleging violations of California's False Advertising Law, Cal. Bus. and Prof. Code § 17500,
17 *et seq.* ("FAL"); the CLRA; California's Unfair Competition Law, Cal. Bus. and Prof. Code §
18 17200, *et seq.* ("UCL"); and an Unjust Enrichment claim, arising from Poppi's allegedly unlawful,
19 misleading, and deceptive labeling of the Products. Specifically, the complaint alleged that Poppi
20 unlawfully, misleadingly, and deceptively marketed and labeled its Products as gut healthy. (ECF
21 No. 1). The *Cobbs* Action was assigned to this Court.

22 5. On June 14, 2024, a substantially similar complaint, involving the same questions of
23 law and fact, was filed in the Northern District of California, captioned *Lesh, et al. v. VNGR*
24 *Beverage, LLC*, No. 4:24-cv-03612-SK (the "*Lesh* Action").
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26
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1 6. The Court related and consolidated the *Lesh* Action to the *Cobbs* Action,
2 recaptioned as *In re VNGR Beverage LLC, Litigation* (the “Consolidated Action”), and set
3 deadlines for filing a consolidated amended complaint and related responsive filings. ECF Nos.
4 18, 22.

5 7. On July 19, 2024, a third substantially similar putative class action, involving the
6 same questions of law and fact as in the Consolidated Action, was filed in the Northern District of
7 California, captioned *Wheeler v. VNGR Beverage LLC*, No. 4:24-cv-04396-LB (the “*Wheeler*
8 *Action*”).

9 8. On July 25, 2024, Plaintiffs in the *Cobbs* and *Lesh* Actions filed a Consolidated
10 Amended Complaint in the Consolidated Action. ECF No. 29.

11 9. On August 20, 2024, Plaintiffs in the *Cobbs*, *Lesh*, and *Wheeler* Actions filed a
12 Second Consolidated Amended Complaint. ECF No. 35.

13 10. On August 21, 2024, the Court consolidated the *Wheeler* Action into the
14 Consolidated Action. The Court also appointed Bursor & Fisher, P.A., and Gutride Safier LLP as
15 co-lead Interim Class Counsel. ECF No. 36.

16 11. On September 23, 2024, Poppi filed a Motion to Dismiss the Second Consolidated
17 Amended Complaint under Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6). ECF No.
18 37.

19 12. That same day, September 23, 2024, nearly four months after the initial Complaint
20 was filed, a substantially similar putative class action involving the same questions of law and fact
21 as in the Consolidated Action was filed in the Northern District of California, captioned *Jackson v.*
22 *VNGR Beverage LLC*, No. 3:24-cv-06666-HSG (the “*Jackson Action*”). ECF No. 38. The *Jackson*
23 *Action* was subsequently stayed until forty-five (45) days after Poppi’s Motion to Dismiss was
24 decided in the Consolidated Action. ECF Nos. 40, 42.

13. On December 4, 2024, the Parties took part in an all-day Zoom mediation with Judge Jay C. Gandhi (Ret.) of JAMS. The Parties were unable to come to an agreement on resolution at that mediation. The Parties continued to work with Judge Gandhi and with each other toward resolution. In the weeks that followed, the Parties had numerous phone calls to continue negotiations. The Parties ultimately reached agreement on a class wide settlement that consists of cash benefits with a total value of \$8,900,000.00 (“Gross Settlement Amount”).

14. Pursuant to the terms of the Settlement Agreement, Plaintiffs filed a Third Amended Complaint adding a breach of implied warranty claim. ECF No. 53. The Third Amended Consolidated Complaint was filed on March 6, 2025. ECF No. 54.

15. The Court granted preliminary approval of the settlement on May 23, 2025. ECF No. 61.

Experience of Co-Lead Interim Class Counsel

16. My firm, Bursor & Fisher, P.A., has significant experience litigating class actions of similar size, scope, and complexity to the instant action. *See* Firm Resume of Bursor & Fisher, P.A., a true and accurate copy of which is attached hereto as **Exhibit 1**. My firm has served as plaintiff’s counsel in many similar actions. *See, e.g., Bayol v. Health-Ade*, Case No. 3:18-cv-01462-MMC (N.D. Cal. Aug. 23, 2018); *Retta v. Millennium Products, Inc.*, Case No. 2:15-cv-01801-PSG-AJW (C.D. Cal. Jan. 31, 2017); *Gregorio v. Premier Nutrition Corp.*, Case No. 1:17-cv-5987 (S.D.N.Y. Sept. 14, 2018); *Martinelli v. Johnson & Johnson*, Case No. 2:15-cv-1733-MCE-EFB (E.D. Cal. March 29, 2019); *In re Trader Joe’s Tuna Litig.*, Case No. 2:16-cv-01371-ODW (C.D. Cal. December 21, 2016); *Hendricks v. StarKist Co.*, Case No. 13-cv-00729-HSG (N.D. Cal. July 23, 2015); and *Ebin v. Kangadis Family Mgmt. LLC, et al.*, Case No. 14-cv-1324-JSR (S.D.N.Y. Sept. 18, 2014). Further, since December 2010, my firm has been court-appointed Class Counsel or Interim Class Counsel by numerous courts across the country, including in this Circuit. *See, e.g., In re: Apple Data Privacy Litig.*, Case No. 5:22-cv-07069-EJD (N.D. Cal. July 5, 2023); *Malone v. Western Digital Corp.*, Case No. 5:20-cv-03584-NC (N.D. Cal. Dec. 22, 2021); *Soo v. Lorex Corp.*, Case No. 3:20-cv-01437-JSC (N.D. Cal. Sept. 23, 2020); *In re Sensa Weight*

1 *Loss Litig.*, Case No. 4:11-cv-01650-YGR (N.D. Cal. Mar. 2, 2012); *In re Haier Freezer Consumer*
 2 *Litig.*, 2013 WL 2237890 (N.D. Cal. May 21, 2013); *In re NVIDIA GTX 970 Graphics Card Litig.*,
 3 Case No. 3:15-cv-00760-CRB (N.D. Cal. May 8, 2015); *McMillion v. Rash Curtis & Assocs.*, Case
 4 No. Case 4:16-cv-03396-YGR (N.D. Cal. Sep. 6, 2017); *Lucero v. Solarcity Corp.*, Case No. 3:15-
 5 CV-05107-RS (N.D. Cal. Sep. 15, 2017); *Gasser v. Kiss My Face, LLC* (N.D. Cal. Oct. 23, 2017);
 6 *Williams v. Facebook, Inc.*, Case No. 3:18-cv-01881-RS (N.D. Cal. Jun. 26, 2018); *West v.*
 7 *California Serv. Bureau*, Case No. 4:16-cv-03124-YGR (N.D. Cal. Sep. 12, 2018).

8 17. My firm has also been recognized by courts across the country for its expertise in
 9 litigating Rule 23 class action claims to trial. *See, id.*; *see also Ebin v. Kangadis Food Inc.*, 297
 10 F.R.D. 561, 566 (S.D.N.Y. Feb. 25, 2014) (“Bursor & Fisher, P.A., are class action lawyers who
 11 have experience litigating consumer claims. ... The firm has been appointed class counsel in
 12 dozens of cases in both federal and state courts, and has won multi-million dollar verdicts or
 13 recoveries in five class action jury trials since 2008.”); *In re Welspun Litig.*, Case No. 16-cv-
 14 06792-RJS (S.D.N.Y. Jan. 26, 2017) (appointing Bursor & Fisher interim lead counsel to represent
 15 a proposed nationwide class of purchasers of mislabeled Egyptian cotton bedding products).

16 18. The damages in this case is based on a price premium theory. Based upon my
 17 experience in comparable litigation, the price premium damages associated with the gut health
 18 claim are likely between five and ten percent of the product’s sales price. In my estimation, the
 19 recovery to Members of the Class from the Settlement is significantly greater than what they would
 20 likely receive had this case continued to—and Plaintiffs won—a jury trial.

21 19. The Parties agreed to the terms of the Settlement through experienced counsel who
 22 possessed all the information necessary to evaluate the case, determine the contours of the
 23 proposed class, and reach a fair and reasonable compromise after negotiating the terms of the
 24 Settlement at arm’s length and with the assistance of a neutral mediator.

1 **Complexity of the Legal and Factual Issues Involved and Their Risks**

2 20. Defendant is represented by highly experienced attorneys who have made clear that
3 absent a settlement, they were prepared to continue their vigorous defense of this case, including
4 by moving for summary judgment after discovery. I know Defendant and their experienced
5 counsel would have vigorously opposed any attempt to certify the putative class. We recognize
6 that despite our belief in the strength of Plaintiffs' claims, and Plaintiffs' and the Class's ability to
7 ultimately secure a favorable judgment at trial, the expense, duration, and complexity of protracted
8 litigation would be substantial and the outcome of trial uncertain.

9 21. My firm undertook this matter on a contingency basis. Due to the commitment of
10 time and capital investment required to litigate this action, my firm had to forego other work,
11 including other class action matters.

12 22. We are also mindful that absent a settlement, the success of Defendant's various
13 defenses in this case could deprive the Plaintiffs and the Settlement Class Members of any
14 potential relief. Indeed, the Court has yet to rule on Defendant's Motion to Dismiss. Plaintiffs are
15 also mindful that they faced significant hurdles in getting a class certified, which could be
16 decertified or reversed on appeal.

17 23. We are also aware that Defendant would continue to challenge liability, as well as
18 assert a number of defenses on the merits, including that Plaintiff's allegations are insufficient
19 under Fed. R. Civ. P. 8 and 12(b)(6). Plaintiffs are also aware Defendant will continue to challenge
20 Plaintiff's standing under Article III of the Constitution as well as pursuant to California's
21 consumer protection statutes, including Plaintiff's ability to show economic injury or causation and
22 her ability to sue on behalf of unnamed class members. Looking beyond trial, Plaintiffs are also
23 keenly aware of the fact that Defendant could appeal the merits of any adverse decision.

24 **Time and Expenses Prosecuting This Case**

25 24. In total, my firm has spent 340.6 hours litigating this matter for a lodestar of
26 \$223,785 dollars as of the filing of the instant motion. A copy of my firm's contemporaneous time
27 records as well as a summary of our time is attached as **Exhibit 2**.
28

1 25. My firm has also incurred approximately \$18,011.87 in expenses as of the date of
2 filing of the instant motion. Attached **Exhibit 3** is an itemized list of those costs and expenses.
3 These costs and expenses are reflected in the records of my firm, who upfronted the costs for all
4 the firms in this action, and which were necessary to prosecute this litigation. Cost and expense
5 items are billed separately, and such charges are not duplicated in my firm's billing rates. The
6 incurred costs include mediation fees, court filing fees, and other related costs.

7 26. Collectively, the firms worked approximately 881 hours on this case for a total
8 lodestar, at current billing rates, of \$827,683. Thus, the fees requested represent a reasonable
9 multiplier of 3.2—well within the standards approved by courts in this Circuit to account for the
10 substantial risks they undertook in loaning their services and the results achieved.

11 **Factors Supporting Payment of Attorneys' Fees, Costs, Expenses, and Service Award**

12 27. Plaintiffs and Class Counsel believe that the relief provided by the settlement
13 weighs heavily in favor of a finding that the settlement is fair, reasonable, and adequate, and well
14 within the range of approval.

15 28. When my firm filed the initial *Cobbs* action, it was met with considerable media
16 attention. The lawsuit was covered by national and international media outlets including NBC News,
17 CBS News, Fox Business, USA Today, and the New York Post. Correspondingly, the lawsuit
18 invited scores of commentary posts and publications from known outlets and independent social
19 media posts.

20 29. Based on my knowledge and experience, the hourly rates charged by my firm are
21 within the range of market rates charged by attorneys of equivalent experience, skill, and expertise.
22 Also, the number of hours spent was not only reasonable but was extraordinarily efficient given the
23 complexity of this case, the hard-fought nature of the litigation, and the difficulties involved.
24 Courts have repeatedly held rates commensurate with my firm's rates to be fair and reasonable in
25 the context of class actions. *See, e.g., See, e.g., Andrews v. Equinox Holdings, Inc.*, 570 F. Supp.
26 3d 803, 808 (N.D. Cal. 2021) (approving lead counsel rate of \$1,250). Class Counsel's rates are
27 well within the local market's range of reasonableness. I am responsible for setting my firm's
28

1 hourly rates. In that process, I review judicial opinions approving hourly rates charged by other
2 plaintiffs' class action firms as well as the rates charged by defense firms. I discuss my firm's
3 hourly rates with my partners as well as other class action attorneys I know. I also review the
4 Laffey Matrix and other publications reporting the hourly rates charged by other firms in our
5 industry. I strive to ensure that our rates are consistent with those rates charged by other plaintiffs'
6 class action firms as well as the defense firms like Cooley that routinely represent defendants in
7 consumer class actions. Based on my knowledge and experience, the hourly rates charged by my
8 firm are within the range of market rates charged by attorneys of equivalent experience, skill, and
9 expertise. These are the same hourly rates that we actually charge to our regular hourly clients who
10 have retained us for non-contingent matters, and that are actually paid by those clients. As a matter
11 of firm policy, we do not discount our regular hourly rates for non-contingent hourly work. I have
12 personal knowledge of the range of hourly rates typically charged by counsel in our field in
13 California, New York, Florida, and throughout the United States, both on a current basis and in the
14 past. In determining my firm's hourly rates from year to year, I have consciously taken market
15 rates into account and have aligned our rates with the market.

16 30. The reasonableness of my firm's hourly rates is also supported by several surveys of
17 legal rates, including the following:

- 18 • The 2022 Real Rate Report survey compiled by Wolters Kluwer, which presents the
19 real market rates of Los Angeles area attorneys who practice litigation. For that
20 category, the third quartile 2022 rate was \$1,045 per hour for partners and \$855 for
21 associates. Likewise, page 32 of the Report describes the rates charged by 183 Los
22 Angeles partners with "21 or more years of experience" and "Fewer than 21 years."
23 For those categories, the third quartile Los Angeles partner rate in 2022 were \$1,133
24 per hour for 21 or more years and \$1,075 for attorneys with fewer than 21 years. A
25 true and correct copy of portions of the 2022 Real Rate Report is attached hereto as
26 **Exhibit 4**.
- 27 • In a February 26, 2025 article entitled "This Law Firm Bills as Much as \$3000 per
28 Hour," the ABA Journal reported that partners at Quinn Emanuel Urquhart &
Sullivan bill as much as \$3,000 per hour. The firm bills between \$1,860 and \$3,000
per hour for partners, between \$1,775 and \$2,725 per hour for counsel, and between
\$1,035 and \$1,665 per hour for associates." A true and correct copy of the article is
attached as **Exhibit 5**.

- 1 • In a December 11, 2023 article entitled “Largest Law Firms Charge Nearly \$1,000
2 an Hour, Report Finds,” Legal Dive reported that the “top 100 U.S. law firms
3 charged clients an average of \$961 an hour in the first nine months of 2023.” That
4 article also noted that “partners at the top 25 firms charge an average of \$1,433 an
5 hour.” A true and correct copy of the article is attached as **Exhibit 6**.
- 6 • In an article entitled “Big Law Rates Topping \$2,000 Leave Value ‘In Eye of
7 Beholder,’” written by Roy Strom and published by Bloomberg Law on June 9,
8 2022, the author describes how Big Law firms have crossed the \$2,000-per hour
9 rate. The article also notes that law firm rates have been increasing by just under 3%
10 per year. A true and correct copy of this article is attached hereto as **Exhibit 7**.
- 11 • The CounselLink Enterprise Management Trends Report for June 2022 states that
12 the median partner rate in New York was \$1,030. The report also notes that median
13 partner rates have grown by 4.0% in San Francisco and 4.3% in New York. A true
14 and correct copy of this article is attached hereto as **Exhibit 8**.
- 15 • In an article entitled “On Sale: The \$1,150-Per Hour Lawyer,” written by Jennifer
16 Smith and published in the Wall Street Journal on April 9, 2013, the author
17 describes the rapidly growing number of lawyers billing at \$1,150 or more revealed
18 in public filings and major surveys. The article also notes that in the first quarter of
19 2013, the 50 top-grossing law firms billed their partners at an average rate between
20 \$879 and \$882 per hour. A true and correct copy of this article is attached hereto as
21 **Exhibit 9**.
- 22 • In an article published April 16, 2012, the Am Law Daily described the 2012 Real
23 Rate Report, an analysis of \$7.6 billion in legal bills paid by corporations over a
24 five-year period ending in December 2011. A true and correct copy of that article is
25 attached hereto as **Exhibit 10**. That article confirms that the rates charged by
26 experienced and well-qualified attorneys have continued to rise over this five-year
27 period, particularly in large urban areas like the San Francisco Bay Area. It also
28 shows, for example that the top quartile of lawyers bill at an average of “just under
\$900 per hour.”
- Similarly, on February 25, 2011, the Wall Street Journal published an article entitled
“Top Billers.” A true and correct copy of that article is attached hereto as **Exhibit**
11. That article listed the 2010 and/or 2009 hourly rates for more than 125
attorneys, in a variety of practice areas and cases, who charged \$1,000 per hour or
more. Indeed, the article specifically lists *eleven* (11) Gibson Dunn & Crutcher
attorneys billing at \$1,000 per hour or more.
- On February 22, 2011, the ALM’s Daily Report listed the 2006-2009 hourly rates of
numerous San Francisco attorneys. A true and correct copy of that article is
attached hereto as **Exhibit 12**. Even though rates have increased significantly since
that time, my firm’s rates are well within the range of rates shown in this survey.
- The Westlaw CourtExpress Legal Billing Reports for May, August, and December

2009 (attached hereto as **Exhibit 13**) show that as far back as 2009, attorneys with as little as 19 years of experience were charging \$800 per hour or more, and that the rates requested here are well within the range of those reported. Again, current rates are significantly higher.

- The National Law Journal’s December 2010, nationwide sampling of law firm billing rates (attached hereto as **Exhibit 14**) lists 32 firms whose highest rate was \$800 per hour or more, eleven firms whose highest rate was \$900 per hour or more, and three firms whose highest rate was \$1,000 per hour or more.
- On December 16, 2009, The American Lawyer published an online article entitled “Bankruptcy Rates Top \$1,000 in 2008-2009.” That article is attached hereto as **Exhibit 15**. In addition to reporting that several attorneys had charged rates of \$1,000 or more in bankruptcy filings in Delaware and the Southern District of New York, the article also listed 18 firms that charged median partner rates of from \$625 to \$980 per hour.
- According to the National Law Journal’s 2014 Law Firm Billing Survey, law firms with their largest office in New York have average partner and associate billing rates of \$882 and \$520, respectively. *See* Karen Sloan, *\$1,000 Per Hour Isn’t Rare Anymore; Nominal Billing Levels Rise, But Discounts Ease Blow*, National Law Journal (Jan. 13, 2014). The survey also shows that it is common for fees for partners in New York firms to exceed \$1,000 an hour. *Id.* A true and correct copy of this survey is attached hereto as **Exhibit 16**.

31. My firm’s rates have also been deemed reasonable by Courts across the country, including in California, New York, Michigan, Illinois, Missouri, and New Jersey for example:

- *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 \$1000/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 \$1000/hr “are reasonable”).
- *Perez v. Rash Curtis & Associates*, 2020 WL 1904533, at *20 (N.D. Cal. Apr. 17, 2020).
- *Hendricks v. Starkist Co.*, 2016 WL 5462423 (N.D. Cal. September 29, 2016) (“The Court further finds that the billing rates used by class counsel to calculate the lodestar are reasonable and in line with prevailing rates in this District for personnel of comparable experience, skill, and reputation.”).
- *In re Haier Freezer Consumer Litig.*, Case No. C11-02911 EJD, N.D. Cal. (Oct. 25, 2013 Final Judgment And Order Granting Plaintiffs’ Motion For Final Approval Of Class Action Settlement And For Award Of Attorneys’ Fees, Costs And Incentive

Awards).

- *Russett v. Northwestern Mutual Life Insurance Co.*, Case No. 19-cv-07414, S.D.N.Y. (Oct. 6, 2020 Final Judgment And Order Of Dismissal With Prejudice).
- *Edwards v. Hearst Communications, Inc.*, Case No. 15-cv-09279, S.D.N.Y. (Apr. 24, 2019 Final Judgment And Order Of Dismissal With Prejudice).
- *Taylor v. Trusted Media Brands, Inc.*, Case No. 16-cv-01812, S.D.N.Y. (Feb. 1, 2018 Final Judgment And Order Of Dismissal With Prejudice).
- *Rodriguez v. CitiMortgage, Inc.*, Case No. 11-cv-4718, S.D.N.Y. (Oct. 6, 2015), the court concluded during the *fairness* hearing that Bursor & Fisher’s rates for two of its partners, Joseph Marchese and Scott Bursor, were “reasonable.”
- *Kokoszki v. Playboy Enterprises, Inc.*, Case No. 19-cv-10302, E.D. Mich. (Aug. 19, 2020 Final Judgment And Order Of Dismissal With Prejudice).
- *Moeller v. American Media, Inc.*, Case No. 16-cv-11367, E.D. Mich. (Sept. 28, 2017 Order And Judgment Of Dismissal With Prejudice).
- *In re Michaels Stores Pin Pad Litigation*, Case No. 11-cv-03350, N.D. Ill. (Apr. 17, 2013 Order Approving *Settlement*).
- *In re Blue Buffalo Company, Ltd. Marketing and Sales Practices Litigation*, Case No. 14-md-02562, E.D. Mo. (June 16, 2016 Order Awarding Fees And Costs).
- *Rossi v. The Procter & Gamble Co.*, Case No. 11-7238, D.N.J. (Oct. 3, 2013 Final Approval Order And Judgment).

32. Moreover, more than 60% of my firm’s time in this matter came from my associate Joshua B. Glatt—two years into practice—whose hourly rate during the span of this case was between \$450-\$500 per hour. My firm’s blended hourly rate for this matter was \$657.03/hour, which is well within the range of approval and demonstrates that my firm handled this matter in an efficient manner.

33. My firm and my co-counsel Gutride Safier also carefully coordinated our work throughout this litigation to avoid any duplication of effort. We worked very efficiently as demonstrated by the detailed daily billing records submitted herewith and with my co-Counsels’ declarations.

Executed this 12th day of August, 2025 at Walnut Creek, California.

L. Timothy Fisher



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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).

SCOTT A. BORSOR

Mr. Borsor has an active civil trial practice, having won multi-million verdicts or recoveries in six of six civil jury trials since 2008. Mr. Borsor's most recent victory came in May 2019 in *Perez v. Rash Curtis & Associates*, in which Mr. Borsor 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. Borsor 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. Borsor. 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. Borsor and his partner Mr. Fisher, we know of no lawyer that has tried more than one class action to a jury. Mr. Borsor'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. Borsor 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. Borsor was a litigation associate at a large New York based law firm where he represented telecommunications, pharmaceutical, and technology companies in commercial litigation.

Mr. Borsor 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. Borsor was appointed lead or co-lead class counsel to the largest, 2nd largest, and 3rd largest classes ever certified. Mr. Borsor 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. Borsor'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.

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 Court for the Northern District of California, the United States District Court for the Eastern District of California, the United States District Court for the Central District of California, the United States District Court for the Southern District of California, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the bars of the United States Courts of Appeals for the Second and Ninth Circuits.

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.

PHILIP L. FRAIETTA

Philip L. Fraietta is a Partner with Bursor & Fisher, P.A. Phil focuses his practice on data privacy, complex business litigation, consumer class actions, and employment law disputes. 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.

ALEC M. LESLIE

Alec Leslie is a Partner with Bursor & Fisher, P.A. He focuses his practice on consumer class actions, employment law disputes, and complex business litigation.

Alec is admitted to the State Bar of New York and is a member of the bar of the United States District Courts for the Southern and Eastern Districts of New York. 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 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.

DANIEL GUERRA

Daniel Guerra is a Senior Associate 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.

STEPHEN BECK

Stephen is an Associate 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.

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.

MAX S. ROBERTS

Max Roberts is an Associate in Bursor & Fisher's New York office. Max focuses his practice on class actions concerning data privacy and consumer protection. Max was a Summer Associate with Bursor & Fisher prior to joining the firm and is now Co-Chair of the firm's Appellate Practice Group.

Since 2023, Max has been named "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 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., --- F.R.D. ---, 2025 WL 856225 (S.D.N.Y. Mar. 19, 2025), certifying class of New York purchases of "One A Day" gummy multivitamins.

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

Yockey v. Salesforce, Inc., 745 F. Supp. 3d 945 (N.D. Cal. 2024), denying motion dismiss alleged violations of California and Pennsylvania wiretapping statutes.

Gladstone v. Amazon Web Services, Inc., 739 F. Supp. 3d 846 (W.D. Wash. 2024), denying motion to dismiss alleged violations of California wiretapping 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.

Saunders v. Hearst Television, Inc., 711 F. Supp. 3d 24 (D. Mass. 2024), denying motion to dismiss alleged violations of federal Video Privacy Protection Act.

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:

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.

Payero v. Mattress Firm, Inc., Case No. 7:21-cv-3061-VB (S.D.N.Y. 2023) – final approval granted for \$4.9 million class settlement to resolve claims of consumers who purchased allegedly defective bed frames.

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 State
- Southern District of New York
- Eastern District of New York
- Northern District of New York
- 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

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 privacy violations, illegal gambling, 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 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 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.

XAVIER JOHNSON

Xavier Johnson is a Staff Attorney at Bursor & Fisher, where they focus their practice on complex civil litigation and consumer class actions. They are admitted to the State Bar of California. Xavier is a former Director of Policy Justice at the Just Cities Institute where their work focused on Fair Chance Housing policies, re-entry policy, as well as tenants' rights. Previously, Xavier worked as a Tenants' Rights Attorney at Centro Legal de la Raza. Their work at Centro Legal de la Raza centered on representing tenants in hearings with the Oakland Rent Adjustment Program. Xavier provided assistance to tenants through all stages of the petition process including providing representation on the day of the hearings. Xavier successfully advocated for more than one million dollars in rent reductions. Xavier engaged with the community through outreach and documented how tenants are being impacted by the housing crisis and what steps we can take to ensure that our tenant communities are protected. Xavier Johnson is also an elected official serving as a Commissioner on the Berkeley Rent Stabilization Board.

Over their career, Xavier has worked with law firms, non-profits, and governmental entities in the realms of policy advocacy, research and community organizing. Xavier spent two

years as a Congressional Aide in Congresswoman Barbara Lee's District Office with a focus on housing and housing justice.

Xavier holds a Juris Doctorate from University of California Berkeley School of Law and a Bachelor of Arts in Sociology from University of Texas at San Antonio.

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.

MUJGHAN AHMAD

Mujghan Ahmad is a Staff Attorney at Bursor & Fisher, where she focuses her practice on complex civil litigation and consumer class actions. She is admitted to the State Bar of California.

Mujghan earned her Juris Doctor from Golden Gate University, School of Law in 2022, with specializations in Intellectual Property and Public Interest. During law school, she received a CALI Award in Intellectual Property Law Survey, wrote for the Environmental Law Journal, and was a member of the Moot Court Board and the Pro Bono Honor Society. She also served as a teaching assistant for Criminal Law Professor Thomas Schaaf. In 2017, Mujghan received a Bachelor of Arts in Political Science from the University of California, Irvine.

Her prior legal experience includes internships with the Los Angeles County Counsel's Property Division, Homeless Advocacy Project, Bay Area Legal Aid's Economic Justice Unit, and California Lawyers for the Arts. Before joining Bursor & Fisher, Mujghan served as a Foreclosure Prevention Attorney at Legal Assistance to the Elderly, where she litigated cases involving wrongful foreclosure and financial elder abuse, and provided pro bono estate planning services to low-income seniors in San Francisco.

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.

RYAN B. MARTIN

Ryan Martin is an Associate with Bursor & Fisher, P.A. Ryan focuses his practice on complex civil litigation and consumer class actions. He was a Summer Associate and part-time law clerk with Bursor & Fisher prior to joining the firm as a full time Associate in August 2024.

Ryan 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.

He earned his Juris Doctor from the University of California College of the Law, San Francisco (formerly U.C. Hastings), graduating *Cum Laude* with a Concentration in Environmental Law and as a member of the Honors Society. While there, he was a Senior Production Editor of the *U.C. Law Journal*, was President of the Hastings Environmental Law Association, and was a Torts Teaching Fellow.

Prior to law school, Ryan graduated from the W.A. Franke College of Business at Northern Arizona University with a Bachelors of Science in Hotel and Restaurant Management and a minor in Business. Ryan also studied Sustainable Business and Hotel Management at the Internationale Hochschule of Applied Sciences in Bad Honnef Germany and is a certified yoga instructor.

LOGAN HAGERTY

Logan Hagerty is an Associate with Bursor & Fisher, P.A. Logan is admitted to the State Bar 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.

In re VNGR Beverage, LLC Litigation Lodestar through 8/5/2025

| ATTORNEY | INITIALS | HOURS | RATE | TOTAL |
|--|-----------------|--------------|-------------|--------------|
| L. Timothy Fisher (1997) (Partner) | LTF | 75.3 | \$1,250.00 | \$94,125.00 |
| Julia K. Venditti (2020) (Associate) | JKV | 0.3 | \$650.00 | \$195.00 |
| Jenna L. Gavenman (2022) (Staff Attorney) | JLG | 18.7 | \$525.00 | \$9,817.50 |
| Luke Sironski-White (2022) (Associate) | LSW | 0.2 | \$525.00 | \$105.00 |
| Joshua B. Glatt (2023) (Associate) | JBG | 206.7 | \$500.00 | \$103,350.00 |
| Joshua L. Wilner (2023) (Associate) | JRW | 0.4 | \$500.00 | \$200.00 |
| Karen Valenzuela (2024) (Associate) | KBV | 4.4 | \$450.00 | \$1,980.00 |
| Nina Y. Mirzai (Law Clerk) | NYM | 1.0 | \$425.00 | \$425.00 |
| Olivia A. Rambo (Law Clerk) | OAR | 8.3 | \$425.00 | \$3,527.50 |
| Debbie L. Schroeder (Senior Litigation Support Specialist) | DLS | 1.2 | \$400.00 | \$480.00 |
| Molly C. Sasseen (Senior Litigation Support Specialist) | MCS | 18.1 | \$400.00 | \$7,240.00 |
| Judy Fontanilla (Senior Litigation Support Specialist) | JMF | 4.8 | \$400.00 | \$1,920.00 |
| Ariana Danao (Office Coordinator) | ATD | 1.2 | \$350.00 | \$420.00 |
| | | <hr/> 340.6 | | \$223,785.00 |

Expenses: \$18,011.87

Total: \$241,796.87

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|--|------|------------|------------|
| 5/9/2024 | Poppi Prebiotics | 3380 | LTF | Discussed potential case with Ben Rozenshteyn and Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 5/10/2024 | Poppi Prebiotics | 3380 | LTF | Discussed potential case with Ben Rozenshteyn and Josh Glatt. | 0.2 | \$1,250.00 | \$250.00 |
| 5/16/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed complaint and discussed it with Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 5/16/2024 | Poppi Prebiotics | 3380 | JBG | Proofed co-counsel draft of complaint (2.4). | 2.4 | \$500.00 | \$1,200.00 |
| 5/17/2024 | Poppi Prebiotics | 3380 | JBG | Edited first draft of complaint. | 3.2 | \$500.00 | \$1,600.00 |
| 5/19/2024 | Poppi Prebiotics | 3380 | JBG | Added edits to LTF draft and circulated. | 3.1 | \$500.00 | \$1,550.00 |
| 5/20/2024 | Poppi Prebiotics | 3380 | LTF | Discussed potential case with Adrian Gucovschi and Josh Glatt and email exchange with same regarding next steps. | 0.4 | \$1,250.00 | \$500.00 |
| 5/20/2024 | Poppi Prebiotics | 3380 | JBG | Finalized draft complaint and added co-counsel edits (.8); Drafted demand letter (.9). | 1.7 | \$500.00 | \$850.00 |
| 5/21/2024 | Poppi Prebiotics | 3380 | JBG | Conf. w/ co-counsel re: filing. | 0.2 | \$500.00 | \$100.00 |
| 5/21/2024 | Poppi Prebiotics | 3380 | JBG | Updated demand letter. | 0.4 | \$500.00 | \$200.00 |
| 5/22/2024 | Poppi Prebiotics | 3380 | JKV | Conf. w/ JBG re: case consultation / potential issues (.3). | 0.3 | \$650.00 | \$195.00 |
| 5/22/2024 | Poppi Prebiotics | 3380 | NYM | Proofreading Poppi Complaint. | 1.0 | \$425.00 | \$425.00 |
| 5/23/2024 | Poppi Prebiotics | 3380 | JBG | Edited complaint. | 0.3 | \$500.00 | \$150.00 |
| 5/28/2024 | Poppi Prebiotics | 3380 | JBG | Updated demand and complaint and sent to LTF for final review before filing (.3); Proofed complaint (.6). | 0.9 | \$500.00 | \$450.00 |
| 5/29/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed final complaint and discussed it with Josh Glatt and circulated filed complaint to co-counsel. | 0.4 | \$1,250.00 | \$500.00 |
| 5/29/2024 | Poppi Prebiotics | 3380 | JBG | Updated complaint and finalized for filing. | 0.5 | \$500.00 | \$250.00 |
| 5/29/2024 | Poppi Prebiotics | 3380 | MCS | Discussed with JBG. Drafted and finalized initiating docs. Finalized complaint. Filed. | 2.7 | \$400.00 | \$1,080.00 |
| 5/30/2024 | Poppi Prebiotics | 3380 | JBG | Added deadline to calendar. | 0.4 | \$500.00 | \$200.00 |
| 5/31/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with class member (.1); dealt with waiver of service and email exchange with defendant's counsel (.2). | 0.3 | \$1,250.00 | \$375.00 |
| 5/31/2024 | Poppi Prebiotics | 3380 | JBG | Reviewed waiver of service drafts (.2); Updated waiver of service form (.3). | 0.5 | \$500.00 | \$250.00 |
| 5/31/2024 | Poppi Prebiotics | 3380 | JMF | Prepared waiver of service; prepared, finalized, and filed MJ declination.. | 0.6 | \$400.00 | \$240.00 |
| 6/2/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with potential client. | 0.1 | \$1,250.00 | \$125.00 |
| 6/3/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with potential client and email exchange with co-counsel regarding same (.1); discussed press reports with Adrian Gucvoschi and reviewed same (.2). | 0.3 | \$1,250.00 | \$375.00 |
| 6/3/2024 | Poppi Prebiotics | 3380 | JBG | Call with Robert Cogan re: Following up on his email to LTF about the lawsuit. | 0.8 | \$500.00 | \$400.00 |
| 6/4/2024 | Poppi Prebiotics | 3380 | LTF | Responded to class member inquiries and forwarded email from other plaintiffs' firm to co-counsel. | 0.2 | \$1,250.00 | \$250.00 |
| 6/5/2024 | Poppi Prebiotics | 3380 | JMF | Filed waiver of service. | 0.3 | \$400.00 | \$120.00 |
| 6/7/2024 | Poppi Prebiotics | 3380 | LTF | Discussed case with potential client. | 0.2 | \$1,250.00 | \$250.00 |
| 6/13/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with Josh Glatt regarding client inquiry. | 0.1 | \$1,250.00 | \$125.00 |
| 6/13/2024 | Poppi Prebiotics | 3380 | JBG | Call with Anjelica Ayala re: Harm from product and class representative (.2). | 0.2 | \$500.00 | \$100.00 |
| 6/13/2024 | Poppi Prebiotics | 3380 | JMF | Spoke with class member and fwded message to attys. | 0.2 | \$400.00 | \$80.00 |
| 6/17/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with other plaintiffs' counsel to schedule a call and reviewed email from defendant's counsel and reviewed other firm's complaint. | 0.3 | \$1,250.00 | \$375.00 |
| 6/18/2024 | Poppi Prebiotics | 3380 | LTF | Scheduled call with other plaintiffs' counsel. | 0.1 | \$1,250.00 | \$125.00 |
| 6/18/2024 | Poppi Prebiotics | 3380 | LSW | Discuss claims and prebiotic case with GS. | 0.2 | \$525.00 | \$105.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|---|------|------------|------------|
| 6/19/2024 | Poppi Prebiotics | 3380 | LTF | Call with other plaintiffs' counsel and discussion with co-counsel regarding same and email exchange with co-counsel regarding same. | 0.5 | \$1,250.00 | \$625.00 |
| 6/20/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with defendant's counsel. | 0.2 | \$1,250.00 | \$250.00 |
| 6/21/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with defendant's counsel and other plaintiffs' counsel regarding consolidation stipulation. | 0.3 | \$1,250.00 | \$375.00 |
| 6/21/2024 | Poppi Prebiotics | 3380 | JBG | Reviewed stipulation to consolidate matters. | 0.1 | \$500.00 | \$50.00 |
| 6/24/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed consolidation stipulation and sent email to co-counsel with suggested edits. | 0.2 | \$1,250.00 | \$250.00 |
| 6/24/2024 | Poppi Prebiotics | 3380 | JBG | Updated calendar for reassignment (.2); Reviewed stipulation to consolidate (.3). | 0.5 | \$500.00 | \$250.00 |
| 6/26/2024 | Poppi Prebiotics | 3380 | LTF | Dealt with stipulation and email exchange with defendant's counsel and co-counsel regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 6/27/2024 | Poppi Prebiotics | 3380 | JBG | Updated calendar with new dates. | 0.4 | \$500.00 | \$200.00 |
| 7/3/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding consolidated amended complaint and discussed same with Josh Glatt. | 0.1 | \$1,250.00 | \$125.00 |
| 7/18/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding amended complaint and sent email to Adrian Gucovschi and Josh Glatt regarding same. | 0.2 | \$1,250.00 | \$250.00 |
| 7/18/2024 | Poppi Prebiotics | 3380 | JBG | Edited first amended consolidated complaint draft from co-counsel. | 2.8 | \$500.00 | \$1,400.00 |
| 7/22/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with Wheeler counsel and discussed same with Josh Glatt (.3); discussed complaint edits with Mr. Glatt and emails regarding same (.2); reviewed edits to complaint (.3). | 0.8 | \$1,250.00 | \$1,000.00 |
| 7/22/2024 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Co-counsel amended complaint draft (.3). | 0.3 | \$500.00 | \$150.00 |
| 7/22/2024 | Poppi Prebiotics | 3380 | JBG | Call with Blair Reed (.1); Call w/ LTF re: Debrief call w/ Blair Reed and preparation for call with co-counsel re: FAC draft (.4). | 0.5 | \$500.00 | \$250.00 |
| 7/23/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with Josh Glatt regarding amended complaint and Wheeler case. | 0.3 | \$1,250.00 | \$375.00 |
| 7/23/2024 | Poppi Prebiotics | 3380 | JBG | Call with co-counsel re: Status of amended complaint (1.1); Reviewed motion to relate cases (.4). | 1.5 | \$500.00 | \$750.00 |
| 7/23/2024 | Poppi Prebiotics | 3380 | JMF | Prepared complaint comparison report. | 0.2 | \$400.00 | \$80.00 |
| 7/24/2024 | Poppi Prebiotics | 3380 | JBG | Cite check and edits to amended complaint. | 2.0 | \$500.00 | \$1,000.00 |
| 7/25/2024 | Poppi Prebiotics | 3380 | LTF | Discussed amended complaint with Josh Glatt and reviewed emails regarding same. | 0.4 | \$1,250.00 | \$500.00 |
| 7/25/2024 | Poppi Prebiotics | 3380 | JBG | Finalize amended complaint (2.1); Proofed complaint (.6). | 2.7 | \$500.00 | \$1,350.00 |
| 7/25/2024 | Poppi Prebiotics | 3380 | MCS | Finalized and filed consolidated complaint. | 1.5 | \$400.00 | \$600.00 |
| 7/29/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange and telephone call with team regarding next steps (.3); email exchange with Wheeler counsel (.1). | 0.4 | \$1,250.00 | \$500.00 |
| 7/29/2024 | Poppi Prebiotics | 3380 | JBG | Leadership team call. | 0.3 | \$500.00 | \$150.00 |
| 7/30/2024 | Poppi Prebiotics | 3380 | LTF | Call with Wheeler counsel and follow-up discussion with Josh Glatt regarding same. | 0.4 | \$1,250.00 | \$500.00 |
| 7/30/2024 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Leadership call with Kaplin Fox. | 0.2 | \$500.00 | \$100.00 |
| 8/2/2024 | Poppi Prebiotics | 3380 | LTF | Call with Wheeler counsel and discussed same with Josh Glatt and reviewed emails regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 8/2/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ Kaplan Fox re: Leadership percentage. | 0.1 | \$500.00 | \$50.00 |
| 8/5/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with team regarding negotiations with Wheeler counsel (.1); call with Wheeler counsel regarding same (.1). | 0.2 | \$1,250.00 | \$250.00 |
| 8/6/2024 | Poppi Prebiotics | 3380 | LTF | Dealt with Wheeler negotiations. | 0.2 | \$1,250.00 | \$250.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|---|------|------------|------------|
| 8/7/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed draft scheduling stipulation and communicated counter-offer to Wheeler counsel. | 0.2 | \$1,250.00 | \$250.00 |
| 8/8/2024 | Poppi Prebiotics | 3380 | LTF | Call with Wheeler counsel and sent emails to team regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 8/9/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding next steps (.1); left message for defendant's counsel regarding status and next steps (.1) and sent email to Josh Glatt regarding joint prosecution agreement (.1); call with defendant's counsel regarding next steps (.1). | 0.4 | \$1,250.00 | \$500.00 |
| 8/11/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed and redlined JPA and sent it to co-counsel. | 0.4 | \$1,250.00 | \$500.00 |
| 8/11/2024 | Poppi Prebiotics | 3380 | JBG | Drafted JPA. | 1.7 | \$500.00 | \$850.00 |
| 8/12/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with Josh Glatt regarding scheduling stipulation and JPA. | 0.1 | \$1,250.00 | \$125.00 |
| 8/13/2024 | Poppi Prebiotics | 3380 | LTF | Discussed case status with Josh Glatt and email exchange with Wheeler counsel regarding same. | 0.2 | \$1,250.00 | \$250.00 |
| 8/13/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ Nik Dujmovic re: Questions about joining Poppi lawsuit (.3); Called Anthony Patek re: JPA and scheduling stipulation (.2). | 0.5 | \$500.00 | \$250.00 |
| 8/14/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with team regarding JPA and reviewed scheduling stipulation and discussed same with Josh Glatt. | 0.3 | \$1,250.00 | \$375.00 |
| 8/14/2024 | Poppi Prebiotics | 3380 | JBG | Called co-counsel re: JPA issue. | 0.2 | \$500.00 | \$100.00 |
| 8/15/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel and defendant's counsel regarding scheduling stipulation. | 0.2 | \$1,250.00 | \$250.00 |
| 8/15/2024 | Poppi Prebiotics | 3380 | JBG | Updated draft stipulation and edited formatting. | 0.5 | \$500.00 | \$250.00 |
| 8/16/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed emails regarding revised scheduling stipulation and reviewed revised schedule. | 0.3 | \$1,250.00 | \$375.00 |
| 8/16/2024 | Poppi Prebiotics | 3380 | JBG | Edited scheduling stipulation. | 0.9 | \$500.00 | \$450.00 |
| 8/19/2024 | Poppi Prebiotics | 3380 | JBG | Finalized scheduling and consolidation stipulation (.2); Drafted consolidated amended complaint (1.5); Conf. w/ DLS re: Consolidation order and recaptioning stipulation (.3); Updated stipulation per clerk's notice (1.0). | 3.0 | \$500.00 | \$1,500.00 |
| 8/19/2024 | Poppi Prebiotics | 3380 | DLS | Assisted with stipulation update. | 0.7 | \$400.00 | \$280.00 |
| 8/19/2024 | Poppi Prebiotics | 3380 | MCS | Finalized and filed stip relating case and amending briefing schedule. | 1.7 | \$400.00 | \$680.00 |
| 8/19/2024 | Poppi Prebiotics | 3380 | JMF | Discussed Clerk's notice with attys. | 0.3 | \$400.00 | \$120.00 |
| 8/20/2024 | Poppi Prebiotics | 3380 | LTF | Discussed revisions to consolidation stipulation with Josh Glatt and Debbie Schroeder (.3); discussed amended complaint with Mr. Glatt and reviewed emails regarding same (.2). | 0.5 | \$1,250.00 | \$625.00 |
| 8/20/2024 | Poppi Prebiotics | 3380 | JBG | Finalized stipulation for filing and drafted proposed order (.4); Added co-counsel edits to complaint (.4); Conf. w/ DLS and MCS re: Filing consolidated complaint with Wheeler plaintiff (.3). | 1.1 | \$500.00 | \$550.00 |
| 8/20/2024 | Poppi Prebiotics | 3380 | MCS | Discussed updated filing. Finalized and filed amended stip relating case. Finalized and filed stip in second case. Sent proposed orders to judge. | 1.6 | \$400.00 | \$640.00 |
| 8/20/2024 | Poppi Prebiotics | 3380 | MCS | Finalized and filed second amended consolidated complaint. | 1.5 | \$400.00 | \$600.00 |
| 8/21/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ Ihsan Atto re: Joining the claim. | 0.2 | \$500.00 | \$100.00 |
| 8/21/2024 | Poppi Prebiotics | 3380 | JMF | Answered class member questions and fwded inquiry to attys. | 0.2 | \$400.00 | \$80.00 |
| 8/22/2024 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Initial disclosures deadline. | 0.2 | \$500.00 | \$100.00 |
| 8/28/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding ADR options. | 0.1 | \$1,250.00 | \$125.00 |
| 9/24/2024 | Poppi Prebiotics | 3380 | LTF | Dealt with new related case and exchanged emails with co-counsel regarding same and discussed same with Josh Glatt. | 0.8 | \$1,250.00 | \$1,000.00 |
| 9/24/2024 | Poppi Prebiotics | 3380 | JBG | Read motion to dismiss opposition (.9); Conf. w/ LTF re: Fitzgerald filing (.3). | 1.2 | \$500.00 | \$600.00 |
| 9/25/2024 | Poppi Prebiotics | 3380 | JBG | Reviewed motion to dismiss and divided sections between firms. | 1.2 | \$500.00 | \$600.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
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| 9/26/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ co-counsel re: Dividing brief (.7). | 0.7 | \$500.00 | \$350.00 |
| 9/27/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ co-counsel re: Dividing sections of brief. | 0.3 | \$500.00 | \$150.00 |
| 10/2/2024 | Poppi Prebiotics | 3380 | LTF | Call with defendant's counsel and follow up with team regarding same (.3); sent email to defendant's counsel regarding next steps (.1). | 0.4 | \$1,250.00 | \$500.00 |
| 10/2/2024 | Poppi Prebiotics | 3380 | JBG | Continued drafting motion to dismiss opposition. | 1.8 | \$500.00 | \$900.00 |
| 10/7/2024 | Poppi Prebiotics | 3380 | JBG | Continued drafting motion to dismiss opposition. | 1.0 | \$500.00 | \$500.00 |
| 10/8/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with opposing counsel and co-counsel regarding mediators. | 0.3 | \$1,250.00 | \$375.00 |
| 10/8/2024 | Poppi Prebiotics | 3380 | JBG | Researched mediators (1.0); Continued drafting motion to dismiss opposition (3.0). | 4.0 | \$500.00 | \$2,000.00 |
| 10/9/2024 | Poppi Prebiotics | 3380 | LTF | Discussed mediator availability with Josh Glatt and email exchange with co-lead counsel regarding same (.3); sent email to opposing counsel regarding same (.2). | 0.5 | \$1,250.00 | \$625.00 |
| 10/9/2024 | Poppi Prebiotics | 3380 | JBG | Continued drafting motion to dismiss opposition (1.6); Researched mediator and dates (.5). | 2.1 | \$500.00 | \$1,050.00 |
| 10/10/2024 | Poppi Prebiotics | 3380 | LTF | Discussed MTD opposition with Josh Glatt and reviewed emails regarding same. | 0.2 | \$1,250.00 | \$250.00 |
| 10/10/2024 | Poppi Prebiotics | 3380 | JBG | Continued drafting motion to dismiss opposition. | 1.4 | \$500.00 | \$700.00 |
| 10/10/2024 | Poppi Prebiotics | 3380 | JMF | Prepared pleading template. | 0.3 | \$400.00 | \$120.00 |
| 10/11/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ co-counsel re: Draft. | 1.0 | \$500.00 | \$500.00 |
| 10/14/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with defendant's counsel regarding mediation dates. | 0.1 | \$1,250.00 | \$125.00 |
| 10/14/2024 | Poppi Prebiotics | 3380 | JBG | Edited MTD opposition sections. | 3.1 | \$500.00 | \$1,550.00 |
| 10/15/2024 | Poppi Prebiotics | 3380 | JBG | Edited first draft of brief (8.3); Call w/ team re: Edits (.7). | 9.0 | \$500.00 | \$4,500.00 |
| 10/16/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange regarding mediation with Judge Gandhi. | 0.2 | \$1,250.00 | \$250.00 |
| 10/16/2024 | Poppi Prebiotics | 3380 | JBG | Added redlines to opposition motion. | 0.6 | \$500.00 | \$300.00 |
| 10/17/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed mails regarding MTD opposition. | 0.2 | \$1,250.00 | \$250.00 |
| 10/17/2024 | Poppi Prebiotics | 3380 | JBG | Cite checked new version of draft opposition motion. | 0.5 | \$500.00 | \$250.00 |
| 10/17/2024 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: MTD Opp help (.3). | 0.3 | \$525.00 | \$157.50 |
| 10/18/2024 | Poppi Prebiotics | 3380 | LTF | Discussed opposition to MTD with Josh Glatt. | 0.3 | \$1,250.00 | \$375.00 |
| 10/18/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed MTD opposition and exchanged emails with Josh Glatt regarding same. | 1.4 | \$1,250.00 | \$1,750.00 |
| 10/18/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ Tony Patek (.5); Conf. w/ LTF re: Current draft edits (.5); Proofed latest draft (1.1). | 2.1 | \$500.00 | \$1,050.00 |
| 10/18/2024 | Poppi Prebiotics | 3380 | JLG | Review MTD/update citations (.8). | 0.8 | \$525.00 | \$420.00 |
| 10/19/2024 | Poppi Prebiotics | 3380 | JBG | Email to co-counsel re: LTF edits (.1); Cite check draft (.5). | 0.6 | \$500.00 | \$300.00 |
| 10/21/2024 | Poppi Prebiotics | 3380 | LTF | Discussed MTD opp with Josh Glatt and reviewed emails regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 10/21/2024 | Poppi Prebiotics | 3380 | JBG | Cite checked and proofed final draft of brief (3.7); Call w/ Tony Patek (.3); Reviewed RJN Opposition (.4); Conf. w/ LTF re: Final draft of brief (.4). | 4.8 | \$500.00 | \$2,400.00 |
| 10/21/2024 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: helping w/MTD opp (.2). | 0.2 | \$525.00 | \$105.00 |
| 10/21/2024 | Poppi Prebiotics | 3380 | MCS | Updated formatting, ran tables, added attestation. Sent to JBG. | 1.7 | \$400.00 | \$680.00 |
| 10/23/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with team and defendant's counsel regarding mediation. | 0.3 | \$1,250.00 | \$375.00 |
| 10/31/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange regarding mediation start time (.1); email exchange with Josh Glatt regarding team call (.1). | 0.2 | \$1,250.00 | \$250.00 |
| 11/1/2024 | Poppi Prebiotics | 3380 | JBG | Team call (.3); Call w/ co-counsel re: Team call (.3). | 0.6 | \$500.00 | \$300.00 |
| 11/4/2024 | Poppi Prebiotics | 3380 | LTF | Discussed mediation statement with Josh Glatt. | 0.1 | \$1,250.00 | \$125.00 |
| 11/4/2024 | Poppi Prebiotics | 3380 | JBG | Updated LTF re: Mediation team call. | 0.2 | \$500.00 | \$100.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
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| 11/7/2024 | Poppi Prebiotics | 3380 | LTF | Dealt with mediation invoice. | 0.1 | \$1,250.00 | \$125.00 |
| 11/12/2024 | Poppi Prebiotics | 3380 | JBG | Read defendant Reply and response to RJN opposition. | 0.8 | \$500.00 | \$400.00 |
| 11/18/2024 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Mediation brief draft. | 0.2 | \$500.00 | \$100.00 |
| 11/19/2024 | Poppi Prebiotics | 3380 | LTF | Discussed mediation statement with Josh Glatt. | 0.3 | \$1,250.00 | \$375.00 |
| 11/19/2024 | Poppi Prebiotics | 3380 | JBG | Redlined mediation brief (4.1); Conf. w/ LTF re: Mediation draft (.2). | 4.3 | \$500.00 | \$2,150.00 |
| 11/20/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with defendant's counsel regarding sales information needed for mediation (.1); discussed mediation with Josh Glatt (.1). | 0.2 | \$1,250.00 | \$250.00 |
| 11/20/2024 | Poppi Prebiotics | 3380 | JBG | Proofed terms sheet (1.0); Conf. w/ LTF re: Mediation brief edits (.2). | 1.2 | \$500.00 | \$600.00 |
| 11/21/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed mediation statement and term sheet (1.6); discussed same with Josh Glatt (.2); email exchange with mediation coordinator (.1); reviewed email from defendant's counsel and email exchange with team regarding status of production of sales information (.2). | 2.1 | \$1,250.00 | \$2,625.00 |
| 11/21/2024 | Poppi Prebiotics | 3380 | JBG | Reviewed mediation brief and edits with LTF (.4); Updated brief and circulated (.2). | 0.6 | \$500.00 | \$300.00 |
| 11/21/2024 | Poppi Prebiotics | 3380 | JRW | Team meeting re: mediation stmt and mediation. | 0.4 | \$500.00 | \$200.00 |
| 11/22/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed emails regarding mediation statement and submitted mediation statement to Judge Gandhi and discussed it with Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 11/22/2024 | Poppi Prebiotics | 3380 | JBG | Proofed and finalized mediation brief and term sheet (2.0); Call w/ Co-counsel re: Draft mediation statement (.2). | 2.2 | \$500.00 | \$1,100.00 |
| 11/25/2024 | Poppi Prebiotics | 3380 | JBG | Read Defendant's mediation statement. | 0.5 | \$500.00 | \$250.00 |
| 11/26/2024 | Poppi Prebiotics | 3380 | LTF | Discussed mediation with Josh Glatt and responded to emails about mediation attendance and prep call. | 0.3 | \$1,250.00 | \$375.00 |
| 12/1/2024 | Poppi Prebiotics | 3380 | LTF | Sent email to co-counsel regarding pre-mediation call. | 0.1 | \$1,250.00 | \$125.00 |
| 12/2/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with defendant's counsel regarding sales information (.1); call with co-counsel regarding next steps and follow-up discussion with Josh Glatt regarding same (.4). | 0.5 | \$1,250.00 | \$625.00 |
| 12/2/2024 | Poppi Prebiotics | 3380 | JBG | Call with co-counsel re: Mediation preparation. | 0.3 | \$500.00 | \$150.00 |
| 12/3/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed sales information and exchanged emails with opposing counsel regarding same (.2); email exchange with co-counsel and follow-up discussion with Josh Glatt regarding same (.4); prepared for mediation (1.3). | 1.9 | \$1,250.00 | \$2,375.00 |
| 12/3/2024 | Poppi Prebiotics | 3380 | JBG | Mediation preparation. | 0.5 | \$500.00 | \$250.00 |
| 12/4/2024 | Poppi Prebiotics | 3380 | LTF | Mediation and follow-up email exchange with team regarding same (7.9); meeting with Josh Glatt following mediation (.5). | 8.4 | \$1,250.00 | \$10,500.00 |
| 12/4/2024 | Poppi Prebiotics | 3380 | JBG | Mediation. | 7.0 | \$500.00 | \$3,500.00 |
| 12/5/2024 | Poppi Prebiotics | 3380 | LTF | Team call to discuss settlement (.1); follow-up call with Adrian Gucovski and follow-up conversation with Josh Glatt (.4). | 0.5 | \$1,250.00 | \$625.00 |
| 12/5/2024 | Poppi Prebiotics | 3380 | JBG | Researched preliminary approval decisions (2.0); Team call re: Counter offer (.5). | 2.5 | \$500.00 | \$1,250.00 |
| 12/6/2024 | Poppi Prebiotics | 3380 | LTF | Call and email exchange with defendant's counsel and sent email to co-counsel regarding same. | 0.4 | \$1,250.00 | \$500.00 |
| 12/8/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding settlement negotiations. | 0.2 | \$1,250.00 | \$250.00 |
| 12/10/2024 | Poppi Prebiotics | 3380 | LTF | Call with defendant's counsel (.2); call with Josh Glatt (.1); email exchange with co-counsel regarding settlement (.3); follow-up call with Mr. Glatt and left a message for defendant's counsel (.3). | 0.9 | \$1,250.00 | \$1,125.00 |
| 12/10/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ LTF re: Poppi counter and next offer. | 0.4 | \$500.00 | \$200.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
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| 12/11/2024 | Poppi Prebiotics | 3380 | LTF | Call with defendant's counsel and email exchange with team. | 0.4 | \$1,250.00 | \$500.00 |
| 12/12/2024 | Poppi Prebiotics | 3380 | LTF | Calls with defendant's counsel regarding settlement and follow-up calls with Josh Glatt (1.2); meeting with co-counsel regarding settlement (.4). | 1.6 | \$1,250.00 | \$2,000.00 |
| 12/12/2024 | Poppi Prebiotics | 3380 | JBG | Call w/ LTF re: Settlement negotiation status. | 0.4 | \$500.00 | \$200.00 |
| 12/13/2024 | Poppi Prebiotics | 3380 | LTF | Reviewed and approved stipulation staying case and email exchange with co-counsel and opposing counsel regarding same. | 0.6 | \$1,250.00 | \$750.00 |
| 12/16/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding other case and settlement. | 0.2 | \$1,250.00 | \$250.00 |
| 12/18/2024 | Poppi Prebiotics | 3380 | JBG | Redlined first draft of settlement agreement (1.6); Conf. w/ LTF re: Claims terms (.3). | 1.9 | \$500.00 | \$950.00 |
| 12/19/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with team and opposing counsel regarding settlement agreement and claims administrators. | 0.6 | \$1,250.00 | \$750.00 |
| 12/20/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with defendant's counsel regarding settlement issues. | 0.2 | \$1,250.00 | \$250.00 |
| 12/23/2024 | Poppi Prebiotics | 3380 | LTF | Sent emails to claims administrator regarding notice and administration bid. | 0.3 | \$1,250.00 | \$375.00 |
| 12/29/2024 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding settlement agreement. | 0.1 | \$1,250.00 | \$125.00 |
| 1/2/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with Jenny Tran regarding claims administration. | 0.2 | \$1,250.00 | \$250.00 |
| 1/6/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with Jenny Trang regarding Epiq bid. | 0.1 | \$1,250.00 | \$125.00 |
| 1/7/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed bid from Angeion and discussed same with Josh Glatt (.3); email exchange with co-counsel and sent follow-up email to opposing counsel (.2). | 0.5 | \$1,250.00 | \$625.00 |
| 1/7/2025 | Poppi Prebiotics | 3380 | JBG | Read Angieon proposal. | 0.5 | \$500.00 | \$250.00 |
| 1/8/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with opposing counsel and sent email to co-counsel regarding settlement agreement. | 0.1 | \$1,250.00 | \$125.00 |
| 1/10/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with team regarding settlement agreement. | 0.1 | \$1,250.00 | \$125.00 |
| 1/10/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed draft settlement agreement. | 1.3 | \$500.00 | \$650.00 |
| 1/13/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding settlement agreement (.1); reviewed RG/2 bid and circulated it to the team (.3). | 0.4 | \$1,250.00 | \$500.00 |
| 1/14/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed settlement agreement and email from co-counsel (.4); call with co-counsel regarding next steps (.5). | 0.9 | \$1,250.00 | \$1,125.00 |
| 1/14/2025 | Poppi Prebiotics | 3380 | JBG | Settlement team call. | 0.6 | \$500.00 | \$300.00 |
| 1/15/2025 | Poppi Prebiotics | 3380 | JBG | Redlined settlement agreement draft. | 2.0 | \$500.00 | \$1,000.00 |
| 1/16/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed and redlined settlement agreement (2.7); discussed settlement agreement with Josh Glatt (.3); email exchange with co-counsel regarding same (.2). | 3.2 | \$1,250.00 | \$4,000.00 |
| 1/16/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed northern district class settlement guidelines (.7); Conf. w/ LTF re: Edits to agreement (.3). | 1.0 | \$500.00 | \$500.00 |
| 1/17/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed additional edits to settlement agreement and sent agreement to opposing counsel (.5); email exchange with opposing counsel regarding Jackson case (.2); discussed claims administration with Josh Glatt (.3). | 1.0 | \$1,250.00 | \$1,250.00 |
| 1/17/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Settlement administrators proposals (.2); Compared settlement administrator proposals (2.1). | 2.3 | \$500.00 | \$1,150.00 |
| 1/20/2025 | Poppi Prebiotics | 3380 | LTF | Call and email exchange with defendant's counsel regarding settlement. | 0.4 | \$1,250.00 | \$500.00 |
| 1/21/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding next steps. | 0.1 | \$1,250.00 | \$125.00 |
| 1/22/2025 | Poppi Prebiotics | 3380 | LTF | Call with co-counsel and follow-up discussion with Josh Glatt. | 0.3 | \$1,250.00 | \$375.00 |
| 1/22/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ co-counsel re: Jack Fitzgerald. | 0.2 | \$500.00 | \$100.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
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| 1/24/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with opposing counsel regarding settlement. | 0.2 | \$1,250.00 | \$250.00 |
| 1/27/2025 | Poppi Prebiotics | 3380 | JBG | Continued adding settlement administrator quotes to comparison sheet. | 1.0 | \$500.00 | \$500.00 |
| 1/29/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement issue with Josh Glatt and email exchange with co-counsel and defendant's counsel. | 0.5 | \$1,250.00 | \$625.00 |
| 1/30/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with claims administrator (.1); discussed edits to settlement agreement with Josh Glatt and reviewed same (.3). | 0.4 | \$1,250.00 | \$500.00 |
| 1/31/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding settlement issue (.2); discussed same with Josh Glatt (.2). | 0.4 | \$1,250.00 | \$500.00 |
| 2/3/2025 | Poppi Prebiotics | 3380 | JBG | Updated settlement administrator quote comparison sheet. | 1.1 | \$500.00 | \$550.00 |
| 2/4/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement issues with Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 2/4/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Notice documents (.3); Edited notice documents (1.5). | 1.8 | \$500.00 | \$900.00 |
| 2/5/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed emails regarding various settlement matters. | 0.1 | \$1,250.00 | \$125.00 |
| 2/5/2025 | Poppi Prebiotics | 3380 | JBG | Email to OAR re: Claimant settlement tracking sheet (.2); Conf. w/OAR re: Assignment (.2); Conf. w/OAR re: Inconsistencies in settlement drafts and claimant award chart (.7). | 1.1 | \$500.00 | \$550.00 |
| 2/5/2025 | Poppi Prebiotics | 3380 | OAR | Settlement negotiation chart discuss w JBG. | 0.2 | \$425.00 | \$85.00 |
| 2/5/2025 | Poppi Prebiotics | 3380 | OAR | Settlement chart for JBG. | 1.7 | \$425.00 | \$722.50 |
| 2/6/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with opposing counsel regarding status of notices and settlement agreement. | 0.1 | \$1,250.00 | \$125.00 |
| 2/7/2025 | Poppi Prebiotics | 3380 | LTF | Call with defendant's counsel (.2); call with Josh Glatt regarding settlement status (.2); reviewed and revised notices and proposed orders and email exchange with team regarding same (1.4); email exchange with RG/2 regarding notice proposal (.1). | 1.9 | \$1,250.00 | \$2,375.00 |
| 2/7/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed notice documents and circulated (.4); Call w/ LTF re: notices and proposed order drafts (.4). | 0.8 | \$500.00 | \$400.00 |
| 2/8/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange and telephone call with Josh Glatt regarding settlement agreement. | 0.3 | \$1,250.00 | \$375.00 |
| 2/8/2025 | Poppi Prebiotics | 3380 | JBG | Edited preliminary and final approval proposed orders (1.8); Call w/ LTF re: Edits to orders (.2). | 2.0 | \$500.00 | \$1,000.00 |
| 2/9/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed settlement agreement and email exchange with Josh Glatt regarding same. | 0.8 | \$1,250.00 | \$1,000.00 |
| 2/9/2025 | Poppi Prebiotics | 3380 | JBG | Proofed second draft of agreement and approval orders. | 1.0 | \$500.00 | \$500.00 |
| 2/11/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel and Josh Glatt regarding settlement documents. | 0.3 | \$1,250.00 | \$375.00 |
| 2/11/2025 | Poppi Prebiotics | 3380 | JBG | Proofed updated draft agreement. | 0.5 | \$500.00 | \$250.00 |
| 2/12/2025 | Poppi Prebiotics | 3380 | LTF | Call with co-counsel regarding settlement issues (.5); discussed same with Josh Glatt (.2); reviewed and approved scheduling stipulation (.1). | 0.8 | \$1,250.00 | \$1,000.00 |
| 2/12/2025 | Poppi Prebiotics | 3380 | JBG | Team call re: Notices and settlement agreement (.5); Prep for team call (.4); Edits to notice documents (2.0). | 2.9 | \$500.00 | \$1,450.00 |
| 2/13/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement issues with Josh Glatt (.3); discussed notice proposal with Bill Wickersham (.2); reviewed revised proposal and sent it to Josh Glatt (.1). | 0.6 | \$1,250.00 | \$750.00 |
| 2/13/2025 | Poppi Prebiotics | 3380 | JBG | Updated to notice documents and settlement agreement. | 2.4 | \$500.00 | \$1,200.00 |
| 2/14/2025 | Poppi Prebiotics | 3380 | LTF | Discussed revisions to settlement agreement and notices with Josh Glatt and reviewed emails regarding same. | 0.4 | \$1,250.00 | \$500.00 |
| 2/14/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Comments in settlement agreement from co-counsel (.5); Updated to draft and notice documents (1.3). | 1.8 | \$500.00 | \$900.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|--|------|------------|------------|
| 2/17/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement agreement with Josh Glatt and email exchange with Mr. Glatt and opposing counsel regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 2/18/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed edits to settlement agreement and exchanged emails with Josh Glatt and reviewed further edits from defendant's counsel. | 0.4 | \$1,250.00 | \$500.00 |
| 2/18/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed defense counsel redlines to settlement agreement and circulated to team (.5); Review co-counsel edits to agreement and conf. w/ LTF re: Outstanding issues (.4). | 0.9 | \$500.00 | \$450.00 |
| 2/19/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement agreement with Josh Glatt and email exchange with opposing counsel regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 2/19/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Co-counsel edits (.2) Updated RG2 administrator bid sheet (.7); Revised settlement agreement and sent to defense counsel (.7); Drafted agenda for call with defense counsel (.5). | 2.1 | \$500.00 | \$1,050.00 |
| 2/20/2025 | Poppi Prebiotics | 3380 | LTF | Call with defendant's counsel (.4); follow-up discussion with Josh Glatt and reviewed emails regarding same (.4). | 0.8 | \$1,250.00 | \$1,000.00 |
| 2/20/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ defense counsel (.5); Updated notice and approval orders (.9); Conf. w/ LTF re: TAC (.1). | 1.5 | \$500.00 | \$750.00 |
| 2/24/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding settlement status and discussed same with Josh Glatt. | 0.5 | \$1,250.00 | \$625.00 |
| 2/24/2025 | Poppi Prebiotics | 3380 | JBG | Drafted stipulation re: TAC (.5); Drafted TAC (.5). | 1.0 | \$500.00 | \$500.00 |
| 2/24/2025 | Poppi Prebiotics | 3380 | JMF | Prepared pleading template. | 0.2 | \$400.00 | \$80.00 |
| 2/25/2025 | Poppi Prebiotics | 3380 | LTF | Discussed edits to settlement agreement and notices with co-counsel and Josh Glatt and reviewed emails regarding same. | 0.8 | \$1,250.00 | \$1,000.00 |
| 2/25/2025 | Poppi Prebiotics | 3380 | JBG | Updated settlement grid and conf. w/ LTF re: Co-counsel edits (1.3); Call w/ co-counsel re: Edits (.5); Added co-counsel edits to notice documents, settlement agreement and orders (1.5). | 3.3 | \$500.00 | \$1,650.00 |
| 2/26/2025 | Poppi Prebiotics | 3380 | LTF | Discussed status of settlement agreement and supporting documents with opposing counsel (.4); follow-up conversation with Josh Glatt and email exchange with co-counsel regarding same (.7). | 1.1 | \$1,250.00 | \$1,375.00 |
| 2/26/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ defense counsel (.5); Updated settlement agreement and emailed team (.2); Conf. w/ LTF re: Defense counsel edits (.1). | 0.8 | \$500.00 | \$400.00 |
| 2/26/2025 | Poppi Prebiotics | 3380 | JMF | Prepared lodestar and expenses. | 0.5 | \$400.00 | \$200.00 |
| 2/27/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement status with Josh Glatt and reviewed emails regarding same. | 0.7 | \$1,250.00 | \$875.00 |
| 2/27/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Co-counsel edits (.2); Updated settlement agreement and notice documents (2.1). | 2.3 | \$500.00 | \$1,150.00 |
| 2/28/2025 | Poppi Prebiotics | 3380 | LTF | Discussed finalizing and executing settlement agreement with Josh Glatt and reviewed emails regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 2/28/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Edits to settlement (.3); Reviewed edits (.2); Finalized agreement and circulated to co-counsel for signatures (.4). | 0.9 | \$500.00 | \$450.00 |
| 3/1/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with co-counsel regarding settlement. | 0.1 | \$1,250.00 | \$125.00 |
| 3/1/2025 | Poppi Prebiotics | 3380 | JBG | Worked on motion for preliminary approval. | 1.9 | \$500.00 | \$950.00 |
| 3/3/2025 | Poppi Prebiotics | 3380 | LTF | Discussed next steps with settlement with Josh Glatt and reviewed emails regarding same. | 0.4 | \$1,250.00 | \$500.00 |
| 3/3/2025 | Poppi Prebiotics | 3380 | JBG | Call with defense counsel (.2); Call with settlement administrator (.2); Continued drafting preliminary approval brief (4.3). | 4.7 | \$500.00 | \$2,350.00 |
| 3/3/2025 | Poppi Prebiotics | 3380 | MCS | Created mtn for prelim approval templates, sent to JBG. | 0.8 | \$400.00 | \$320.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|--|------|------------|------------|
| 3/4/2025 | Poppi Prebiotics | 3380 | LTF | Discussed preliminary approval motion and settlement papers with Josh Glatt (.6); reviewed emails regarding same (.3). | 0.9 | \$1,250.00 | \$1,125.00 |
| 3/4/2025 | Poppi Prebiotics | 3380 | JBG | Updated TAC and stipulation and sent to defense counsel (.3); Continued drafting motion for preliminary approval (4.9); Conf. w/ LTF re: Notice plan and declaration (.5). | 5.7 | \$500.00 | \$2,850.00 |
| 3/5/2025 | Poppi Prebiotics | 3380 | LTF | Telephone call with Josh Glatt and email exchange with Mr. Glatt regarding settlement issue. | 0.4 | \$1,250.00 | \$500.00 |
| 3/5/2025 | Poppi Prebiotics | 3380 | JBG | Client people search (.4); Conf. w/ OAR re: Fisher Declaration (.8); Finalized stipulation and amended complaint (1.3); Call w/ Defense counsel re: Amended complaint (.2); Call w/ LTF re: Client issue (.3); Continued drafting motion for preliminary approval (4.5). | 7.5 | \$500.00 | \$3,750.00 |
| 3/5/2025 | Poppi Prebiotics | 3380 | MCS | Merged settlement signatures into one PDF, sent to JBG and LTF. Updated date. | 0.6 | \$400.00 | \$240.00 |
| 3/5/2025 | Poppi Prebiotics | 3380 | MCS | Finalized and filed stip for leave to amend. Sent proposed order to judge. | 0.9 | \$400.00 | \$360.00 |
| 3/5/2025 | Poppi Prebiotics | 3380 | JMF | Discussed next steps with OAR. | 0.3 | \$400.00 | \$120.00 |
| 3/5/2025 | Poppi Prebiotics | 3380 | OAR | Discuss Decl. drafting with JBG, co-counsel client issue; drafted decl. | 6.4 | \$425.00 | \$2,720.00 |
| 3/6/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ KBV re: Similar cases research (.6); Continued drafting motion for preliminary approval (3.8). | 4.4 | \$500.00 | \$2,200.00 |
| 3/6/2025 | Poppi Prebiotics | 3380 | MCS | Finalized and filed third amended complaint. | 1.2 | \$400.00 | \$480.00 |
| 3/6/2025 | Poppi Prebiotics | 3380 | KBV | Research for prelim approval motion (4.2); conf w/ JBG re same (.2). | 4.4 | \$450.00 | \$1,980.00 |
| 3/7/2025 | Poppi Prebiotics | 3380 | JBG | Email with settlement administrator (.1); Updated preliminary approval brief (3.9). | 4.0 | \$500.00 | \$2,000.00 |
| 3/10/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed co-counsel's edits to preliminary approval motion and discussed same with Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 3/10/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Co-counsel redlines (.4); Updated MPA with co-counsel edits (3.3). | 3.7 | \$500.00 | \$1,850.00 |
| 3/11/2025 | Poppi Prebiotics | 3380 | LTF | Discussed preliminary approval motion and declarations with Josh Glatt. | 0.3 | \$1,250.00 | \$375.00 |
| 3/11/2025 | Poppi Prebiotics | 3380 | JBG | Drafted LTF declaration, edited administrator declaration and updated draft with co-counsel edits. | 5.9 | \$500.00 | \$2,950.00 |
| 3/12/2025 | Poppi Prebiotics | 3380 | LTF | Discussed preliminary approval and settlement issues with Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 3/12/2025 | Poppi Prebiotics | 3380 | JBG | Updated draft and circulated to team. | 1.8 | \$500.00 | \$900.00 |
| 3/13/2025 | Poppi Prebiotics | 3380 | LTF | Discussed motion for preliminary approval with Josh Glatt (1.1); call with claims administrator regarding ACH issue (.1); reviewed emails regarding preliminary approval motion (.3). | 1.5 | \$1,250.00 | \$1,875.00 |
| 3/13/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ Settlement administrator re: ACH (.3); Call w/ Defense (.3); Conf. w/ LTF re: Draft, co-counsel edits, sealing, defense edits and settlement administrator notice (1.1); Updated draft with defense and co-counsel edits (2.9). | 4.6 | \$500.00 | \$2,300.00 |
| 3/13/2025 | Poppi Prebiotics | 3380 | JMF | Prepared lodestar and expenses. | 0.6 | \$400.00 | \$240.00 |
| 3/14/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed and revised declaration and reviewed motion for preliminary approval and assisted with filing. | 3.6 | \$1,250.00 | \$4,500.00 |
| 3/14/2025 | Poppi Prebiotics | 3380 | JBG | Finalized brief and exhibits (4.2); Call w/ Settlement administrator (.2). | 4.4 | \$500.00 | \$2,200.00 |
| 3/14/2025 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: editing pre-approval mtn (.2); redline and recirculate (1.5). | 1.7 | \$525.00 | \$892.50 |
| 3/14/2025 | Poppi Prebiotics | 3380 | MCS | Sent declaration to M. McCrary for e-signature. Finalized and compiled LTF Declaration. Finalized Reed declaration. | 0.9 | \$400.00 | \$360.00 |
| 3/14/2025 | Poppi Prebiotics | 3380 | MCS | Updated formatting on brief. Cite formatting, ran tables. Finalized and filed motion for preliminary approval and accompanying docs. Sent proposed order to judge. | 2.8 | \$400.00 | \$1,120.00 |
| 3/17/2025 | Poppi Prebiotics | 3380 | JBG | Sent motion documents to co-counsel. | 0.1 | \$500.00 | \$50.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|--|------|------------|------------|
| 3/18/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with Jonathan Pearl regarding settlement (.1); dealt with media inquiries (.3). | 0.4 | \$1,250.00 | \$500.00 |
| 4/1/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Approval timeline. | 0.2 | \$500.00 | \$100.00 |
| 4/10/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ Max Levi re: Settlement claim. | 0.2 | \$500.00 | \$100.00 |
| 4/10/2025 | Poppi Prebiotics | 3380 | ATD | Completed Call with Potential Class Member. | 0.2 | \$350.00 | \$70.00 |
| 4/21/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with Epiq. | 0.1 | \$1,250.00 | \$125.00 |
| 4/24/2025 | Poppi Prebiotics | 3380 | JBG | Called settlement administrator re: CAFA notice (.1); Call w/ Fred Webb re: Status update (.2); Call w/ Frank Gatto re: Notices (.2). | 0.5 | \$500.00 | \$250.00 |
| 5/1/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ Staff re: Hearing documents book. | 0.2 | \$500.00 | \$100.00 |
| 5/1/2025 | Poppi Prebiotics | 3380 | ATD | Created TOC for Hearing Book. | 1.0 | \$350.00 | \$350.00 |
| 5/4/2025 | Poppi Prebiotics | 3380 | JBG | Preliminary approval hearing review. | 3.1 | \$500.00 | \$1,550.00 |
| 5/6/2025 | Poppi Prebiotics | 3380 | JBG | Proposed order w/ MCS. | 0.1 | \$500.00 | \$50.00 |
| 5/6/2025 | Poppi Prebiotics | 3380 | JBG | Preliminary approval hearing review. | 1.6 | \$500.00 | \$800.00 |
| 5/6/2025 | Poppi Prebiotics | 3380 | MCS | Discussed proposed order with JBG, forwarded email re same. | 0.2 | \$400.00 | \$80.00 |
| 5/7/2025 | Poppi Prebiotics | 3380 | JBG | Response to co-counsel re: Hearing. | 0.1 | \$500.00 | \$50.00 |
| 5/8/2025 | Poppi Prebiotics | 3380 | LTF | Traveled to Oakland for preliminary approval hearing, meeting with Josh Glatt prior to hearing and attended hearing and returned to Walnut Creek. | 3.5 | \$1,250.00 | \$4,375.00 |
| 5/8/2025 | Poppi Prebiotics | 3380 | JBG | Hearing travel (1.1); Hearing preparation (1.4); Preliminary approval hearing (.5); Updated notice documents (.9). | 3.9 | \$500.00 | \$1,950.00 |
| 5/9/2025 | Poppi Prebiotics | 3380 | JBG | Updated notice documents and circulated. | 0.4 | \$500.00 | \$200.00 |
| 5/12/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed co-counsel edits to proposed order and notice documents. | 0.2 | \$500.00 | \$100.00 |
| 5/13/2025 | Poppi Prebiotics | 3380 | LTF | Discussed filing of revised claim form and notices with Josh Glatt and reviewed emails regarding same. | 0.2 | \$1,250.00 | \$250.00 |
| 5/13/2025 | Poppi Prebiotics | 3380 | JBG | Drafted McCrary declaration. | 0.5 | \$500.00 | \$250.00 |
| 5/14/2025 | Poppi Prebiotics | 3380 | LTF | Discussed filing of revised notices and claim form as well as final approval motion with Josh Glatt. | 0.2 | \$1,250.00 | \$250.00 |
| 5/14/2025 | Poppi Prebiotics | 3380 | JBG | Finalized notices and proposed order for filing. | 0.8 | \$500.00 | \$400.00 |
| 5/15/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed filed supplemental declaration regarding notices and claim form. | 0.2 | \$1,250.00 | \$250.00 |
| 5/19/2025 | Poppi Prebiotics | 3380 | JBG | Sent settlement administrator updated notice documents. | 0.2 | \$500.00 | \$100.00 |
| 5/23/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed preliminary approval order and discussed next steps with Josh Glatt (.5); left message for claims administrator regarding dissemination of notice (.1). | 0.6 | \$1,250.00 | \$750.00 |
| 5/23/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Settlement schedule (.3); Read order (.7). | 1.0 | \$500.00 | \$500.00 |
| 5/27/2025 | Poppi Prebiotics | 3380 | LTF | Discussed claims administrator and settlement deadlines with Josh Glatt. | 0.4 | \$1,250.00 | \$500.00 |
| 5/27/2025 | Poppi Prebiotics | 3380 | JBG | Updated notice documents re: Objection rights and deadline (.7); Conf. w/ LTF re: Settlement administrator contact issue (.2); Call w/ Frank Gatto re: Notice deadline (.2). | 1.1 | \$500.00 | \$550.00 |
| 5/28/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed emails from claims administrator regarding schedule and discussed same with Josh Glatt (.5); reviewed emails from co-counsel regarding schedule and discussed same with Mr. Glatt (.2). | 0.7 | \$1,250.00 | \$875.00 |
| 5/28/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ LTF re: Verita proposed timeline (.2); Added edits to proposed schedule (.7). | 0.9 | \$500.00 | \$450.00 |
| 5/29/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement schedule with Josh Glatt and reviewed emails regarding same. | 0.6 | \$1,250.00 | \$750.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|-----------|------------------|-------|----------|--|------|------------|------------|
| 5/29/2025 | Poppi Prebiotics | 3380 | JBG | Updated notice documents (.4); Circulated renewed proposed schedule (.2); Conf. w/ LTF re: Division of briefs (.3); Conf. w/ LTF re: Timeline for case (.2); Call w/ LTF re: Defense counter deadlines (.3). | 1.4 | \$500.00 | \$700.00 |
| 5/30/2025 | Poppi Prebiotics | 3380 | LTF | Discussed schedule with Josh Glatt and reviewed final scheduling stipulation. | 0.2 | \$1,250.00 | \$250.00 |
| 5/30/2025 | Poppi Prebiotics | 3380 | JBG | Drafted stipulation re: Schedule (.7); Conf. w/ LTF re: Stipulation and administration deadlines (.2); Call w/ Megan Donohue re: Stipulation (.1). | 1.0 | \$500.00 | \$500.00 |
| 5/30/2025 | Poppi Prebiotics | 3380 | DLS | Filed joint stipulation. | 0.5 | \$400.00 | \$200.00 |
| 5/30/2025 | Poppi Prebiotics | 3380 | JMF | Assisted with stip. | 0.1 | \$400.00 | \$40.00 |
| 5/31/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with Josh Glatt regarding case status. | 0.1 | \$1,250.00 | \$125.00 |
| 6/2/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed order regarding scheduling stipulation and updated calendar. | 0.4 | \$1,250.00 | \$500.00 |
| 6/3/2025 | Poppi Prebiotics | 3380 | LTF | Email exchange with claims administrator regarding settlement schedule and updated notices and claim forms (.3); reviewed and revised notices and claim form (.4). | 0.7 | \$1,250.00 | \$875.00 |
| 6/3/2025 | Poppi Prebiotics | 3380 | JBG | Updated notice documents. | 1.1 | \$500.00 | \$550.00 |
| 6/11/2025 | Poppi Prebiotics | 3380 | JBG | Email to team re: Dividing briefs. | 0.1 | \$500.00 | \$50.00 |
| 6/17/2025 | Poppi Prebiotics | 3380 | LTF | Call with co-counsel regarding final approval motion and upcoming deadlines (.3); discussion with Josh Glatt regarding response to email from claims administrator and next steps (.2). | 0.5 | \$1,250.00 | \$625.00 |
| 6/17/2025 | Poppi Prebiotics | 3380 | JBG | Team call re: Dividing briefs (.2); Call w/ LTF re: Fees for notices (.1); Email response to settlement administrator re: Notice edits (.1). | 0.4 | \$500.00 | \$200.00 |
| 6/17/2025 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: assisting w/final approval brief (.2); skim docs (.6). | 0.8 | \$525.00 | \$420.00 |
| 6/18/2025 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: mtg re: final approval brief (.1). | 0.1 | \$525.00 | \$52.50 |
| 6/18/2025 | Poppi Prebiotics | 3380 | JMF | Prepared lodestar. | 1.0 | \$400.00 | \$400.00 |
| 6/20/2025 | Poppi Prebiotics | 3380 | LTF | Discussed settlement issues with Josh Glatt. | 0.5 | \$1,250.00 | \$625.00 |
| 6/20/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Lodestar total for notice documents. | 0.4 | \$500.00 | \$200.00 |
| 6/21/2025 | Poppi Prebiotics | 3380 | JBG | Outlined final approval motion. | 2.1 | \$500.00 | \$1,050.00 |
| 6/23/2025 | Poppi Prebiotics | 3380 | LTF | Discussed notices with Josh Glatt and reviewed emails regarding same. | 0.3 | \$1,250.00 | \$375.00 |
| 6/23/2025 | Poppi Prebiotics | 3380 | JBG | Totaled current lodestar (.3); Email settlement administrator re: Updated notice documents (.2); Call w/ LTF re: Blank in notice documents (.2). | 0.7 | \$500.00 | \$350.00 |
| 6/23/2025 | Poppi Prebiotics | 3380 | JLG | Read preliminary approval order (1.0); review complaint (.5); work on draft template (.5). | 2.0 | \$525.00 | \$1,050.00 |
| 6/24/2025 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: timing of final approval brief (.2). | 0.2 | \$525.00 | \$105.00 |
| 6/25/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Edit to notice document (.2); Email to settlement administrator re: Edit (.2). | 0.4 | \$500.00 | \$200.00 |
| 6/25/2025 | Poppi Prebiotics | 3380 | JLG | Review materials for final approval brief (1.7). | 1.7 | \$525.00 | \$892.50 |
| 7/3/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed notice documents from settlement administrator. | 0.7 | \$500.00 | \$350.00 |
| 7/7/2025 | Poppi Prebiotics | 3380 | JBG | Updated notices. | 0.4 | \$500.00 | \$200.00 |
| 7/8/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed revised notices (.4); Call w/ LTF re: Updated to notices (.1). | 0.5 | \$500.00 | \$250.00 |
| 7/9/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed notice, online, and publication advertisements. | 0.4 | \$500.00 | \$200.00 |
| 7/10/2025 | Poppi Prebiotics | 3380 | JLG | Continue work on FA brief (1.6). | 1.6 | \$525.00 | \$840.00 |
| 7/11/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed settlement website. | 0.4 | \$500.00 | \$200.00 |
| 7/15/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed revised Poppi settlement advertising. | 0.3 | \$500.00 | \$150.00 |
| 7/21/2025 | Poppi Prebiotics | 3380 | JLG | Research & work on final approval brief (5.6). | 5.6 | \$525.00 | \$2,940.00 |

| Date | Matter | M No. | Initials | Description | Time | Rate | Total |
|---------------|------------------|-------|----------|--|-------|------------|--------------|
| 7/28/2025 | Poppi Prebiotics | 3380 | JLG | Work on final approval brief (3.3); conf. w/JBG re: same (.2). | 3.5 | \$525.00 | \$1,837.50 |
| 7/29/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed draft of motion. | 0.5 | \$1,250.00 | \$625.00 |
| 7/29/2025 | Poppi Prebiotics | 3380 | JBG | Conf. w/ LTF re: Motion for final approval (.5); Reviewed Motion for Fees (.7). | 1.2 | \$500.00 | \$600.00 |
| 7/29/2025 | Poppi Prebiotics | 3380 | JLG | Conf. w/JBG re: fee mtn & FA mtn (.2). | 0.2 | \$525.00 | \$105.00 |
| 7/31/2025 | Poppi Prebiotics | 3380 | JBG | Reviewed Motion for final approval draft (.9). | 0.9 | \$500.00 | \$450.00 |
| 8/4/2025 | Poppi Prebiotics | 3380 | LTF | Reviewed claims report and discussed it with Josh Glatt (.3); discussed final approval motion with Mr. Glatt (.4). | 0.7 | \$1,250.00 | \$875.00 |
| 8/4/2025 | Poppi Prebiotics | 3380 | JBG | Call w/ LTF re: Claims rate (.2). | 0.2 | \$500.00 | \$100.00 |
| Total: | | | | | 340.6 | | \$223,785.00 |

Bursor & Fisher, P.A. - In re VNGR Beverage, LLC Litigation

| | |
|--------------------|-------------------------------|
| \$405.00 | Total Filing Fees |
| \$93.47 | Total Meals and Entertainment |
| \$17,500.00 | Total Mediation fees |
| \$13.40 | Total Research Expense |
| \$18,011.87 | Total Expenses |

Filing Fees

| DATE | MATTER | AMOUNT | DESCRIPTION |
|------------|------------------|-----------------|--------------------------|
| 2024.05.30 | Poppi Prebiotics | \$405.00 | Courts/USDC-CA-ND |
| | | \$405.00 | Total Filing Fees |

Meals and Entertainment

| DATE | MATTER | AMOUNT | DESCRIPTION |
|------------|------------------|----------------|--------------------------------------|
| 2025.03.12 | Poppi Prebiotics | \$29.65 | Uber Eats |
| 2025.05.12 | Poppi Prebiotics | \$63.82 | Bocanova |
| | | \$93.47 | Total Meals and Entertainment |

Mediation fees

| DATE | MATTER | AMOUNT | DESCRIPTION |
|------------|------------------|--------------------|-----------------------------|
| 2024.11.07 | Poppi Prebiotics | \$17,500.00 | JAMS, Inc. |
| | | \$17,500.00 | Total Mediation fees |

Research Expense

| DATE | MATTER | AMOUNT | DESCRIPTION |
|------------|------------------|----------------|-------------------------------|
| 2024.10.17 | Poppi Prebiotics | \$8.00 | Pacer |
| 2025.01.10 | Poppi Prebiotics | \$5.40 | Pacer |
| | | \$13.40 | Total Research Expense |

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analysis of law firm rates,
trends, and practices

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Report Use Considerations

2022 Real Rate Report

- Examines law firm rates over time
- Identifies rates by location, experience, firm size, areas of expertise, industry, and timekeeper role (i.e., partner, associate, and paralegal)
- Itemizes variables that drive rates up or down

All the analyses included in the report derive from the actual rates charged by law firm professionals as recorded on invoices submitted and approved for payment.

Examining real, approved rate information, along with the ranges of those rates and their changes over time, highlights the role these variables play in driving aggregate legal cost and income. The analyses can energize questions for both corporate clients and law firm principals.

Clients might ask whether they are paying the right amount for different types of legal services, while law firm principals might ask whether they are charging the right amount for legal services and whether to modify their pricing approach.

Some key factors¹ that drive rates²:

Attorney location - Lawyers in urban and major metropolitan areas tend to charge more when compared with lawyers in rural areas or small towns.

Litigation complexity - The cost of representation will be higher if the case is particularly complex or time-consuming; for example, if there are a large number of documents to review, many witnesses to depose, and numerous procedural steps, the case is likely to cost more (regardless of other factors like the lawyer's level of experience).

Years of experience and reputation - A more experienced, higher-profile lawyer is often going to charge more, but absorbing this higher cost at the outset may make more sense than hiring a less expensive lawyer who will likely take time and billable hours to come up to speed on unfamiliar legal and procedural issues.

Overhead - The costs associated with the firm's support network (paralegals, clerks, and assistants), document preparation, consultants, research, and other expenses.

Firm size - The rates can increase if the firm is large and has various timekeeper roles at the firm. For example, the cost to work with an associate or partner at a larger firm will be higher compared to a firm that has one to two associates and a paralegal.

¹ David Goguen, J.D., University of San Francisco School of Law (2020) Guide to Legal Services Billing Retrieved from: <https://www.lawyers.com/legal-info/research/guide-to-legal-services-billing-rates.html>

² Source: 2018 RRR. Factor order validated in multiple analyses since 2010

Section I: High-Level Data Cuts

All data and analysis based on
data collected thru Q2 2022

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

| City | Matter Type | Role | n | First Quartile | Median | Third Quartile | 2022 | 2021 | 2020 |
|----------------|----------------|-----------|-----|----------------|--------|----------------|-------|-------|-------|
| Jackson MS | Litigation | Associate | 56 | \$55 | \$225 | \$250 | \$178 | \$203 | \$175 |
| | Non-Litigation | Partner | 24 | \$315 | \$420 | \$485 | \$418 | \$394 | \$375 |
| | | Associate | 25 | \$55 | \$126 | \$255 | \$155 | \$125 | \$259 |
| Kansas City MO | Litigation | Partner | 74 | \$413 | \$450 | \$556 | \$472 | \$450 | \$450 |
| | | Associate | 50 | \$252 | \$329 | \$385 | \$319 | \$316 | \$305 |
| | Non-Litigation | Partner | 101 | \$411 | \$487 | \$615 | \$519 | \$487 | \$464 |
| | | Associate | 73 | \$250 | \$320 | \$385 | \$322 | \$312 | \$285 |
| Las Vegas NV | Non-Litigation | Partner | 20 | \$350 | \$425 | \$525 | \$440 | \$422 | \$432 |
| | | Associate | 11 | \$238 | \$267 | \$368 | \$301 | \$297 | \$282 |
| Little Rock AR | Non-Litigation | Partner | 11 | \$215 | \$215 | \$308 | \$264 | \$256 | \$298 |
| Los Angeles CA | Litigation | Partner | 322 | \$516 | \$725 | \$1,045 | \$799 | \$739 | \$702 |
| | | Associate | 408 | \$400 | \$615 | \$855 | \$642 | \$606 | \$564 |
| | Non-Litigation | Partner | 521 | \$596 | \$868 | \$1,201 | \$903 | \$902 | \$858 |
| | | Associate | 667 | \$441 | \$603 | \$845 | \$653 | \$712 | \$648 |
| | | | | | | | | | |

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

| City | Matter Type | Role | n | First Quartile | Median | Third Quartile | 2022 | 2021 | 2020 |
|------------------|----------------|-----------|-------|----------------|---------|----------------|---------|---------|---------|
| Minneapolis MN | Non-Litigation | Associate | 83 | \$340 | \$421 | \$528 | \$425 | \$408 | \$384 |
| Nashville TN | Litigation | Partner | 24 | \$275 | \$320 | \$456 | \$363 | \$378 | \$403 |
| | Non-Litigation | Partner | 78 | \$412 | \$484 | \$576 | \$505 | \$481 | \$470 |
| | | Associate | 59 | \$270 | \$330 | \$384 | \$340 | \$315 | \$285 |
| New Orleans LA | Litigation | Partner | 47 | \$290 | \$332 | \$412 | \$343 | \$330 | \$340 |
| | | Associate | 42 | \$231 | \$243 | \$340 | \$278 | \$290 | \$275 |
| | Non-Litigation | Partner | 32 | \$295 | \$347 | \$405 | \$419 | \$380 | \$391 |
| | | Associate | 21 | \$244 | \$250 | \$278 | \$273 | \$303 | \$258 |
| New York NY | Litigation | Partner | 614 | \$475 | \$675 | \$1,088 | \$808 | \$784 | \$746 |
| | | Associate | 631 | \$323 | \$460 | \$729 | \$545 | \$527 | \$509 |
| | Non-Litigation | Partner | 1,376 | \$765 | \$1,235 | \$1,638 | \$1,189 | \$1,139 | \$1,090 |
| | | Associate | 1,809 | \$550 | \$776 | \$1,050 | \$796 | \$766 | \$716 |
| Oklahoma City OK | Non-Litigation | Partner | 14 | \$235 | \$338 | \$393 | \$337 | \$319 | \$311 |
| Omaha NE | Litigation | Partner | 12 | \$293 | \$339 | \$353 | \$329 | \$338 | \$341 |

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

| City | Matter Type | Role | n | First Quartile | Median | Third Quartile | 2022 | 2021 | 2020 |
|-------------------|----------------|-----------|-----|----------------|--------|----------------|-------|-------|-------|
| Rochester NY | Non-Litigation | Partner | 12 | \$270 | \$360 | \$488 | \$386 | \$341 | \$446 |
| | | Associate | 13 | \$220 | \$310 | \$375 | \$314 | \$278 | \$287 |
| Sacramento CA | Non-Litigation | Partner | 11 | \$381 | \$437 | \$682 | \$534 | \$559 | \$516 |
| Salt Lake City UT | Litigation | Partner | 14 | \$246 | \$353 | \$468 | \$363 | \$333 | \$379 |
| | Non-Litigation | Partner | 42 | \$297 | \$371 | \$447 | \$391 | \$363 | \$353 |
| | | Associate | 22 | \$220 | \$240 | \$270 | \$248 | \$247 | \$228 |
| San Diego CA | Litigation | Associate | 23 | \$151 | \$225 | \$300 | \$255 | \$258 | \$264 |
| | Non-Litigation | Partner | 89 | \$332 | \$540 | \$1,066 | \$699 | \$667 | \$649 |
| | | Associate | 71 | \$250 | \$325 | \$424 | \$373 | \$378 | \$351 |
| San Francisco CA | Litigation | Partner | 143 | \$423 | \$675 | \$995 | \$742 | \$711 | \$691 |
| | | Associate | 98 | \$325 | \$430 | \$731 | \$525 | \$517 | \$470 |
| | Non-Litigation | Partner | 221 | \$475 | \$750 | \$950 | \$758 | \$746 | \$741 |
| | | Associate | 151 | \$338 | \$486 | \$702 | \$545 | \$563 | \$507 |
| San Jose CA | Litigation | Partner | 33 | \$654 | \$921 | \$1,133 | \$916 | \$907 | \$864 |

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

| City | Matter Type | Role | n | First Quartile | Median | Third Quartile | 2022 | 2021 | 2020 |
|--------------|----------------|-----------|-----|----------------|--------|----------------|-------|-------|-------|
| San Jose CA | Litigation | Associate | 22 | \$461 | \$580 | \$745 | \$608 | \$593 | \$498 |
| | Non-Litigation | Partner | 50 | \$660 | \$864 | \$1,303 | \$969 | \$985 | \$887 |
| | | Associate | 46 | \$380 | \$460 | \$775 | \$616 | \$639 | \$567 |
| Seattle WA | Litigation | Partner | 76 | \$497 | \$655 | \$760 | \$635 | \$567 | \$510 |
| | | Associate | 61 | \$394 | \$468 | \$530 | \$447 | \$453 | \$395 |
| | Non-Litigation | Partner | 148 | \$410 | \$526 | \$760 | \$571 | \$547 | \$547 |
| | | Associate | 113 | \$310 | \$395 | \$502 | \$422 | \$401 | \$377 |
| St. Louis MO | Litigation | Partner | 46 | \$260 | \$350 | \$435 | \$376 | \$373 | \$388 |
| | | Associate | 17 | \$197 | \$225 | \$250 | \$228 | \$237 | \$232 |
| | Non-Litigation | Partner | 57 | \$352 | \$419 | \$540 | \$451 | \$446 | \$473 |
| Tampa FL | Litigation | Partner | 31 | \$369 | \$508 | \$595 | \$490 | \$467 | \$452 |
| | | Associate | 15 | \$269 | \$298 | \$368 | \$316 | \$302 | \$306 |
| Trenton NJ | Non-Litigation | Partner | 21 | \$408 | \$600 | \$700 | \$569 | \$620 | \$581 |
| | | Associate | 12 | \$480 | \$495 | \$500 | \$448 | \$376 | \$387 |

Section I: High-Level Data Cuts

Cities

By Years of Experience

2022 - Real Rates for Associate

Trend Analysis - Mean

| City | Years of Experience | n | First Quartile | Median | Third Quartile | 2022 | 2021 | 2020 |
|----------------|-------------------------|-----|----------------|--------|----------------|-------|-------|-------|
| Kansas City MO | 3 to Fewer Than 7 Years | 15 | \$270 | \$325 | \$360 | \$318 | \$295 | \$283 |
| | 7 or More Years | 28 | \$292 | \$334 | \$391 | \$333 | \$312 | \$302 |
| Los Angeles CA | Fewer Than 3 Years | 63 | \$429 | \$595 | \$654 | \$556 | \$524 | \$488 |
| | 3 to Fewer Than 7 Years | 144 | \$486 | \$688 | \$838 | \$662 | \$626 | \$530 |
| | 7 or More Years | 171 | \$351 | \$550 | \$840 | \$600 | \$634 | \$586 |
| Miami FL | 3 to Fewer Than 7 Years | 19 | \$300 | \$360 | \$457 | \$380 | \$331 | \$313 |
| | 7 or More Years | 36 | \$295 | \$450 | \$595 | \$460 | \$433 | \$385 |
| Minneapolis MN | Fewer Than 3 Years | 11 | \$374 | \$405 | \$446 | \$408 | | \$230 |
| | 3 to Fewer Than 7 Years | 27 | \$340 | \$451 | \$510 | \$421 | \$358 | \$356 |
| | 7 or More Years | 27 | \$423 | \$468 | \$585 | \$478 | \$438 | \$392 |
| Nashville TN | 7 or More Years | 12 | \$219 | \$245 | \$345 | \$282 | \$266 | \$262 |
| New Orleans LA | 3 to Fewer Than 7 Years | 12 | \$232 | \$243 | \$265 | \$261 | \$242 | \$245 |
| | 7 or More Years | 18 | \$243 | \$312 | \$343 | \$306 | \$318 | \$294 |
| New York NY | Fewer Than 3 Years | 142 | \$443 | \$622 | \$775 | \$629 | \$600 | \$652 |

Section I: High-Level Data Cuts

Cities

By Years of Experience

2022 - Real Rates for Partner

Trend Analysis - Mean

| City | Years of Experience | n | First Quartile | Median | Third Quartile | 2022 | 2021 | 2020 |
|----------------|---------------------|-----|----------------|--------|----------------|-------|-------|-------|
| Kansas City MO | Fewer Than 21 Years | 46 | \$400 | \$450 | \$537 | \$473 | \$411 | \$397 |
| | 21 or More Years | 68 | \$440 | \$553 | \$658 | \$539 | \$497 | \$491 |
| Las Vegas NV | Fewer Than 21 Years | 12 | \$284 | \$381 | \$495 | \$389 | \$349 | \$343 |
| | 21 or More Years | 13 | \$350 | \$425 | \$515 | \$468 | \$456 | \$472 |
| Los Angeles CA | Fewer Than 21 Years | 183 | \$533 | \$801 | \$1,075 | \$804 | \$797 | \$682 |
| | 21 or More Years | 333 | \$550 | \$765 | \$1,133 | \$863 | \$842 | \$808 |
| Memphis TN | Fewer Than 21 Years | 14 | \$288 | \$331 | \$380 | \$345 | \$317 | \$328 |
| | 21 or More Years | 15 | \$355 | \$415 | \$425 | \$394 | \$382 | \$375 |
| Miami FL | Fewer Than 21 Years | 57 | \$370 | \$450 | \$598 | \$490 | \$498 | \$443 |
| | 21 or More Years | 104 | \$388 | \$581 | \$749 | \$584 | \$580 | \$536 |
| Milwaukee WI | 21 or More Years | 16 | \$302 | \$454 | \$613 | \$589 | \$515 | \$530 |
| Minneapolis MN | Fewer Than 21 Years | 36 | \$470 | \$530 | \$607 | \$532 | \$486 | \$499 |
| | 21 or More Years | 84 | \$507 | \$675 | \$796 | \$656 | \$620 | \$589 |
| Nashville TN | Fewer Than 21 Years | 28 | \$375 | \$405 | \$535 | \$449 | \$405 | \$397 |

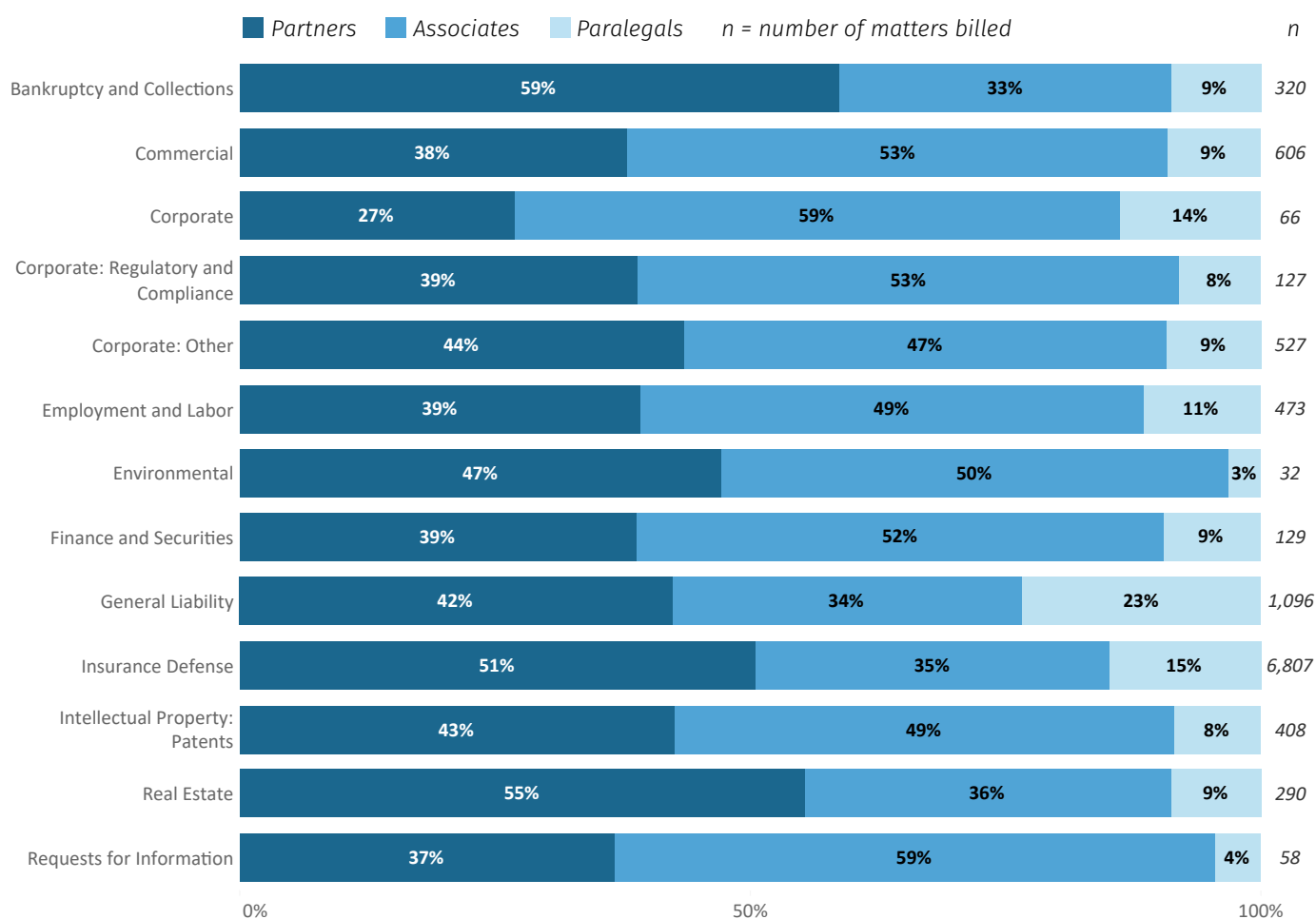
Section VI: Matter Staffing Analysis

All data and analysis based on
data collected thru Q2 2022

Section VI: Matter Staffing Analysis

Long Litigation Matters, More Than 100 Total Hours Billed

2019 to 2022 -- Percentage of Hours Billed per Matter



Section VII: Data Methodology

All data and analysis based on
data collected thru Q2 2022

Appendix: Data Methodology

Invoice Information

Data in Wolters Kluwer ELM Solutions' reference database and the 2022 Real Rate Report were taken from invoice line-item entries contained in invoices received and approved by participating companies.

Invoice data were received in the Legal Electronic Data Exchange Standard (LEDES) format (LEDES.org). The following information was extracted from those invoices and their line items:

- Law firm (which exists as a random number in the ELM Solutions reference database)
- Timekeeper ID (which exists as a random number in the ELM Solutions reference database)
- Matter ID (which exists as a random number in the ELM Solutions reference database)
- Timekeeper's position (role) within the law firm (partner, associate, paralegal, etc.)
- Uniform Task-Based Management System Code Set, Task Codes, and Activity Codes (UTBMS.com)
- Date of service
- Hours billed
- Hourly rate billed
- Fees billed

Non-Invoice Information

To capture practice area details, the matter ID within each invoice was associated with matter profiles containing areas of work in the systems of each company. The areas of work were then systematically categorized into legal practice areas. Normalization of practice areas was done based on company mappings to system-level practice areas available in the ELM Solutions system and by naming convention.

The majority of analyses included in this report have been mapped to one of 11 practice areas, further divided into sub-areas and litigation/non-litigation (for more information on practice areas and sub-areas, please refer to pages 232-234).

To capture location and jurisdiction details, law firms and timekeepers were systematically mapped to the existing profiles within ELM Solutions systems, as well as with publicly available data sources for further validation and normalization. Where city location information is provided, it includes any address within that city's defined Core-Based Statistical Area (CBSA) as defined by the Office of Management and Budget (OMB). The CBSAs are urban centers with populations of 10,000 or more and include all adjacent counties that are economically integrated with that urban center.

Where the analyses focus on partners, associates, and paralegals, the underlying data occasionally included some sub-roles, such as "senior partner" or "junior associate." In such instances, those timekeeper sub-roles were placed within the broader partner, associate, and paralegal segments.

Demographics regarding law firm size, location, and lawyer years of experience were augmented by incorporating publicly available information.

Appendix: Data Methodology

A Note on US Cities

| Principal City | CBSA Name |
|-------------------|--|
| Hartford, CT | Hartford-East Hartford-Middletown, CT |
| Honolulu, HI | Urban Honolulu HI |
| Houston, TX | Houston-The Woodlands-Sugar Land, TX |
| Indianapolis, IN | Indianapolis-Carmel-Anderson, IN |
| Jackson, MS | Jackson, MS |
| Jacksonville, FL | Jacksonville, FL |
| Kansas City, MO | Kansas City, MO-KS |
| Lafayette, LA | Lafayette, LA |
| Las Vegas, NV | Las Vegas-Henderson-Paradise, NV |
| Lexington, KY | Lexington-Fayette, KY |
| Little Rock, AR | Little Rock-North Little Rock-Conway, AR |
| Los Angeles, CA | Los Angeles-Long Beach-Anaheim, CA |
| Louisville, KY | Louisville/Jefferson County, KY-IN |
| Madison, WI | Madison, WI |
| Memphis, TN | Memphis-Forrest City, TN-MS-AR |
| Miami, FL | Miami-Fort Lauderdale-Pompano Beach, FL |
| Milwaukee, WI | Milwaukee-Waukesha, WI |
| Minneapolis, MN | Minneapolis-St. Paul-Bloomington, MN-WI |
| Nashville, TN | Nashville-Davidson-Murfreesboro-Franklin, TN |
| New Haven, CT | New Haven-Milford, CT |
| New Orleans, LA | New Orleans-Metairie, LA |
| New York, NY | New York-Newark-Jersey City, NY-NJ-PA |
| Oklahoma City, OK | Oklahoma City, OK |
| Omaha, NE | Omaha-Council Bluffs, NE-IA |
| Orlando, FL | Orlando-Kissimmee-Sanford, FL |
| Philadelphia, PA | Philadelphia-Camden-Wilmington, PA-NJ-DE-MD |
| Phoenix, AZ | Phoenix-Mesa-Chandler, AZ |
| Pittsburgh, PA | Pittsburgh, PA |
| Portland, ME | Portland-South Portland, ME |
| Portland, OR | Portland-Vancouver-Hillsboro, OR-WA |
| Providence, RI | Providence-Warwick, RI-MA |
| Raleigh, NC | Raleigh-Cary, NC |
| Reno, NV | Reno-Carson City-Fernley, NV |

Appendix: Data Methodology

Bankruptcy and Collections

Chapter 11
Collections

General/Other
Workouts and Restructuring

Commercial (Commercial Transactions and Agreements)

Contract Breach or Dispute
General, Drafting, and Review
General/Other

Corporate¹

Antitrust and Competition
Corporate Development
General/Other
Governance
Information and Technology
Mergers, Acquisitions, and Divestitures

Partnerships and Joint Ventures
Regulatory and Compliance
Tax
Treasury
White Collar/Fraud/Abuse

Employment and Labor

ADA
Agreements
Compensation and Benefits
Discrimination, Retaliation, and Harassment/EEO
Employee Dishonesty/Misconduct
ERISA

General/Other
Immigration
Union Relations and Negotiations/NLRB
Wages, Tips, and Overtime
Wrongful Termination

Environmental

General/Other
Health and Safety

Superfund
Waste/Remediation

Finance and Securities

Commercial Loans and Financing
Debt/Equity Offerings
Fiduciary Services
General/Other

Investments and Other Financial Instruments
Loans and Financing
SEC Filings and Financial Reporting
Securities and Banking Regulations

General Liability

Asbestos/Mesothelioma
Auto and Transportation
Consumer Related Claims
Crime, Dishonesty and Fraud
General/Other

Personal Injury/Wrongful Death
Premises
Product and Product Liability
Property Damage
Toxic Tort

¹ All references to "Corporate: General/Other" in the Real Rate Report are the aggregation of all Corporate sub-areas excluding the Mergers, Acquisitions, and Divestitures sub-area and the Regulatory and Compliance sub-area.

ABAJOURNAL

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LAW FIRMS

This law firm bills as much as \$3,000 per hour

BY [DEBRA CASSENS WEISS](#) (<https://www.abajournal.com/authors/4/>)

FEBRUARY 26, 2025, 1:46 PM CST



Some partners at Quinn Emanuel Urquhart & Sullivan bill as much as \$3,000 per hour, according to court filings cited by Reuters.

The law firm bills between \$1,860 and \$3,000 per hour for partners, between \$1,775 and \$2,725 per hour for counsel, and between \$1,035 and \$1,665 per hour for associates, [Reuters](https://www.reuters.com/legal/want-hire-elon-musks-lawyer-that-will-be-3000-an-hour-2025-02-25) (<https://www.reuters.com/legal/want-hire-elon-musks-lawyer-that-will-be-3000-an-hour-2025-02-25>) reports.

Some partners at Quinn Emanuel Urquhart & Sullivan bill as much as \$3,000 per hour, according to court filings cited by Reuters. (Photo from Shutterstock)

“Quinn Emanuel’s \$3,000 top rate marks a milestone for leading U.S. law firms as lawyers’ hourly fees continue to soar,” the

article reports. “Law firms routinely raise their rates each year, and top rates at some of the largest U.S. firms have pushed past \$2,500 an hour or higher in recent years, court records show.”

The court filings did not indicate which partners are billing \$3,000 per hour, but unnamed sources told Reuters that the lawyers are [Alex Spiro](https://www.abajournal.com/news/article/meet-alex-spiro-a-lawyer-in-constant-motion-who-is-helping-elon-musk-change-twitter) (<https://www.abajournal.com/news/article/meet-alex-spiro-a-lawyer-in-constant-motion-who-is-helping-elon-musk-change-twitter>), who has represented billionaire Tesla CEO Elon Musk, and William Burck, the firm’s global co-managing partner.

A Quinn Emanuel spokesperson declined to comment when contacted by Reuters.

*Write a letter to the editor, share a story,
tip or update, or report an error.*

*(/contact?
referrer=https://www.abajournal.com/news/article/this-law-
firm-bills-as-much-as-3000-an-hour)*

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Largest law firms charge nearly \$1,000 an hour, report finds

The 4.8% rate increase through Q3 2023 was more than triple the bump last year among the Am Law 100, according to a Brightflag report.

Published Dec. 11, 2023



Lyle Moran
Reporter

Binary code abstract background with a stack of \$100 bills Viorika via Getty Images

The top 100 U.S. law firms charged clients an average of \$961 an hour in the first nine months of 2023, a recent report found.

The average blended rate billed by Am Law 100 firms is a 4.8% increase from the \$917 an hour those firms charged throughout 2022, according to the hourly rates analysis from e-billing and matter management platform Brightflag.

“In 2022, the blended rate increased by 1.5% when compared with 2021,” the report said. “This means that the increase experienced in 2023 was over three times higher than the increase of the preceding year.”

Driver of increase

The blended rate was calculated by dividing the total amount that outside counsel billed for work across timekeepers by the total hours billed.

The analysis was based on Brightflag's database of billions of dollars of outside counsel spend, and it used billed rates as opposed to rack rates or requested rates.

The report said an increase in blended rates can stem from a rise in the rates charged by individual fee earners or an uptick in billing by fee earners that charge higher rates.

"Brightflag's data on the average rates charged per fee earner type suggests that the key driver of increases in 2023 was a rise in individual fee earner rates, as opposed to a drastic change in matter resourcing," the report said.

Different firm categories

Perhaps unsurprisingly, timekeepers at firms ranked higher in the Am Law 100 rankings charge more than firms lower in the list.

One example cited is that partners at the top 25 firms charge an average of \$1,433 an hour, which is almost double the \$729 average hourly rate charged by partners at firms 51-75 in the rankings.

Associates at the larger firms also charge more than their peers lower in the rankings.

For example, associates at the top 25 firms charge \$951 an hour on average compared to associates at firms ranked 51-75 billing \$617 an hour.

"This demonstrates the significant savings that can be made by moving work from the highest-cost firms to smaller, more cost-efficient firms," the report said.

Geography

The Brightflag analysis also found that partners at the Am Law 100 firms based in larger metropolitan areas charge more than their peers in other locations.

Partners in New York lead the way by a significant margin, with those attorneys charging an average of \$1,562 an hour.

The second-highest hourly rates are charged by partners in the Los Angeles area, with those lawyers billing \$1,192 an hour on average.

At the other end of the spectrum, partners in the Kansas City area charge \$764 an hour on average.

“Brightflag’s data shows that even within the top 100 U.S. firms, partner rates in the largest cities are 40-50% higher than those in smaller cities,” the report said. “Therefore, working with outside counsel in smaller cities can have a major impact on outside spend, even if you continue to work with top firms.”

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Business & Practice

Big Law Rates Topping \$2,000 Leave Value ‘In Eye of Beholder’

By Roy Strom

Column

June 9, 2022, 2:30 AM

Welcome back to the Big Law Business column on the changing legal marketplace written by me, Roy Strom. Today, we look at a new threshold for lawyers' billing rates and why it's so difficult to put a price on high-powered attorneys. Sign up to receive this column in your inbox on Thursday mornings. Programming note: Big Law Business will be off next week.

Some of the nation's top law firms are charging more than \$2,000 an hour, setting a new pinnacle after a two-year burst in demand.

Partners at Hogan Lovells and Latham & Watkins have crossed the threshold, according to court documents in bankruptcy cases filed within the past year.

Other firms came close to the mark, billing more than \$1,900, according to the documents. They include Kirkland & Ellis, Simpson Thacher & Bartlett, Boies Schiller Flexner, and Sidley Austin.

Simpson Thacher & Bartlett litigator Bryce Friedman, who helps big-name clients out of jams, especially when they're accused of fraud, charges \$1,965 every 60 minutes, according to a court document.

In need of a former acting US Solicitor General? Hogan Lovells partner Neal Katyal bills time at \$2,465 an hour. Want to hire famous litigator David Boies? That'll cost \$1,950 an hour (at least). Reuters was first to report their fees.

Eye-watering rates are nothing new for Big Law firms, which typically ask clients to pay higher prices at least once a year, regardless of broader market conditions.

"Value is in the eye of the beholder," said John O'Connor, a San Francisco-based expert on legal fees. "The perceived value of a good lawyer can reach into the multi-billions of dollars."

Kirkland & Ellis declined to comment on its billing rates. None of the other firms responded to requests to comment.

Charge It Up

Big Law firms are crossing the \$2,000-an-hour threshold after two years of surging rates driven by an increase in demand for lawyers.

| Firm | Highest Billing Rate |
|----------------------------|----------------------|
| Hogan Lovells | \$2,465 |
| Latham & Watkins | \$2,075 |
| Kirkland & Ellis | \$1,995 |
| Simpson Thacher & Bartlett | \$1,965 |
| Boies Schiller Flexner | \$1,950 |
| Sidley Austin | \$1,900 |

Source: Court documents

Bloomberg Law

Law firms have been more successful raising rates than most other businesses over the past 15 years.

Law firm rates rose by roughly 40 percent from 2007 to 2020, or just short of 3 percent per year, Thomson Reuters Peer Monitor data show. US inflation rose by about 28% during that time.

The 100 largest law firms in the past two years achieved their largest rate increases in more than a decade, Peer Monitor says. The rates surged more than 6% in 2020 and grew another 5.6% through November of last year. Neither level had been breached since 2008.

The price hikes occurred during a once-in-a-decade surge in demand for law services, which propelled profits at firms to new levels. Fourteen law firms reported average profits per equity partner in 2021 over \$5 million, according to data from The American Lawyer. That was up from six the previous year.

The highest-performing firms, where lawyers charge the highest prices, have outperformed their smaller peers. Firms with leading practices in markets such as mergers and acquisitions, capital markets, and real estate were forced to turn away work at some points during the pandemic-fueled surge.

Firms receive relatively tepid pushback from their giant corporate clients, especially when advising on bet-the-company litigation or billion-dollar deals.

The portion of bills law firms collected—a sign of how willingly clients pay full-freight—rose during the previous two years after drifting lower following the Great Financial Crisis. Collection rates last year breached 90% for the first time since 2009, Peer Monitor data show.

Professional rules prohibit lawyers from charging “unconscionable” or “unreasonable” rates. But that doesn’t preclude clients from paying any price they perceive as valuable, said Jacqueline Vinaccia, a San Diego-based lawyer who testifies on lawyer fee disputes.

Lawyers’ fees are usually only contested when they will be paid by a third party.

That happened recently with Hogan Lovells’ Katyal, whose nearly \$2,500 an hour fee was contested in May by a US trustee overseeing a bankruptcy case involving a Johnson & Johnson unit facing claims its talc-based powders caused cancer.

The trustee, who protects the financial interests of bankruptcy estates, argued Katyal’s fee was more than \$1,000 an hour higher than rates charged by lawyers in the same case at Jones Day and Skadden Arps Slate Meagher & Flom.

A hearing on the trustee’s objection is scheduled for next week. Hogan Lovells did not respond to a request for comment on the objection.

Vinaccia said the firm’s options will be to reduce its fee, withdraw from the case, or argue the levy is reasonable, most likely based on Katyal’s extensive experience arguing appeals.

Still, the hourly rate shows just how valuable the most prestigious lawyers’ time can be—even compared to their highly compensated competitors.

“If the argument is that Jones Day and Skadden Arps are less expensive, then you’re already talking about the cream of the crop, the top-of-the-barrel law firms,” Vinaccia said. “I can’t imagine a case in which I might argue those two firms are more reasonable than the rates I’m dealing with.”

Worth Your Time

On Cravath: Cravath Swaine & Moore is heading to Washington, opening its first new office since 1973 by hiring former heads of the U.S. Securities and Exchange Commission and Federal Deposit Insurance Corporation. Meghan Tribe reports the move comes as Big Law firms are looking to add federal government expertise as clients face more regulatory scrutiny.

On Big Law Promotions: It’s rare that associates get promotions to partner in June, but Camille Vasquez is now a Brown Rudnick partner after she shot to fame representing Johnny Depp in his defamation trial against ex-wife Amber Heard.

On Working From Home: I spoke this week with Quinn Emanuel’s John Quinn about why he thinks law firm life is never going back to the office-first culture that was upset by the pandemic. Listen to the podcast [here](#).



That's it for this week! Thanks for reading and please send me your thoughts, critiques, and tips.

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To contact the editors responsible for this story: Chris Opfer at copfer@bloomberglaw.com;
John Hughes at jhughes@bloombergindustry.com

Documents

[Trustee's Objection](#)

Related Articles

[Overworked Big Law Can't Find Enough Lawyers With Demand Surging](#) Dec. 9, 2021, 3:00 AM

[Never Underestimate Big Law's Ability to Raise Billing Rates](#) Aug. 12, 2021, 3:00 AM

Law Firms

Simpson Thacher
Hogan Lovells
Jones Day
Skadden
Sidley Austin
Quinn Emanuel
Cravath Swaine & Moore
Latham & Watkins
Kirkland & Ellis
Boies Schiller Flexner

Topics

expert fees
compensation of bankruptcy attorney
acquisitions
U.S. trustees
financial markets
client-paid legal fees
data breaches

Companies

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Enterprise Legal Management Trends Report

INSIGHT INTO **7** KEY METRICS

JUNE 2022



Enterprise Legal Management Trends Report

INSIGHTS ARE BASED ON DATA DERIVED FROM

OVER
\$49 Billion
IN LEGAL SPENDING

MORE THAN
350,000
TIMEKEEPERS

MORE THAN
1.2 Million
MATTERS

Executive Highlights

Insights are based on data derived from over \$49 billion in legal spending, more than 350,000 timekeepers, and more than 1.2 million matters. The key metrics are based on 2021 charges billed by outside counsel.

2021 RECORD SETTING YEAR FOR MERGERS & ACQUISITIONS

LexisNexis® CounselLink® data aligns with reports of 2021 being a record setting year for global mergers and acquisitions. Mergers & Acquisitions (M&A) related legal fees processed through CounselLink in 2021 represented 7.4% of total legal billing, a significant increase from 4.3% in 2020. The data also reflects that greater demand for M&A legal expertise resulted in material price increases. The median partner rate billed for M&A work in 2021 was \$878, a 6.1% increase over the prior year median.

HOURLY RATE INCREASES SHOW NO SIGNS OF SLOWING

Consistent with what we observed in 2020, despite pandemic-related and other pressures for legal departments to reduce outside counsel spending, hourly rate increases paid to US firms showed no signs of slowing. On average, 2021 partner hourly rates increased by 3.4% relative to 2020. This compares to 3.5% growth in 2020 versus 2019.

USE OF ALTERNATIVE FEE ARRANGEMENT CONTINUES TO INCREASE

In 2021, 14.8% of matters had at least a portion of their billing under an arrangement other than hourly billing. Non-hourly fees billed accounted 9.6% of all billings. Use of alternative fee arrangements (AFAs) has been slowly rising over the years, showing an increased appetite by corporate counsel for AFAs, and a willingness by law firms to provide them.

THE “LARGEST 50” FIRMS ACCOUNT FOR LARGEST SHARE OF SPENDING

The “Largest 50” firms (those with more than 750 lawyers) continue to account for the largest share of U.S. legal spending. In 2021, 46% of outside counsel fees were paid to these firms, consistent with recent year results. Further, the largest firms are continuing to gain share of wallet for the highest rate work. The three practices commanding the highest partner rates are Mergers & Acquisitions; Finance, Loans & Investments; and Regulatory & Compliance. Combining these types of matters, the “Largest 50” firms had a 61% share of legal billings in 2021. Several sub-categories of other matter categories with high partner rates follow the same pattern. For example, those firms had a 77% share of IP Litigation and a 78% share of Corporate Antitrust work.

Introduction

The first edition of the annual CounselLink Enterprise Legal Management Trends Report was published in October 2013. That report established a set of six key metrics based on data available via the CounselLink Enterprise Legal Management platform and provided insights that corporate law departments and law firms could use to guide their decisions and subsequent actions. Beginning with the 2021 edition, a seventh key metric has been added to highlight hourly rates billed by law firm partners located in countries outside of the United States.

With the volume of data available for analysis growing with each passing year, the 2022 edition of the Trends Report represents the most up-to-date and detailed picture of how legal market dynamics are evolving over time.

As always, information about the methodologies used, definitions, and expert contributors conducting the analysis are presented at the end of the report.

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Update on seven key metrics

Each annual update of the CounselLink Enterprise Legal Management Trends Report covers a standard set of key metrics related to hourly legal rates and the corporate procurement of legal services.

1A

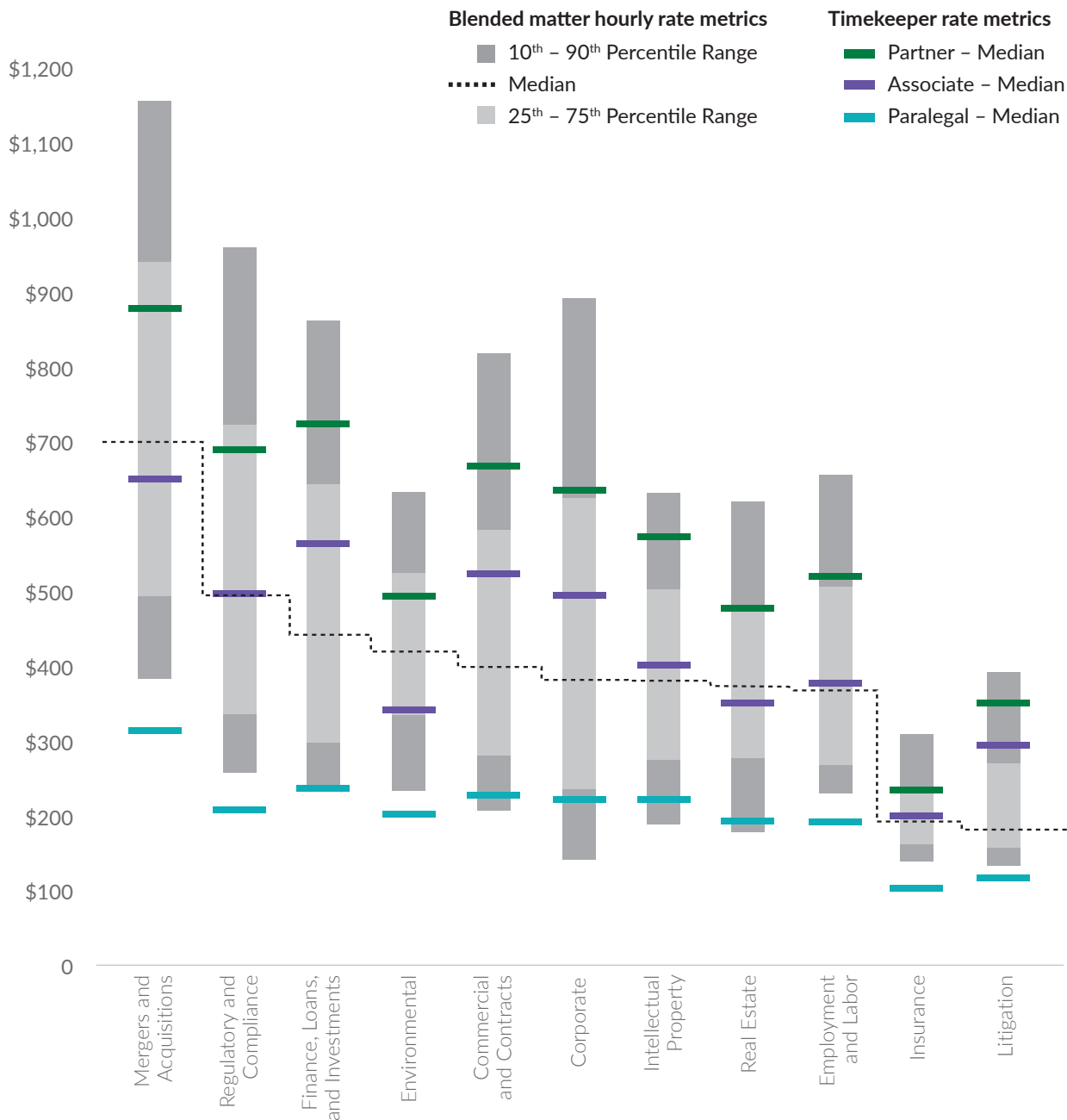
KEY
METRIC

Blended Hourly Rate for Matters by Practice Area

BLENDED HOURLY RATES AND RATE VOLATILITY DIFFER BY TYPE OF WORK

All analysis is based on data through December 31, 2021

Practice areas ordered by median blended matter rates

Volatility
Rate

5

7

7

3

6

10

5

4

5

3

5

Volatility is a calculated indicator of blended rate variability. Higher numbers suggest better possibilities for negotiating rates and/or changing the assigned timekeeper mix.

See page 9 for guidance on interpreting all blended hourly rates charts.

1B

KEY
METRIC

Blended Hourly Rate for Matters – by Subcategory

BLENDED HOURLY RATES AND RATE VOLATILITY DIFFER BY SUBCATEGORY OF WORK

All analysis is based on data through December 31, 2021

Practice areas ordered by median blended matter rates



1B

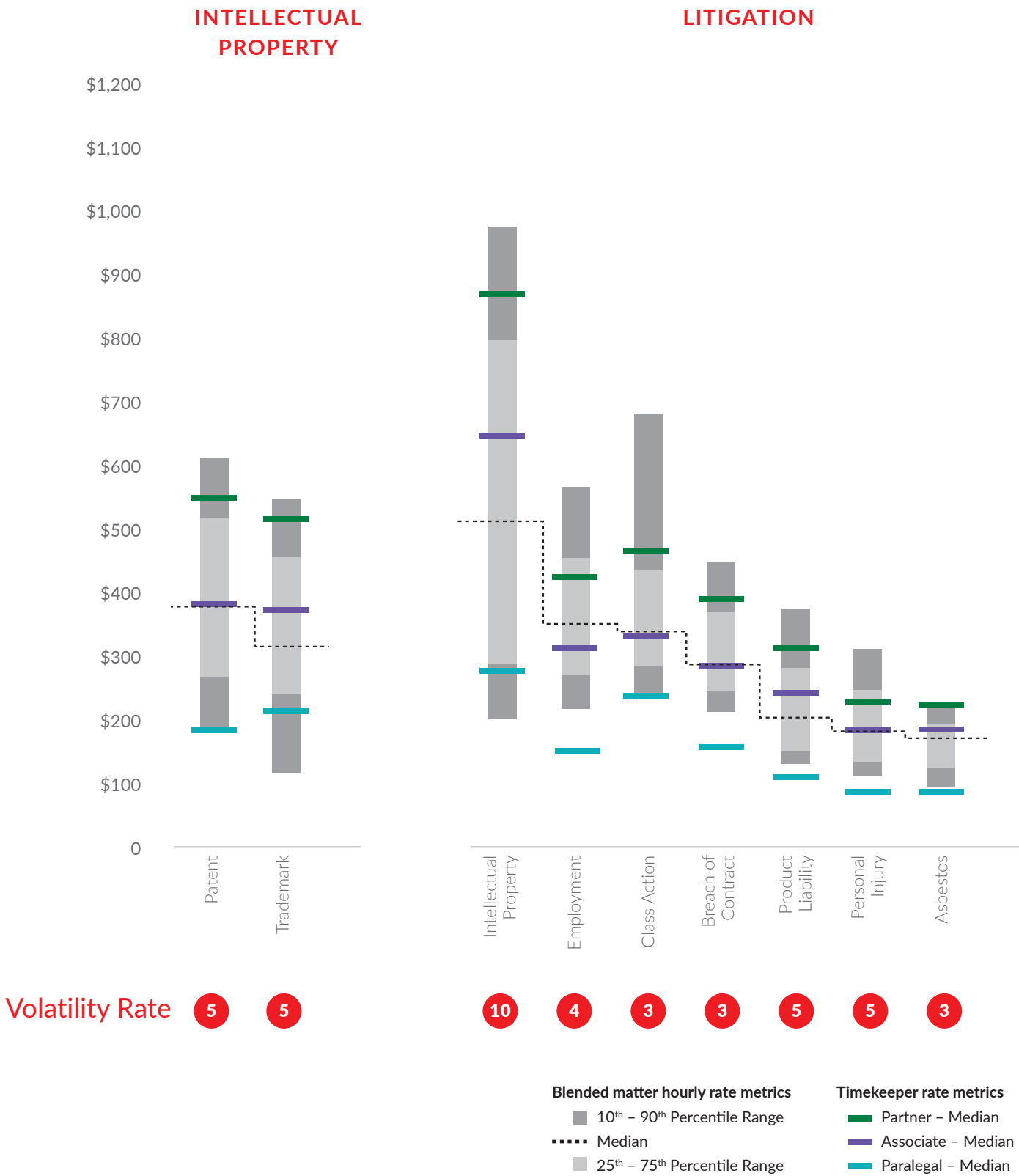
KEY METRIC

Blended Hourly Rate for Matters – by Subcategory

BLENDED HOURLY RATES AND RATE VOLATILITY DIFFER BY SUBCATEGORY OF WORK

All analysis is based on data through December 31, 2021

Practice areas ordered by median blended matter rates



Interpreting the Charts:

The charts on the previous pages capture matter level benchmarks. It's important to distinguish that Metric 1 is not benchmarking individual timekeeper rates, but rather the blended rates that result from the multiple timekeepers that work on a given matter. As a guide to interpreting the output, compare the two categories Corporate and Employment & Labor. These two categories have very similar median blended average matter rate (\$376 and \$366, respectively). But note that Corporate matters have a median partner rate of \$636, considerably higher than that of Employment & Labor (\$520). This indicates that relative to Corporate work, Employment & Labor matters are staffed more significantly with non-partners, whose hourly rates bring down the overall blended average matter rates.

The Volatility Index provided in this section is a calculated marker that shows the variability in blended matter rates. Using a 10-point scale, the Index highlights the broad spread between the 25th and 75th percentiles of hourly rates. High volatility scores indicate greater variance in prices paid based on the mix of timekeepers and individual hourly rates.

Although individual lawyer rates are the focus of considerable industry attention, it is equally, or arguably more important, to look at the bigger picture: the blended average rate of the different timekeepers that work on a matter. The chart shows that the median blended hourly rate is highest for Mergers and Acquisitions, which often involve the most expensive firms and require significant partner engagement.

Comparing the Corporate category to Insurance as an example, the spread between the 25th and 75th percentiles of blended hourly rates for Corporate work is broader than the spread for Insurance. On a 10-point scale, Corporate has a Volatility Index of 10 while Insurance has an Index of three, which indicates that the mix of timekeepers and rates paid on Corporate matters vary significantly compared to the timekeeper mix and rates paid for Insurance matters. A high Volatility Index could also indicate that a category represents a wide range of matter types.

The 2020 data revealed that three matter categories have relatively low Volatility Indices (lower than 5), which means rates are consistent and less subject to negotiations between corporations and their firms:

- Insurance
- Real Estate
- Environmental

The two matter categories with the greatest change relative to the prior year are Mergers & Acquisitions and Commercial & Contracts. The median blended average matter rate for these categories increased 7% relative to 2020.

Legal departments can compare their own data against these rates and ranges for help managing costs. If departments are paying at or near the top of the range for more volatile matter types, there may be opportunities to negotiate lower rates or request a different mix of timekeepers to reduce costs. Note, however, that when looking at trends, it is important to evaluate the entire range of rates rather than focusing solely on the median rate.

Key Metric 1B: Blended Hourly Rates and Rate Volatility Differ by Legal Work Subcategories

Key Metric #1 measures average billing rates for high-level categories of legal work. Beginning in 2021, the Trends Report expanded upon this to include benchmarks for more granular categories of work to continue to provide more meaningful data points for decision-making in the legal industry.

Note that several of the sub-categories have Volatility Indices that are lower than that of their parent categories. For example, refer to the Corporate practice area in Key Metric #1 which had a Volatility Index of 10.

The three sub-categories of Corporate reflected in Key Metric #1B include Antitrust, Bankruptcy, and Tax. These areas have volatility scores of 6, 3, and 8 respectively. This can be interpreted to mean that as we narrow down to more granular/similar types of work, there is less variability between the 25th and 75th percentile blended average rates paid for these specific types of legal work relative to the broader category of Corporate. For example, there is greater consistency in the staffing and/or negotiated rates for these types of work, particularly for Antitrust and Bankruptcy.



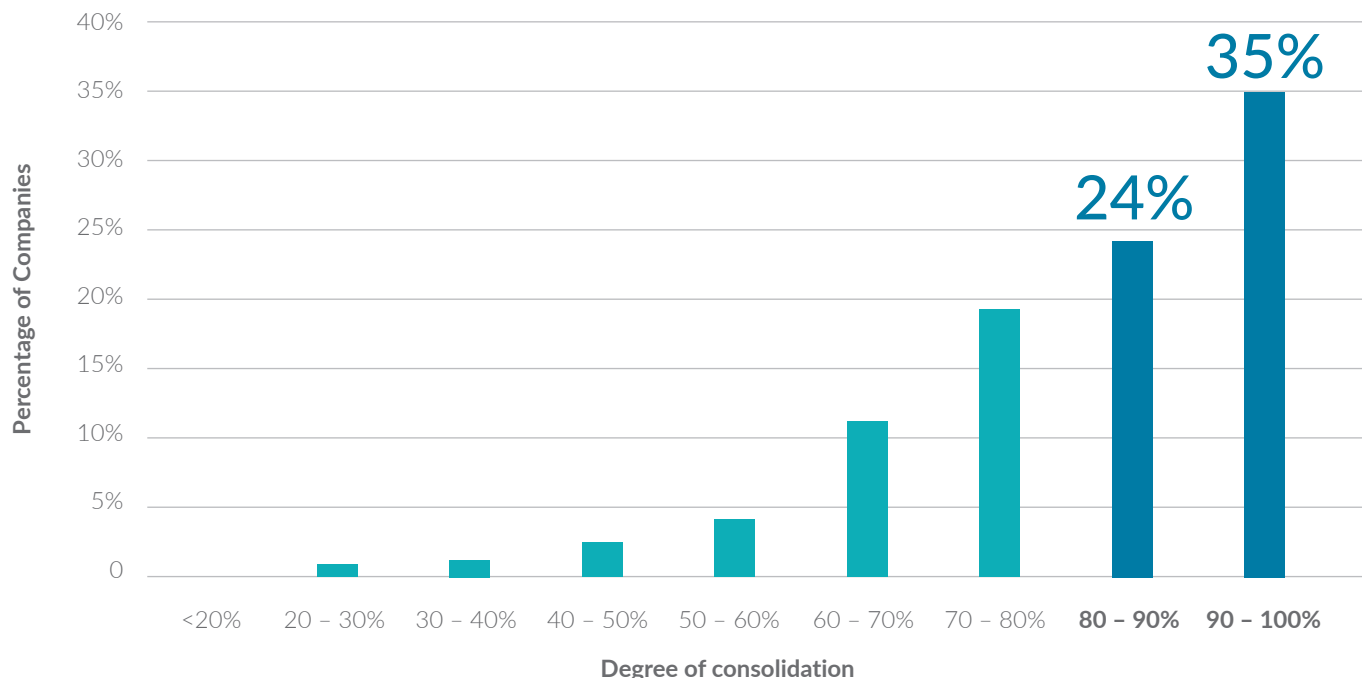
2

KEY
METRIC

Law Firm Consolidation: Number of Legal Vendors Used by Corporations

HALF OF COMPANIES IN THE COUNSELLINK DATA POOL HAVE 10 FIRMS OR FEWER THAT ACCOUNT FOR AT LEAST 80% OF THEIR OUTSIDE COUNSEL FEES

All analysis is based on data through December 31, 2021



Interpreting the Chart:

This chart shows the degree of law firm consolidation among companies whose outside counsel legal billings are processed through CounselLink. The horizontal axis separates participating companies into nine segments representing different degrees of consolidation. For example, the bar on the far right shows that 35% of participating companies have 90 - 100% of their legal billings with 10 or fewer vendors; these are the most consolidated legal departments. The far left bar shows that just 1% of companies have 20 - 30% of their legal billings with 10 or fewer firms. In 2020, we noted a subtle shift of law departments that had dropped from between 80-90% on the chart to the 70-80% bucket. That shift has reversed itself, and we see 59% of companies with high levels of law firm consolidation, consistent with consolidation levels noted in the last five years (excepting 2020).

Industry type plays a significant role in consolidation.

HIGH DEGREES OF CONSOLIDATION:

88% Transportation and Warehousing
83% Information Companies
78% Retail Trade
74% Manufacturing

LOW DEGREES OF CONSOLIDATION:

40% Finance
 Insurance
36% Utilities

3A

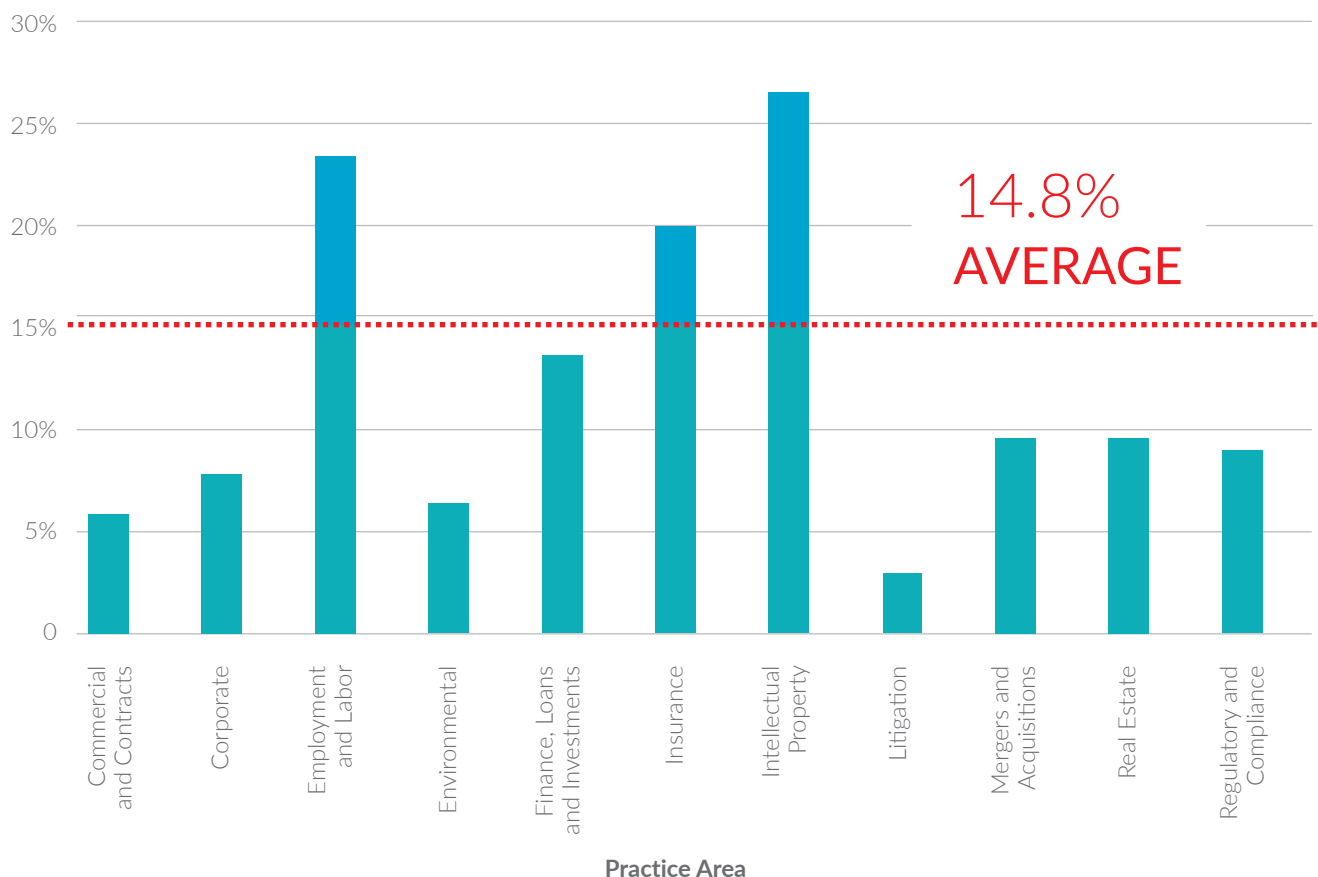
KEY
METRIC

Alternative Fee Arrangement (AFA) Usage by Matter

SOME FORM OF AFAs WERE USED IN 14.8% OF MATTERS

Based on 12 months of data ending December 31, 2021

PERCENTAGE OF MATTERS UTILIZING AFAs



The use of AFAs to govern legal service payments varies considerably by legal matter type. High volume, predictable work included in Intellectual Property, Insurance, and the Employment and Labor categories continue to have the highest volume of matters billed under AFAs.

INTELLECTUAL PROPERTY | INSURANCE | EMPLOYMENT & LABOR
utilized AFAs for at least **20%** of matters

Other matter categories are gaining in use of alternative billing. Mergers and Acquisitions, Real Estate, and Regulatory and Compliance have nearly 10% of matters with non-hourly billing.

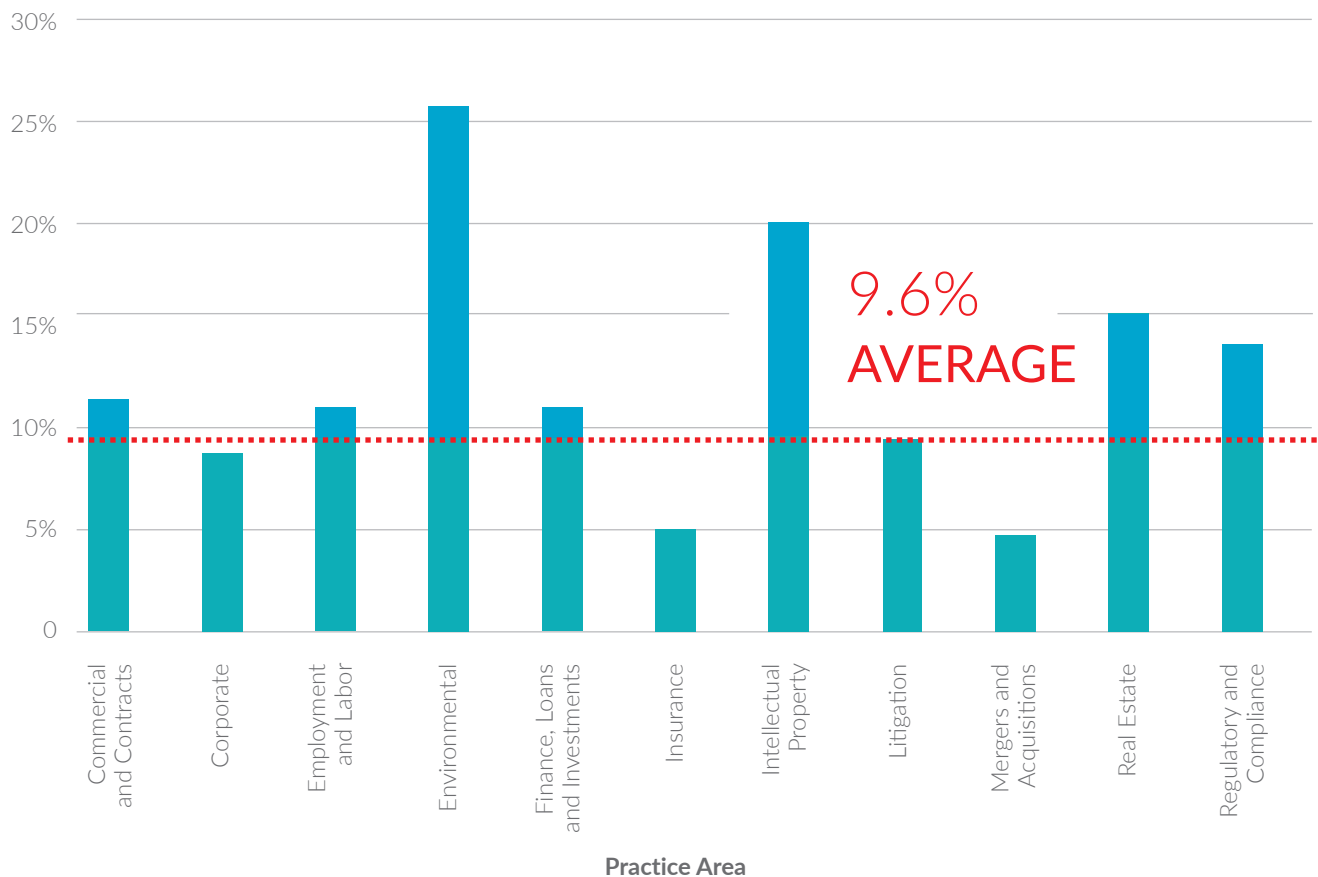
3B

KEY
METRIC

Alternative Fee Arrangement (AFA) Usage by Billings

SOME FORM OF AFAs WERE USED IN 9.6% OF BILLINGS

Based on 12 months of data ending December 31, 2021

PERCENTAGE OF BILLINGS UTILIZING AFAs

The use of Alternative Fee Arrangements has been gradually increasing as the industry slowly moves in the direction of not relying solely on hourly billing as the mechanism for payment of legal services. When CounselLink first started reporting on these key metric ten years ago, AFAs were used in approximately 12% of matters and 7% of fees and billings.

4

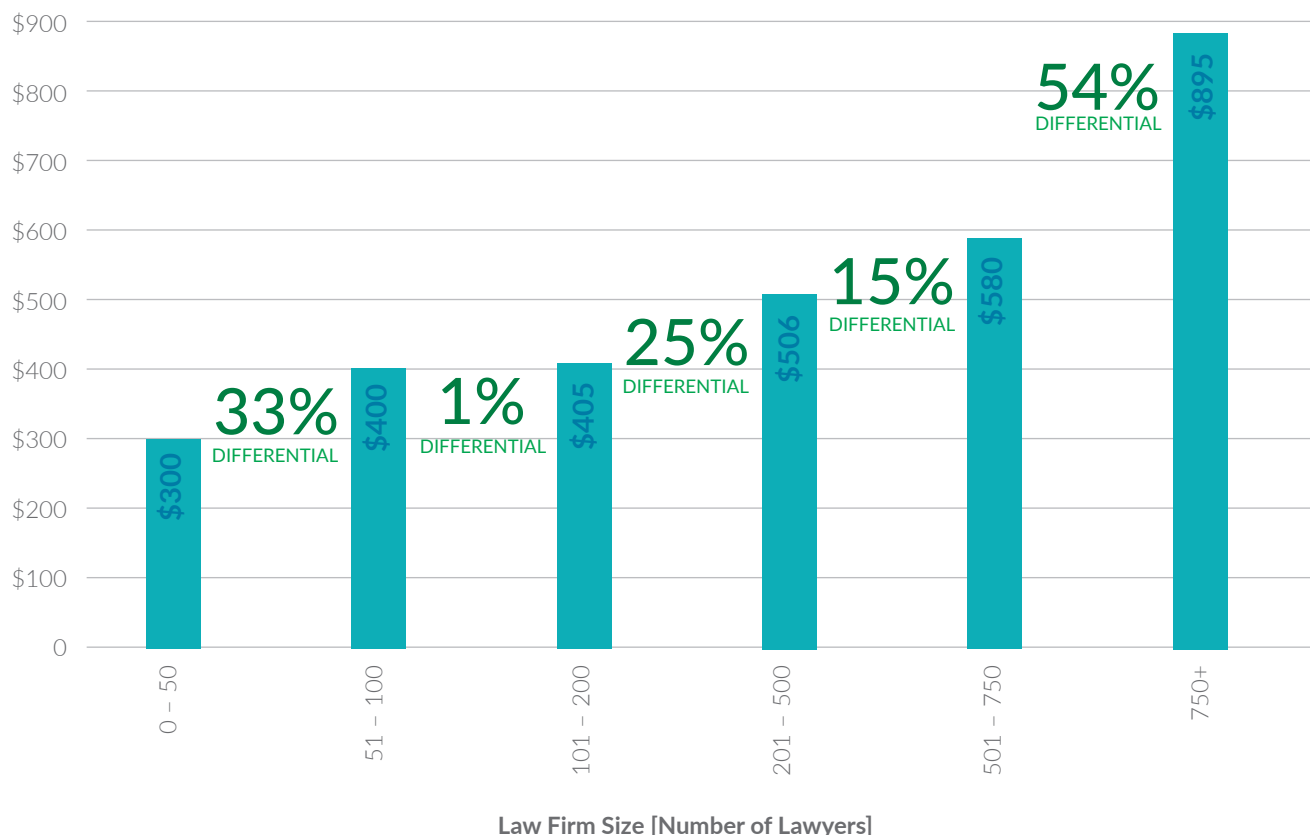
KEY
METRIC

Partner Hourly Rate Differences by Law Firm Size

MEDIAN RATES ACROSS PRACTICE AREAS, EXCLUDING INSURANCE

Based on 12 months of data ending December 31, 2021

MEDIAN PARTNER HOURLY RATES BY LAW FIRM SIZE



The size of a law firm is highly correlated to the rates billed by its lawyers. This progression is especially notable for the largest category of firms, those with 750 or more lawyers. The median hourly billing rate for partners in firms with more than 750 lawyers (\$895) is 54% higher than the median hourly billing rate billed by partners in the next smaller tier of firms (\$575).

Relative to prior years, the 54% differential for the largest firms compared to the next tier of firms is the largest in all the years we have tracked this metric. The differential was 47% for 2020.

Additionally, relative to prior years, the gap between mid-sized firm rates has narrowed. The median partner rate for firms with 51-100 lawyers (\$400) is nearly the same as that for firms with 101-200 lawyers (\$405).

The average partner growth rate for the largest firms was 4.6% in 2021 relative to 2020—the largest increase of the various law firm bands.

AVERAGE PARTNER GROWTH RATE
FOR THE LARGEST FIRMS

4.6% 2021 RELATIVE TO 2020

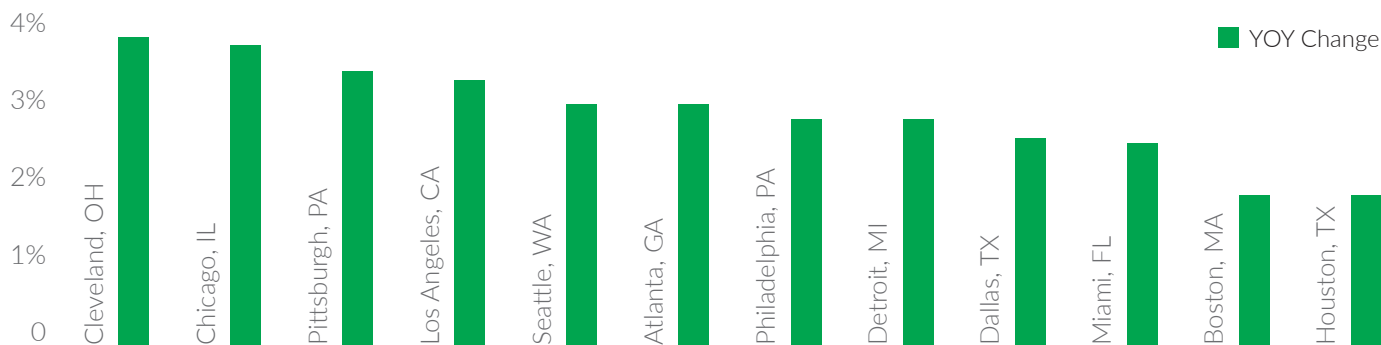
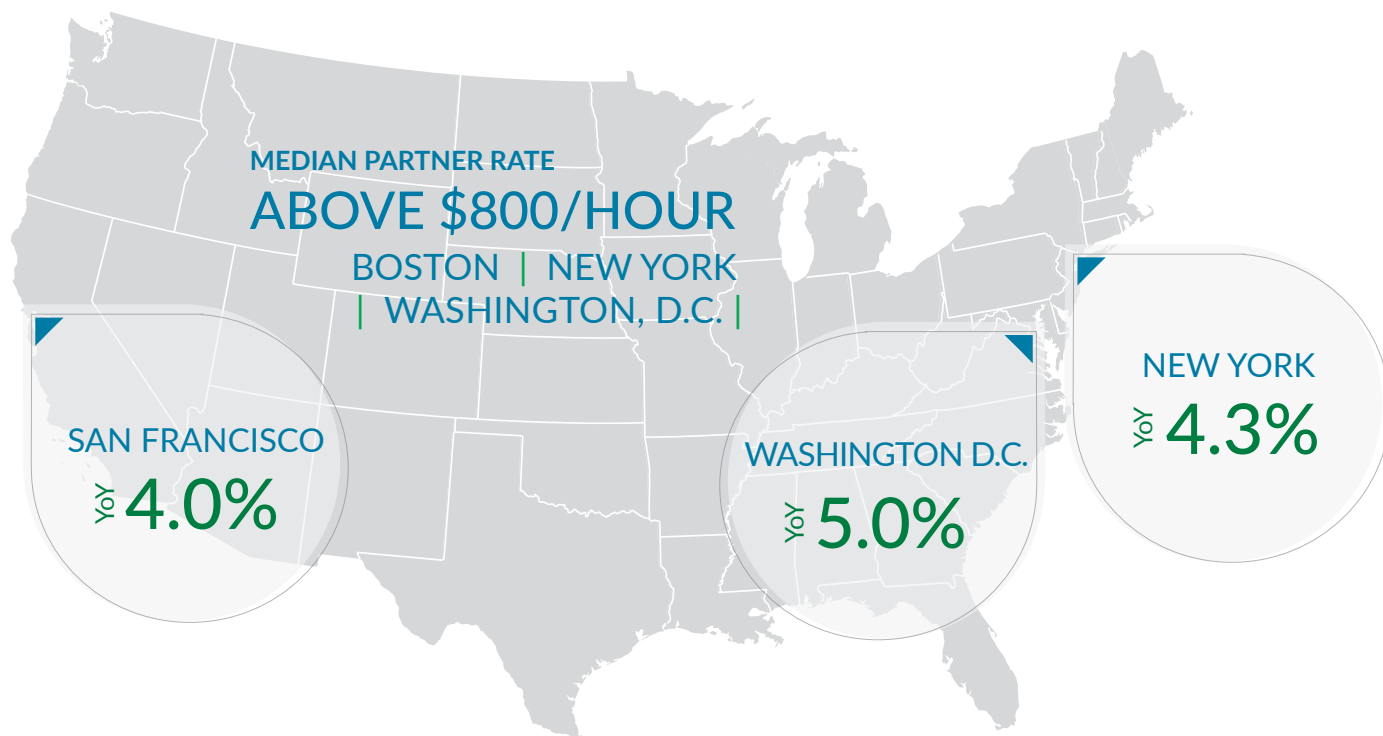
5A

KEY
METRIC

Partner Hourly Rate Growth by City

FOUR MAJOR METROPOLITAN AREAS SHOW MEDIAN PARTNER RATE GROWTH OF MORE THAN 4.0%

Based on 12 months of data ending December 31, 2021

PARTNER RATE GROWTH IN THREE MAJOR CITIES**Interpreting the Chart:**

Across the United States, partner hourly rates grew 3.4% on average in 2021.

The biggest growth spurts in attorney rates for the last year occurred in Washington D.C., New York, and San Francisco. Each of these four cities saw average attorney rates grow more than 4.0% relative to 2020.

On the opposite side of the spectrum, two cities saw hourly growth rate below 2%: Boston and Houston.

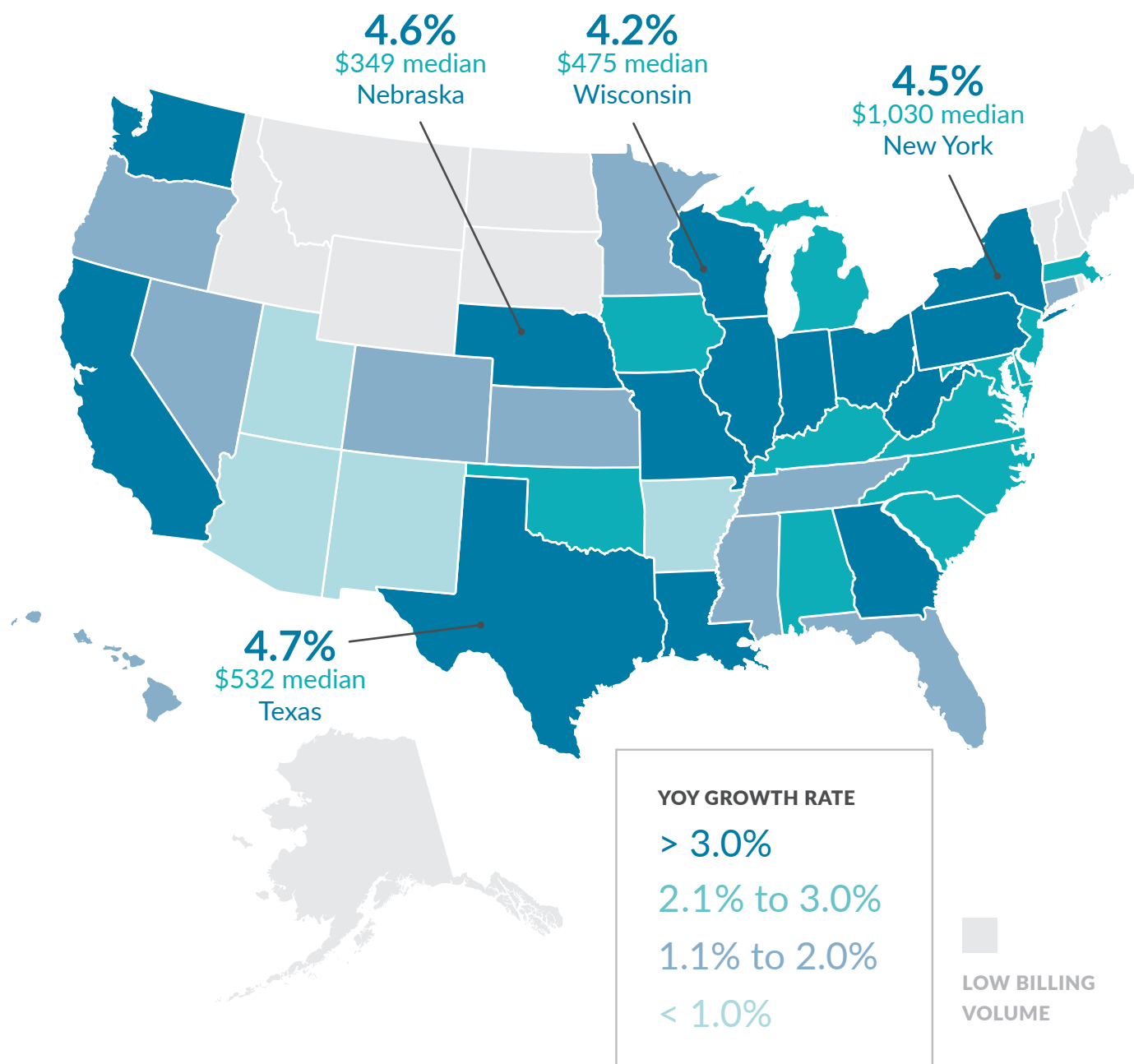
5B

KEY
METRIC

Partner Hourly Rate Growth by State

**GROWTH IN MEDIAN PARTNER RATES VARIES BY STATE,
AVERAGING 3.4% YEAR-OVER-YEAR INCREASE**

Based on 12 months data ending December 31, 2021

**3.4% AVERAGE GROWTH IN PARTNER RATES ACROSS STATES***The average growth in partner rates across states is 3.4%, in line with prior year increases.*

6A

KEY
METRIC

Median Partner Hourly Rate by Practice Area

MEDIAN PARTNER RATES IN FIVE PRACTICE AREAS ABOVE \$600 AN HOUR

Based on 12 months of data ending December 31, 2021



Aggregate statistics based on legal work performed in 2021 identify Mergers and Acquisition as the practice area with the highest median partner rate of \$878. Additionally, the other practices with median partner rates over \$600 per hour have such high medians in large part because companies often use larger firms for these kinds of matters. In 2021, the “Largest 50” firms handled 66% of Merger and Acquisition work, and 62% of Finance, Loans & Investment work. With regard to the other high rate practices of Regulatory and Compliance, Commercial and Contracts, and Corporate, the “Largest 50” firms had a 47%, 52%, and 53% share of the wallet.

Conversely, at the lower end of the hourly rate spectrum is insurance work. Insurance carriers demand and negotiate aggressively for low rates on their high-volume defense matters. Law firms with fewer than 100 lawyers handled 69% of insurance work in 2021.

6B

KEY
METRIC

Median Partner Rates by Subcategory of Work

WITHIN PRACTICE AREAS, SUBCATEGORY RATES VARY CONSIDERABLY

Based on 12 months of data ending December 31, 2021



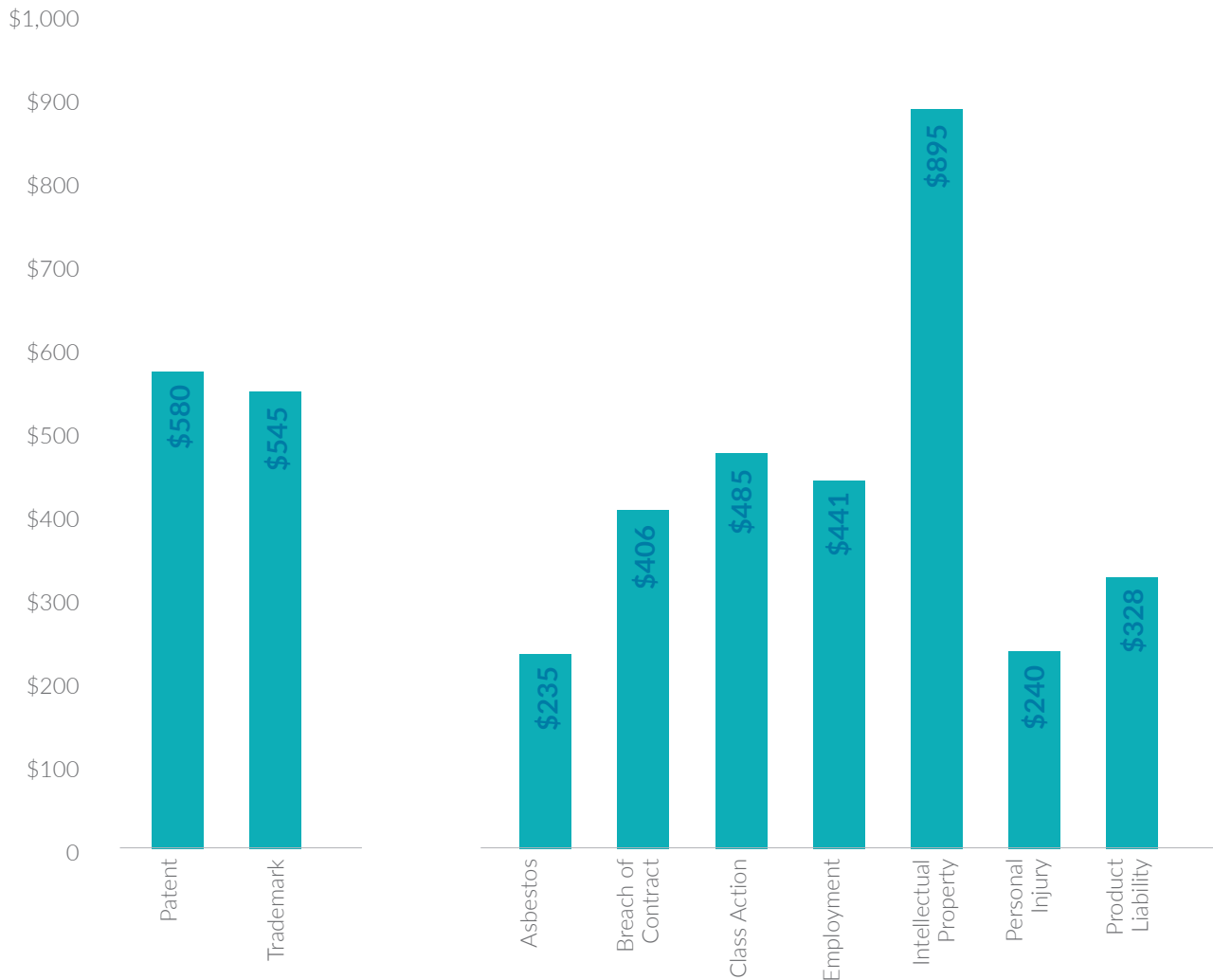
6B

KEY
METRIC

Median Partner Rates by Subcategory of Work

WITHIN PRACTICE AREAS, SUBCATEGORY RATES VARY CONSIDERABLY

Based on 12 months of data ending December 31, 2021

**INTELLECTUAL
PROPERTY****LITIGATION**

New since the 2021 Trends Report, benchmarks are available for more granular categories of legal work. Litigation work, for example, encompasses a wide variety of practices that command very different rates. At the high end, Intellectual Property Litigation had a median partner hourly rate of \$895 in 2020, whereas Asbestos Litigation work was billed at a median partner hourly rate of \$235.

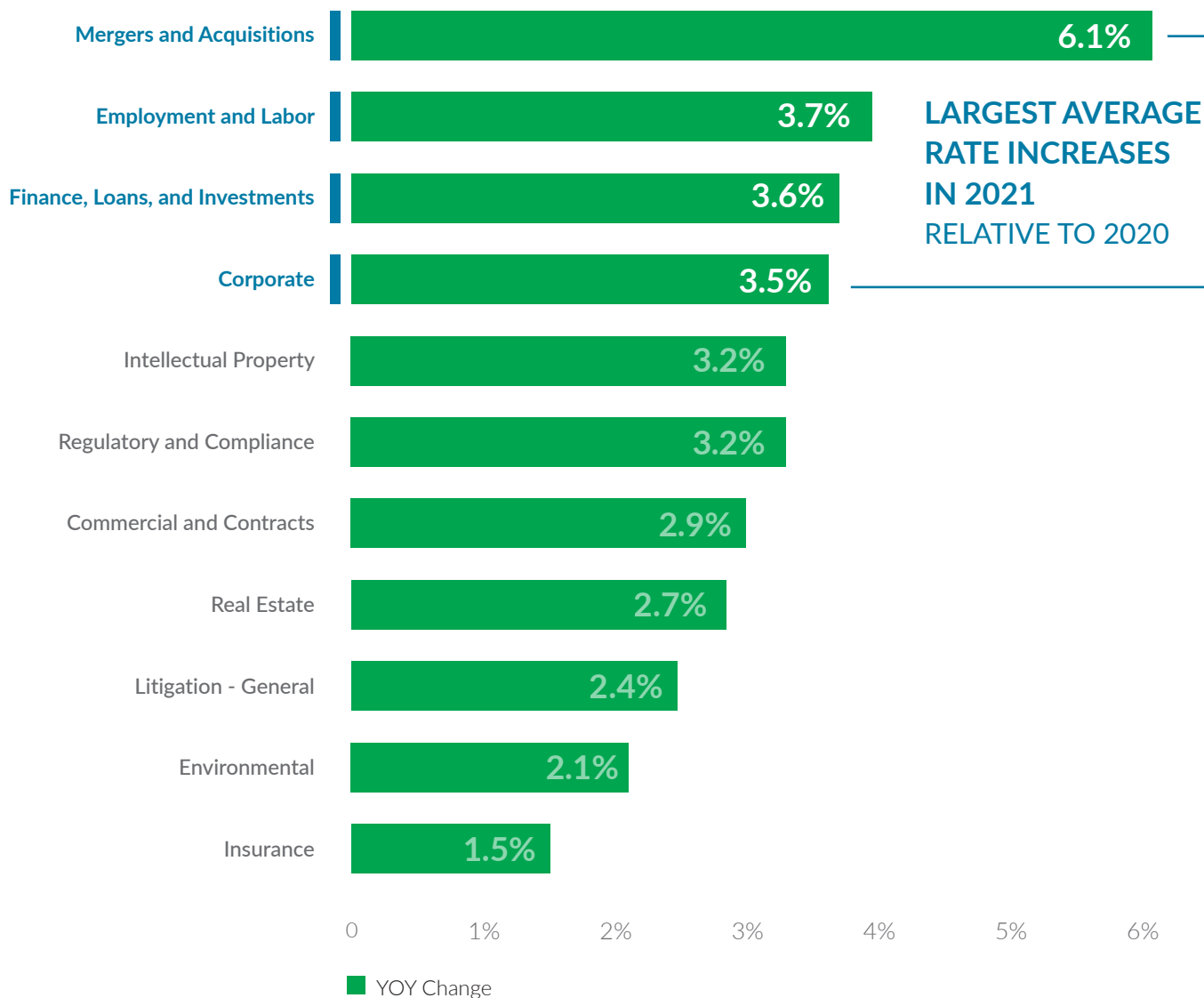
6C

KEY
METRIC

Partner Hourly Rate Growth by Practice Area

FOUR PRACTICE AREAS LEAD PARTNER RATE GROWTH IN 2021

Based on 12 months of data ending December 31, 2021



**LARGEST AVERAGE
RATE INCREASES
IN 2021
RELATIVE TO 2020**

Turning to partner rate growth by practice area, Mergers and Acquisitions was the area that far and away saw the largest increases in rates in 2021. The average rate change for Mergers and Acquisitions partners was 6.1%. Note that three of the types of work that command median hourly rates above \$600 (see Metric 6A) are at or near the top of this list. They are: Mergers and Acquisitions, Finance, Loans, and Investments, and Corporate.

Partner rates for Insurance work increased notably less than rates in other practice areas.

7A

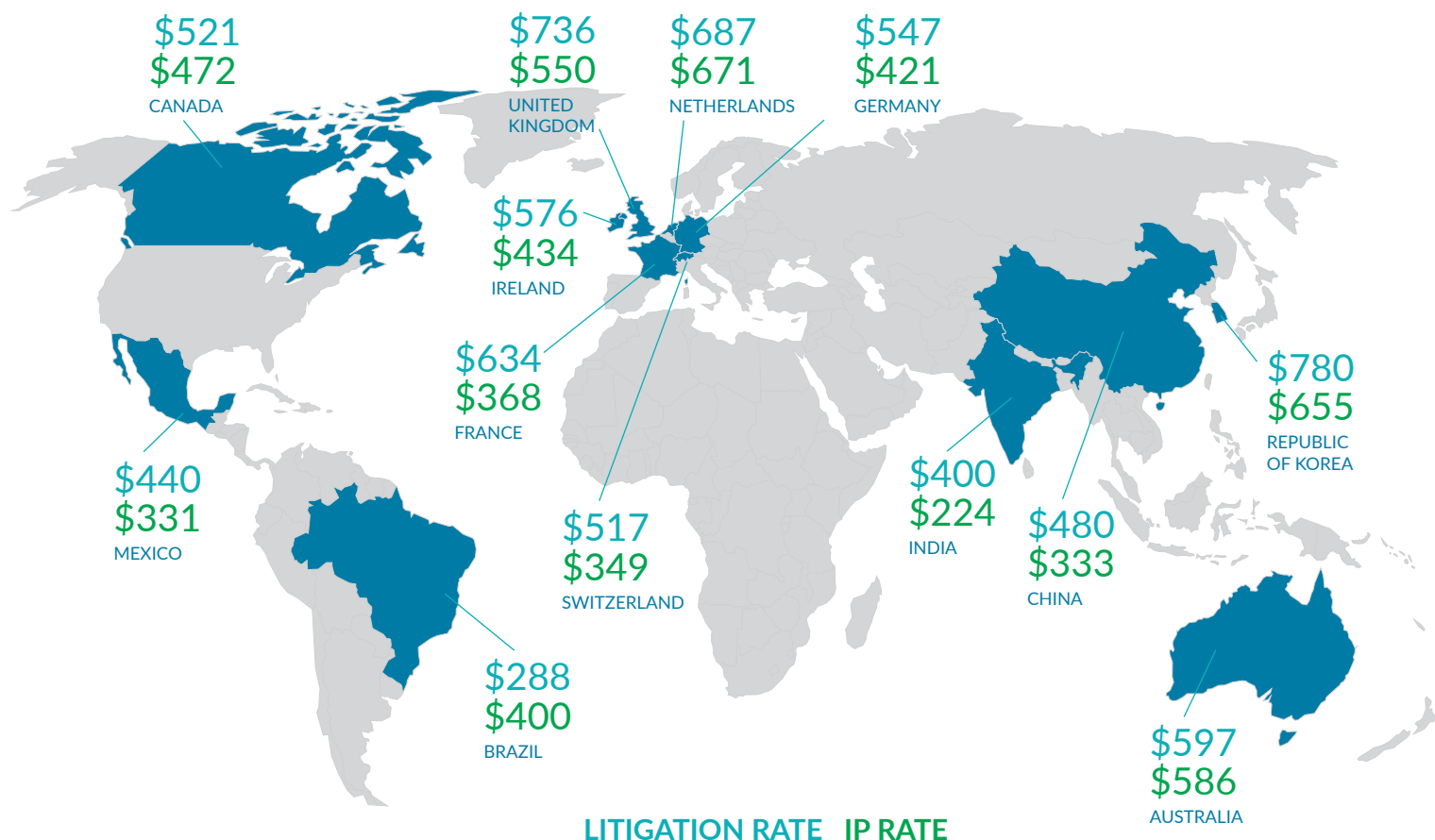
KEY
METRIC

International Partner Rates for Litigation and Intellectual Property (non-Litigation)

CORPORATIONS HIRED INTERNATIONAL OUTSIDE
COUNSEL FOR BOTH LITIGATION AND IP WORK

Based on 12 months data ending December 31, 2021

EXPANDED FOR 2021

MEDIAN PARTNER HOURLY RATES IN 13 INTERNATIONAL MARKETS
RATES IN \$USD

Corporations headquartered outside of the United States as well as U.S. corporations with international interests look to firms in many countries to handle their legal needs. Key Metric 7 provides benchmarks of partner hourly rates for countries where outside counsel is most often engaged for Litigation, Intellectual Property, Employment and Labor, and Corporate work.

In 2021, median hourly partner rates were among the highest in the Republic of Korea across all four practice areas. (See page 22 for *Employment and Labor*, and *Corporate work*.)

UK partner rates are relatively high particularly in Litigation and Corporate work.

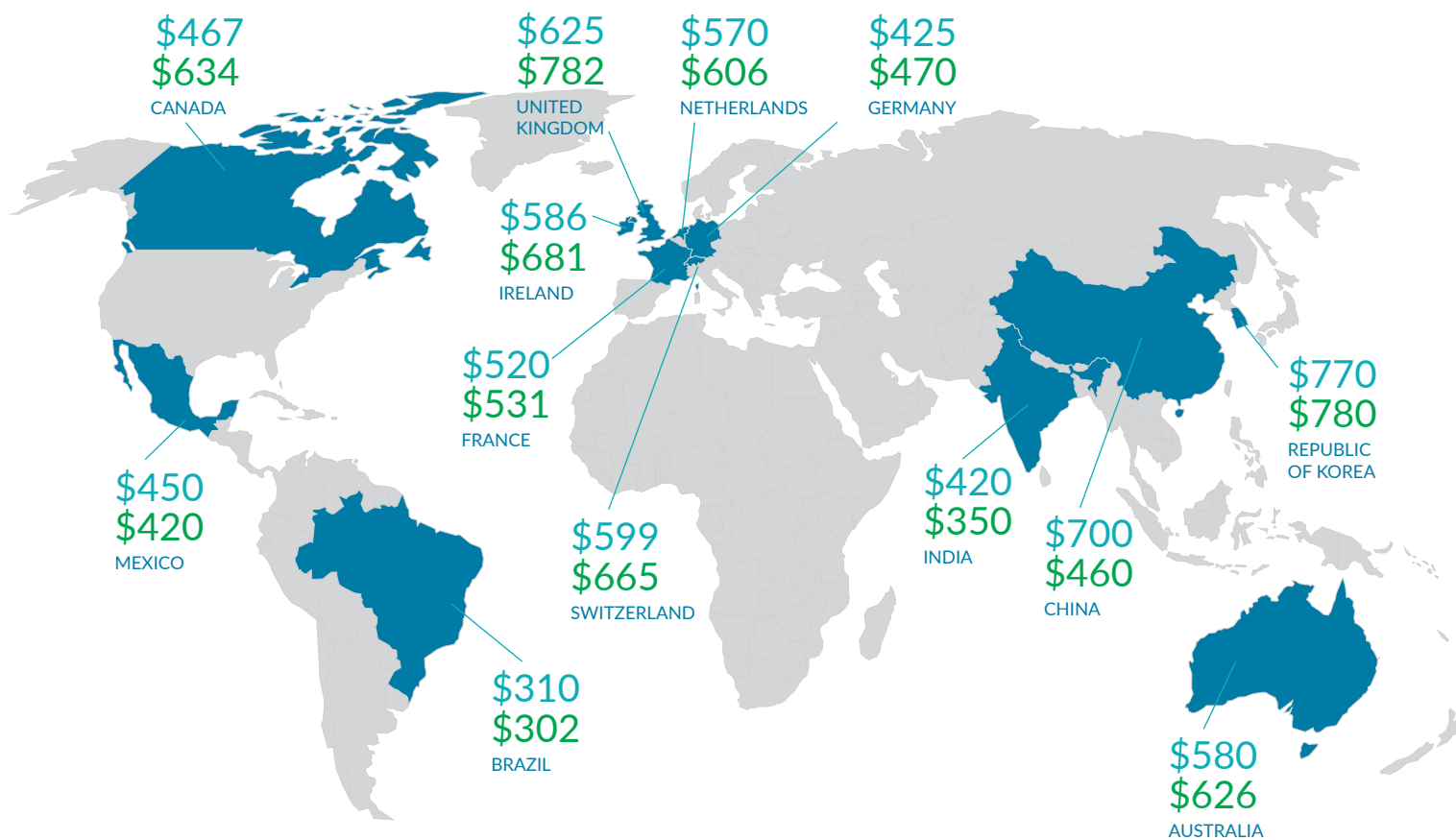
In all matter categories, India and Brazil had partners billing at considerably lower rates.

7B

KEY
METRICInternational Partner Rates for
Employment and Labor and CorporateCORPORATIONS HIRED INTERNATIONAL OUTSIDE
COUNSEL FOR BOTH EMPLOYMENT & LABOR AND
CORPORATE WORK

Based on 12 months data ending December 31, 2021

EXPANDED FOR 2021

MEDIAN PARTNER HOURLY RATES IN 13 INTERNATIONAL MARKETS
RATES IN \$USD

EMPLOYMENT & LABOR CORPORATE

About the Enterprise Legal Management Trends Report

TERMINOLOGY:

Matter Categorization: Counsellink solution users define the types of work associated with various matters that were analyzed and categorized into legal practice areas. For this analysis, all types of litigation matters are classified as Litigation regardless of the nature of the dispute.

Company Size: Based on revenue cited in public sources, companies were grouped into these three size categories:

- > \$10 Billion Plus
- > \$1 – 10 Billion
- > < \$1 Billion



Expert Contributor

Since the inception of the CounselLink Enterprise Legal Management Trends Report, Kris Satkunas has been the principal author. She has made notable contributions to this latest Enterprise Legal Management Trends Report in the analysis of CounselLink data and in preparing the surrounding narrative.

Author

KRIS SATKUNAS – DIRECTOR OF STRATEGIC CONSULTING

As Director of Strategic Consulting at LexisNexis CounselLink, Kris brings over 20 years of experience consulting in the legal industry to advise corporate legal department managers on improving operations with data-driven decisions. Kris is an expert in managing the business of law and in data mining, with specific expertise in matter pricing and staffing, practice area metrics, and scorecards.

Prior to joining CounselLink, Kris served as Director of the LexisNexis® Redwood Think Tank, which she also established. For five years, Kris worked closely with thought leaders in large law firms conducting unbiased data-based research studies focused on finding solutions to legal industry management issues. Before that, she led the business of law consulting practice for large law firms. During that time she worked with key management at over a hundred law firms to improve the financial models and analyses developed for large law firms.

Kris has authored numerous articles and spoken at many legal industry conferences and events. She came to LexisNexis in 2000 after honing her finance skills as a Senior Vice President in Strategic Finance at SunTrust Bank. She holds a B.B.A. in Finance from The College of William and Mary.

Kris may be reached at kristina.satkunas@lexisnexis.com.

LinkedIn



LexisNexis CounselLink is the leading cloud-based legal management solution designed to help corporate legal departments gain 100% visibility into all matters and invoices so they can control costs, maximize productivity, and make better decisions. For nearly 30 years, LexisNexis has been providing innovative solutions to corporate law departments based on insight from thought leaders, industry expertise, and customer feedback.

Here's how CounselLink supports your legal department:

- Financial Management improves the predictability of legal spend with complete visibility and oversight of every penny spent by the department.
- Work Management helps you collect, organize, track, audit, and report on all the work done within the legal department to increase productivity and drive better outcomes for your business.
- Vendor Management strengthens your relationships with law firms while measuring their performance, so you can select the best mix for your needs.
- Analytics provides you with full visibility over workloads and legal data analytics to make informed, data-driven decisions.

If you have questions or comments about the CounselLink Enterprise Legal Management Trends Report or want to learn more about CounselLink software and services, visit CounselLink.com, or contact us via email: LNCounselLink@LexisNexis.com.

For media inquiries, please contact: eric@plat4orm.com.

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On Sale: The \$1,150-Per-Hour Lawyer

Lawyer Fees Keep Growing, But Don't Believe Them. Clients Are Demanding, and Getting, Discounts

By Jennifer Smith

Updated April 9, 2013 4:48 pm ET

Top partners at leading U.S. law firms are charging more than ever before, yet those hourly rates aren't all they appear to be.

Having blown past the once-shocking price tag of \$1,000 an hour, some sought-after deal, tax and trial lawyers are commanding hourly fees of \$1,150 or more, according to an analysis of billing rates compiled from public filings.

But, as law firms boost their standard rates, many are softening the blow with widespread discounts and write-offs, meaning fewer clients are paying full freight. As a result, law firms on average are actually collecting fewer cents on the dollar, compared with their standard, or "rack," rates, than they have in years.

Think of hourly fees "as the equivalent of a sticker on the car at a dealership," said legal consultant Ward Bower, a principal at Altman Weil Inc. "It's the beginning of a negotiation....Law firms think they are setting the rates, but clients are the ones determining what they're going to pay."



ILLUSTRATION: JAMES KACZMAN

Star lawyers still can fetch a premium, and some of them won't budge on price. The number of partners billing \$1,150-plus an hour has more than doubled since this time last year, according to Valeo Partners, a consulting firm that maintains a database of legal rates pulled from court filings and other publicly disclosed information. More than 320 lawyers in the firm's database billed at that level in the first quarter of 2013, up from 158 a year earlier.

That gilded circle includes tax experts such as Christopher Roman of King & Spalding LLP and Todd Maynes of Kirkland & Ellis LLP, intellectual-property partner Nader A. Mousavi of Sullivan & Cromwell LLP, and deal lawyers such as Kenneth M. Schneider of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Those lawyers and their firms either declined to comment or didn't reply to requests for comment.

When corporate legal departments need a trusted hand to fend off a hostile takeover or win a critical court battle, few general counsels will nitpick over whether a key lawyer is charging \$900 an hour or \$1,150 an hour. But for legal matters where their future isn't on the line, companies are pushing for—and winning—significant price breaks.

"We almost always negotiate rates down from the rack rates," said Randal S. Milch, general counsel for phone giant Verizon Communications Inc. The result, he said, is a "not-insignificant discount."

For the bread-and-butter work that many big law firms rely on, haggling has become the norm. Many clients grew accustomed to pushing back on price during the recession and continue to demand discounts.

Some companies insist on budgets for their legal work. If a firm billing by the hour exceeds a set cap, lawyers may have to write off some of that time.

Other clients refuse to work with firms who don't discount, lopping anywhere from 10% to 30% off their standard rates. Some may grant rate increases to individual partners or associates they deem worthy. Another tactic: locking in prices with tailored multiyear agreements with formulas governing whether clients grant or refuse a requested rate increase.

In practical terms, that means the gap between law firms' sticker prices and the amount of money they actually bill and collect from their clients is wider than it has been in years.

According to data collected by Thomson Reuters Peer Monitor, big law firms raised their average standard rate by about 9.3% over the past three years. But they weren't able to keep up on the collection side, where the increase over the same period was just 6%. Firms that used to collect on average about 92 cents for every dollar of standard time their lawyers worked in 2007, before the economic downturn, now are getting less than 85 cents. "That's a historic low," said James Jones, a senior fellow at the Center for the Study of the Legal Profession at Georgetown Law.

To be sure, things have certainly picked up some since the recession, when some clients flat-out refused to pay rate increases.

In the first quarter of 2013, the 50 top-grossing U.S. law firms boosted their partner rates by as much as 5.7%, billing on average between \$879 and \$882 an hour, according to Valeo Partners. Rates for junior lawyers, whose labors have long been a profit engine for major law firms, jumped even more.

While some clients resisted using associate lawyers during the downturn, refusing to pay hundreds of dollars an hour for inexperienced first- or second-year attorneys, the largest U.S. law firms have managed to send the needle back up again. This year, for the first time, the average rate for associates with one to four years of experience rose to \$500 an hour, according to Valeo.

The increases continue the upward trend of 2012, when legal fees in general rose 4.8% and associate billing rates rose by 7.4%, according to a coming report by TyMetrix Legal Analytics, a unit of Wolters Kluwer, and CEB, a research and advisory-services company. Those numbers are based on legal-spending data from more than 17,000 law firms.

More than a dozen leaders at major law firms declined to discuss rate increases on the record, though some said privately that the increase in associate rates could be caused in part by step increases as junior lawyers gain in seniority.

Joe Sims, an antitrust partner at Jones Day and former member of the firm's partnership committee, said clients don't mind paying for associates, as long as they feel they are getting their money's worth.

Sophisticated clients, he said, tend to focus on the overall price tag for legal work, not on individual rates. "They are more concerned about how many people are working on the project and the total cost of the project," Mr. Sims said. "Clients want value no matter who is on the job."

While a handful of elite lawyers have successfully staked out the high end—the deal teams at Wachtell, Lipton, Rosen & Katz, for example—legal experts say that client pressure to control legal spending means most law firms must be considerably more flexible on price.

"There will always be some 'bet the company' problem where a client will not quibble about rates," said Mr. Jones, the Georgetown fellow. "Unfortunately, from the law firms' standpoint, that represents a small percentage of the work."

Write to Jennifer Smith at jennifer.smith@wsj.com

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When It Comes to Billing, Latest Rate Report Shows the Rich Keep Getting Richer

Posted by Sara Randazzo

Hourly rates just keep rising—and the best-paid lawyers are raising their rates faster than everyone else.

Those are two of the key findings contained in the **2012 Real Rate Report**, an analysis of \$7.6 billion in legal bills paid by corporations over a five-year period ending in December 2011. The report, released Monday, is the second such collaboration between TyMetrix, a company that manages and audits legal bills for corporate legal departments, and the Corporate Executive Board.

Many of the new rate report's findings echo those contained in the 2010 study, including the fact that rates keep going up, almost across the board, and that the cost of a given matter can vary dramatically depending on a law firm's size and location and its relationship with a particular client.

At the same time, this year's study shows that the legal sector is becoming increasingly bifurcated, with top firms raising rates faster than those at the bottom of the market and large firms charging a premium price based purely on their size.

"What it's really showing is that there's an increased premium being paid for experience and expertise," says Julie Peck, vice president of strategy and market development at TyMetrix. "Some parts of the lawyer market are able to raise rates much more quickly, and are more impervious to economic forces than others."

To compile the current rate report, TyMetrix received permission from its clients to examine legal fees billed to 62 companies across 17 industries including energy, finance, retail, technology, insurance, and health care. The bills, which represent the amount actually paid by the companies in question rather than the amount initially charged, came from more than 4,000 firms in 84 metropolitan areas around the country. Every firm on the 2011 Am Law 100 is represented in the data.

The report's key data points include:

A Widening Gap Hourly rates charged by lawyers in the legal sector's upper echelon grew faster between 2009 and 2011 than those charged by lawyers teeling on the lower rungs. Particularly striking was the jump in associate rates billed by those falling in the report's top quartile: 18 percent on average, to just over \$600 per hour. Rates billed by top quartile partners, meanwhile, rose 8 percent, to just under \$900 per hour. In the bottom quartile, associate rates rose 4 percent and partner rates rose 3 percent during the same period.

The Recession's (Minor) Toll: Even amid the economic downturn, the cost of an hour of a lawyer's time continued to rise faster than key measures of inflation. That said, the legal industry wasn't completely immune to the broader economy's slowdown. After rising 8.2 percent between 2007 and 2008, hourly rates rose just 2.3 percent in 2009. Law firms bounced back a bit last year, with rates climbing 5.1 percent, to an average of \$530 an hour.

Location Counts: Not surprisingly, lawyers working in major metropolitan areas—where, as the rate report notes, rents are typically higher—are the priciest. An address in Boston, Chicago, Los Angeles, San Francisco, or Washington, D.C., alone adds about \$161 to the hourly rate charged by an individual lawyer. Those six cities and Baltimore, Houston, Philadelphia, and San Jose are the ten U.S. markets with the highest hourly rates. With an average partner rate topping \$700 per hour and average associate rate of more than \$450 per hour, New York is the most expensive market in the country. The least expensive? Riverside, California, where the average partner bills at under \$250 per hour and associates bill at just over \$300 an hour.



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In the Minority: A small group of lawyers—12 percent—bucked the trend toward higher fees and actually lowered rates between 2009 to 2011—and 3 percent trimmed rates by \$50 or more per hour. (Most of those in the rate-cutting camp were based outside the big six markets identified above.) At the other end of the spectrum, 52 percent of lawyers increased rates by between \$25 and \$200 or more per hour. Another 18 percent increased rates by less than \$25 per hour, and the final 18 percent held rates steady.

First-Year Blues: Even before the recession hit, clients balked at paying for what they considered on-the-job training for first-year associates. The latest rate report is likely to reinforce that reluctance, given its finding that using entry-level lawyers adds as much as 20 percent to the cost of a legal matter. The report offers evidence that firms may be accommodating clients on this front: The percentage of bills attributed to entry-level associates dropped from 7 percent in 2009 to 2.9 percent last year.

Ties That Bind: The more work one firm handles for a client—and the longer the client relationship extends—the higher the average rate the firm charges. For companies that paid one firm \$10 million or more in a single year, the average hourly rate paid was \$553 in 2011. By comparison, clients that limited their spending on an individual firm to \$500,000 paid that firm an average of \$319 per hour.

Four-Digit Frontier: Data has consistently shown that many lawyers hesitate to charge more than \$1,000 an hour, and in 2011 just under 3 percent of the lawyers covered by the rate report had broken that barrier. Of those, the vast majority were working in the six main legal markets identified above and 60 percent of the time, they billed in increments of one hour or less.

Playing Favorites: Across all practice areas, 90 percent of lawyers charged different clients different rates for similar types of work. (The figure for mergers and acquisitions lawyers was 100 percent.) The differences from client to client can be extreme, and were even more pronounced in the current report than in the 2010 edition. Rates charged by intellectual property specialists, for instance, had a median variance of 23.1 percent, while lawyers doing commercial and contract work showed a 18.7 percent median difference.

Who's Doing What? A closer look at law firm bills for work performed on litigation and intellectual property assignments shows that the kind of timekeeper billing on a matter varies by practice type. On patent matters, the report shows, 47 percent of hours billed on average are attributed to paralegals, and 37 percent by partners. By comparison, paralegals account for just 8 percent of the work done on labor and employment litigation hours, while partners handle 45 percent.

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February 23, 2011

Top Billers

Top attorneys in the U.S. are asking for as much as \$1,250 an hour, according to recent court filings, significantly more than in previous years, as they take advantage of big clients willing to pay top dollar even amid the downturn. The move is contributing to price inflation across the struggling \$100 billion global corporate law firm industry, where lawyers often study rival attorney fee filings in bankruptcy cases. **See which attorneys had some of the highest-known hourly rates in 2010 and 2009. Click on column headers to sort.**

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| Name | Firm | Practice Area 1 | Practice Area 2 | Practice Area 3 | Hourly Rate | Case Name | Date |
|----------------------|--------------------------|--------------------------|-------------------------|-------------------------|-------------|---------------------------------|------|
| Radke, Kirk A. | Kirkland & Ellis LLP | Corporate | | | \$1,250 | Reader's Digest Association Inc | 2010 |
| Taplin, Ian | Kirkland & Ellis LLP | Tax | | | \$1,220 | Visteon Corp. | 2010 |
| Schmidt, Gerhard | Weil Gotshal | Finance | Corporate | Mergers and Acquisition | \$1,165 | Aleris International | 2010 |
| Gon, Michelle Y.L. | Baker McKenzie | Real Estate | Mergers and Acquisition | Intellectual Property | \$1,163 | Motors Liquidation Company | 2010 |
| Shutter, Andrew | Cleary Gottlieb | Bankruptcy | | | \$1,160 | Truvo | 2010 |
| McDonald, Michael | Cleary Gottlieb | Corporate | Mergers and Acquisition | | \$1,160 | Truvo | 2010 |
| Vandermeersch, Dirk | Cleary Gottlieb | Environmental Litigation | Litigation | | \$1,130 | Truvo | 2010 |
| Reding, Jacques | Cleary Gottlieb | Bankruptcy | Mergers and Acquisition | Equities | \$1,130 | Truvo | 2010 |
| McArdle, Wayne P. | Gibson Dunn | Corporate | | | \$1,110 | Lehman Brothers Holding Inc | 2010 |
| DuBois, Pierre-Andre | Kirkland & Ellis LLP | Intellectual Property | | | \$1,105 | Reader's Digest Association Inc | 2010 |
| Scheler, Brad | Fried Frank | Bankruptcy | | | \$1,100 | Stations Casinos | 2010 |
| Lewin-Smith, Guy | Debevoise & Plimpton LLP | Corporate | | | \$1,080 | MIG Inc | 2010 |
| Brown, Michael | Jones Day | Finance | Litigation | Regulatory | \$1,075 | Lehman Brothers Holding Inc | 2010 |
| Coffey, Lee | Jones Day | Litigation | International Law | Energy | \$1,075 | Lehman Brothers Holding Inc | 2010 |
| Stueck, Barnaby C. | Jones Day | Bankruptcy | | | \$1,075 | Lehman Brothers Holding Inc | 2010 |
| Karian, Mitchell A. | Gibson Dunn | Litigation | | | \$1,075 | Almatis | 2010 |
| Brockway, David | Bingham McCutchen | Corporate | | | \$1,065 | Lehman Brothers Holding Inc | 2010 |
| Magee, John B. | Bingham McCutchen | Tax | | | \$1,065 | Lehman Brothers Holding Inc | 2010 |
| Nelson, William F. | Bingham McCutchen | Tax | | | \$1,065 | Lehman Brothers Holding Inc | 2010 |
| Pistillo, Bernie | Shearman & Sterling LLP | Tax | | | \$1,065 | Worldspace | 2010 |
| Meyerson, Lee | Simpson Thacher | Capital Markets | Mergers and Acquisition | | \$1,050 | Washington Mutual | 2010 |
| Nesgos, Peter | Milbank Tweed | Finance | | | \$1,050 | Sea Launch Company | 2010 |
| Clayton, Lewis | Paul Weiss | Intellectual Property | | | \$1,050 | SP Wind Down Inc | 2010 |
| Fieder, Robert | Paul Weiss | Labor and Employment | | | \$1,050 | SP Wind Down Inc | 2010 |
| Rothenberg, Peter | Paul Weiss | Corporate | Tax | | \$1,050 | SP Wind Down Inc | 2010 |
| Baronsky, Kenneth J | Milbank Tweed | Bankruptcy | Mergers and Acquisition | Securities Litigation | \$1,050 | Stations Casinos | 2010 |

| Name | Firm | Practice Area 1 | Practice Area 2 | Practice Area 3 | Hourly Rate | Case Name | Date |
|----------------------|----------------------|--------------------------|-----------------|-----------------------------|-------------|---------------------------------|------|
| Palmer, Deryck A. | Cadwalader | Finance | Bankruptcy | Mergers and Acquisition | \$1,050 | Lyondell Chemical Company | 2010 |
| Aronzon, Paul | Milbank Tweed | Bankruptcy | | | \$1,050 | Lehman Brothers Holding Inc | 2010 |
| Bray, Gregory | Milbank Tweed | Bankruptcy | | | \$1,050 | Midway Games Inc | 2010 |
| Dunne, Dennis | Milbank Tweed | Bankruptcy | | | \$1,050 | Lehman Brothers Holding Inc | 2010 |
| Schiff, Kenneth E. | Weil Gotshal | Mergers and Acquisitions | | | \$1,030 | Extended Stay Inc | 2010 |
| Kar, Partha | Kirkland & Ellis LLP | Bankruptcy | | | \$1,030 | Reader's Digest Association Inc | 2010 |
| Budd, Thomas M. | Gibson Dunn | Finance | | | \$1,027 | Lehman Brothers Holding Inc | 2010 |
| Moore, Robert Jay | Milbank Tweed | Bankruptcy | | | \$1,025 | Claim Jumper | 2010 |
| Dakin-Grimm, Linda | Milbank Tweed | Litigation | | | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Davis, Trayton M. | Milbank Tweed | Finance | Bankruptcy | Investment Funds Litigation | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Grushkin, Jay D. | Milbank Tweed | International Law | Finance | Transportation | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Heller, David S. | Latham Watkins | Bankruptcy | | | \$1,025 | In re: NEC Holdings Corp. | 2010 |
| Hirschfeld, Michael | Milbank Tweed | Tax | Real Estate | Finance | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Magold, Rainer | Milbank Tweed | Finance | | | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Tomback, Andrew E. | Milbank Tweed | Litigation | Finance | | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Sharp, Richard | Milbank Tweed | Litigation | | | \$1,025 | Lehman Brothers Holding Inc | 2010 |
| Clowry, Karl J.K. | Paul Hastings | Corporate | | | \$1,021 | Lehman Brothers Holding Inc | 2010 |
| Eagan, Mark J. | Paul Hastings | Real Estate | | | \$1,021 | Lehman Brothers Holding Inc | 2010 |
| O'Sullivan, Ronan P. | Paul Hastings | Corporate | Real Estate | | \$1,021 | Lehman Brothers Holding Inc | 2010 |
| Lincer, Richard S. | Cleary Gottlieb | Corporate | Finance | Mergers and Acquisition | \$1,020 | Truvo | 2010 |
| Duncan, James A. | Cleary Gottlieb | Finance | Tax | | \$1,020 | Truvo | 2010 |
| Peaslee, James | Cleary Gottlieb | Tax | | | \$1,020 | Truvo | 2010 |
| Gorin, William F. | Cleary Gottlieb | Corporate | Government | Capital Markets | \$1,020 | Truvo | 2010 |
| Moloney, Thomas J. | Cleary Gottlieb | Bankruptcy | Litigation | Finance | \$1,020 | Truvo | 2010 |

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Source: Valeo partners, Washington, D.C. Notes: Based on recent filings in a range of bankruptcy cases. Some lawyers may have standard hourly rates above what they charged in these cases.

(See correction.)

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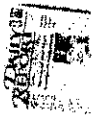
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| Adelson, Elliot A. | Partner | Litigation | Kirkland and Ellis | San Francisco | CA | United States | |
| Agnew, Aaron L. | Associate | | Jones Day | San Francisco | CA | United States | |
| Alford, Henry | Associate | | Kirkland and Ellis | San Francisco | CA | United States | |
| Baker, James P. | Partner | Employee Benefits and Exec Comp | Jones Day | San Francisco | CA | United States | 1980 |
| Bass, Eric | Associate | | Farella Braun and Martel | San Francisco | CA | United States | |
| Benavente, Peter J. | Partner | Business Restructuring and Reorganization | Jones Day | San Francisco | CA | United States | 1974 |
| Berning, Scott M. | Associate | Business and Finance | Morgan Lewis and Bockius | San Francisco | CA | United States | 2003 |
| Bernthal, David M. | Partner | Commercial Litigation, Bankruptcy and Reorg | Pechelski, Sang, Zehl and Jones | San Francisco | CA | United States | |
| Borisch, Martha | Partner | Corporate Criminal Investigations | Jones Day | San Francisco | CA | United States | 1999 |
| Borstein, Jeffrey | Partner | White Collar Crime, Commercial Litigation | K and L Gates | San Francisco | CA | United States | |
| Brown, David W. | Partner | Business and Finance | Covington and Burling | San Francisco | CA | United States | |
| Browning, J. Taylor | Associate | Tort and Environmental Litigation | Morgan Lewis and Bockius | San Francisco | CA | United States | 1996 |
| Bunnicke, Brenda M. | Partner | Environmental Litigation | King and Spalding | San Francisco | CA | United States | 1994 |
| Castro, Ruth Ann | Associate | Corporate Finance and Real Estate | Farella Braun and Martel | San Francisco | CA | United States | |
| Christianson, C. Murphy | Partner | Business Restructuring and Reorganization | Quinberry and Myers | San Francisco | CA | United States | |
| Christian, Ryan M. | Associate | | Kirkland and Ellis | San Francisco | CA | United States | |
| Comas, Michelle | Associate | Business Restructuring and Reorganization | Jones Day | San Francisco | CA | United States | |
| Cosby, Peter J. | Equiast | Business Restructuring and Reorganization | Jones Day | San Francisco | CA | United States | |
| Davies, Doug | Partner | Employment | Farella Braun and Martel | San Francisco | CA | United States | |
| Doble, Sam | Partner | Business Transactions | Farella Braun and Martel | San Francisco | CA | United States | |
| Dijk, Benjamin | Associate | Complex Commercial Litigation | Heller Emswiler | San Francisco | CA | United States | |
| Donk, Megan | Associate | Securities Litigation | Heller Emswiler | San Francisco | CA | United States | |
| Dobryzinski, Daniel T. | Associate | Intellectual Property | Jones Day | San Francisco | CA | United States | |
| Douglas, Scott | Partner | Construction | Farella Braun and Martel | San Francisco | CA | United States | |
| Durr, Heather | Associate | | DLA Piper | San Francisco | CA | United States | |

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| | | | 345 |
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| Egan, Charlotte C. | Associate | Trial | Jones Day | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Eisenbach, Robert L. | Partner | Bankruptcy and Restructuring | Cooley Godward Kronish | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Engel, G. Lairy | Partner | Bankruptcy and Restructuring | Morrison and Foerster | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Esperanza, Chysty | Associate | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Ford, Robert | Partner | Bankruptcy and Restructuring | Jones Day | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Frank, Michael T. | Partner | Bankruptcy and Restructuring | DLA Piper | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Fried, Joshua M. | Partner | Bankruptcy and Restructuring | DLA Piper | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Friedrichs, John E. | Partner | Bankruptcy and Restructuring | Jones Day | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Garnett, Nathaniel P. | Associate | Bankruptcy and Restructuring | Kirkland and Ellis | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Gerking, Tyler | Associate | Bankruptcy and Restructuring | Jones Day | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Gibson, Dean | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Giehl, Neil | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Gross, John | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Hall, Dan | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Hall, Daniel | Associate | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Hodkin, Frederick D. | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Humphreys, Lynn M. | Of Counsel | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Jin, Nancy | Associate | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Jordan, Nan | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Kirchner, Scott D. | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Knight, Christopher W. | Associate | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Kalik, Tobias S. | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Kim, Janny | Associate | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Konradi, Curt | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |
| Kordstein, Sam | Partner | Bankruptcy and Restructuring | Farella Braun and Martel | San Francisco | CA | United States | 2006 | 2008 | 685 | 725 | 685 | 725 |

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|---|---------------------------------------|--|---|---|-------------|---|----------------------|------------------|------------|------------|------------|------------|
| Go to Rate Home Page >> All records for firms in San Francisco CA United States | | | | | | | | | | | | |
| Name | Title | Practice Area | Firm | City | State | Country | Graduated Law School | Practicing Since | 2006 Rates | 2007 Rates | 2008 Rates | 2009 Rates |
| Laudsch, Judith Marshall, Robert G. | Counsel Partner | Corporate Finance Employee Benefits and ERISA Comp | Omohundry and Myers Jones Day | San Francisco San Francisco | CA CA | United States United States | 1997 | 1997 | 540 | 540 | 625 | 625 |
| Mason, Dory McDonald, Keith | Associate Partner | Restructuring and Insolvency Trial Practice | Farrish Braun and Martel Western and Strawn Jones Day | San Francisco San Francisco San Francisco | CA CA CA | United States United States United States | 2002 | 2002 | 505 | 580 | 595 | 700 |
| McKinn, Mark E. Myers, William A. Myers, Martin H. | Partner Partner Partner | Business and Finance Insurance Liability and Recovery | Kirkland and Ellis Morgan Lewis and Bockius Jones Day | San Francisco San Francisco San Francisco | CA CA CA | United States United States United States | 1992 1987 | 1993 1987 | 580 | 595 | 700 | |
| Nages, Aditi Nikolai, Casey M. Olson, James C. Oso, Amanda M. | Associate Partner Associate Associate | Litigation Banking and Finance Labor and Employment Litigation | Farrish Braun and Martel Kirkland and Ellis Jones Day | San Francisco San Francisco San Francisco | CA CA CA | United States United States United States | 1979 | 1979 | 395 | 395 | 775 | |
| Osgood, Michael C.E. Patten, Katie Peterson, Karen H. | Associate Associate Of Counsel | Labor and Employment California Employment Counseling | Omohundry and Myers Morgan Lewis and Bockius | San Francisco San Francisco | CA CA | United States United States | | | 750 | | | |
| Potock, Thomas R. Poterius, Alex | Partner Associate | Walker Corporate | Paul Hastings Janofsky and Walker | San Francisco San Francisco | CA CA | United States United States | 2008 | | 465 | | 360 | |
| Ragopoul, Ramon Rachey, Katherine S. Ritter, Peter | Partner Partner | Trial Practice Business Tax and Investment Funds | Jones Day Omohundry and Myers | San Francisco San Francisco | CA CA | United States United States | 1995 | 1995 | | 675 | 625 | |
| Rocher, Laura Rodriguez, Noel Sabino, Cheryl | Associate Associate Counsel | Business Tax and Investment Funds Trial Practice Tort and Environmental Litigation | Farrish Braun and Martel Jones Day King and Spalding | San Francisco San Francisco San Francisco | CA CA CA | United States United States United States | 2003 1999 | 2003 1999 | 475 | 485 | 500 | 455 |
| Schickert, William Selling, Jocelyn | Partner Of Counsel | Private Clients Family Wealth Group | Farrish Braun and Martel | San Francisco San Francisco | CA CA | United States United States | | | 695 | 725 | 450 | |

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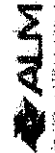
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|---|------------------------|---|----------------------------|----------------|---------------|------------------|----------------------|------------------|------------|------------|------------|------------|
| Going Rate Home Page >> All records for firms in San Francisco CA United States | | | | | | | | | | | | |
| Name | Title | Practice Area | Firm | City | State | Country | Graduated Law School | Practicing Since | 2006 Rates | 2007 Rates | 2008 Rates | 2009 Rates |
| Shepard, Michael | Associate | Securities Litigation | Heber Eisman | San Francisco | CA | United States | 2008 | 2008 | 750 | | | 760 |
| Shin, Susan | Associate | Labor and Employment | Heber Eisman | San Francisco | CA | United States | | | | | | |
| Sproul, Leah | Associate | Commercial Litigation | K and L Gates | San Francisco | CA | United States | | 2003 | 280 | | 325 | 390 |
| Sproul, Leah | Associate | Commercial Disputes | K and L Gates | San Francisco | CA | United States | | | | | | |
| Stephens, Eric | Associate | Business Transactions | King and Spalding | San Francisco | CA | United States | | | 430 | | | |
| Stewart, Rhonda L. | Associate | Business Transactions | King and Spalding | San Francisco | CA | United States | | | | | | |
| Thakur, Alexander (Sister) | Associate | Labor and Employment | Amal and Porter | San Francisco | CA | United States | | | | | 410 | |
| Thompson, Grant | Associate | Labor and Employment | Amal and Porter | San Francisco | CA | United States | | | | | 395 | |
| Toggett, Christine D. | Associate | Tax | Fenella Braun and Martel | San Francisco | CA | United States | | | 440 | | | |
| Tripodi, Holden | Associate | Business Restructuring and Reorganization | Walker | San Francisco | CA | United States | | 325 | | | | |
| Trodeus, Robert A. | Partner | Business Restructuring and Reorganization | James Day | San Francisco | CA | United States | | 1996 | 295 | | | 600 |
| Ulland, Suzanne | Partner | Finance, Corporate and Bankruptcy | Onken and Myers | San Francisco | CA | United States | | | 725 | | 820 | |
| Vogt, Gary M. | Senior Legal Assistant | Litigation | Onken and Myers | San Francisco | CA | United States | | | | | | |
| Waggoner, Kristine | Associate | Business Transactions | Fenella Braun and Martel | San Francisco | CA | United States | | | 295 | | 255 | |
| Wall, Gregory A. | Senior Attorney | Labor Employment | Squire Sanders and DeLoach | San Francisco | CA | United States | | | | | 480 | |
| Wassels, Kelly | Associate | Litigation | Onken and Myers | San Francisco | CA | United States | | | | | | |
| Whalen, Joe | Partner | Insurance and Risk Management | Fenella Braun and Martel | San Francisco | CA | United States | | | 520 | | 395 | |
| White, Jack L. | Associate | Bankruptcy and Creditors Rights | Kirkland and Ellis | San Francisco | CA | United States | | | | | | |
| Wilson, Nicholas | Counsel | Bankruptcy and Creditors Rights | Kirkland and Ellis | San Francisco | CA | United States | | 385 | | | 565 | |
| Woodruff, Kelly | Partner | Bankruptcy and Creditors Rights | Fenella Braun and Martel | San Francisco | CA | United States | | | 485 | | | |
| Zinkelman, Michael | | New Century Financial Corp | Heber Eisman | San Francisco | CA | United States | | | | | 515 | |

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LEGAL BILLING REPORT

VOLUME 11, NUMBER 1

May 2009

BY BILLING RATE

California Rate Report

| PROFESSIONAL | FIRM | GRADUATED | ADMITTED | STATE | RATE | HOURS | TOTAL |
|------------------------|--|-----------|----------|-------|-----------|--------|------------|
| P Kelly, Jr., Daniel | Davis Polk & Wardwell (CA) | 1986 | 1986 | CA | \$ 980.00 | 4.50 | 4,320.00 |
| P Condes, Julia | Davis Polk & Wardwell (CA) | 1986 | 1990 | CA | 955.00 | 17.00 | 16,235.00 |
| P Durheim, Scott | O'Melveny & Myers LLP (CA) | 1975 | 1875 | CA | 860.00 | 1.10 | 946.00 |
| P Tuchin, Michael | Klee, Tuchin, Bogdanoff & Stern, LLP | 1990 | 1990 | CA | 850.00 | 0.50 | 425.00 |
| P Ballack, Karen | Weil, Gotschal & Mangos LLP (CA) | 1986 | 1986 | CA | 799.00 | 0.80 | 639.20 |
| P Arnold, Dennis | Gibson Dunn & Crutcher, LLP (CA) | 1975 | 1978 | CA | 750.00 | 4.50 | 3,555.00 |
| OC Morris, Michael | Herrington Bennett & Dorman LLP | 1979 | 1979 | CA | 750.00 | 65.20 | 45,652.00 |
| P Averch, Craig | White & Case LLP (CA) | 1984 | 1984 | CA | 750.00 | 128.10 | 96,075.00 |
| P Kharasch, Ira D. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1982 | 1982 | CA | 750.00 | 2.90 | 2,175.00 |
| P Kornfeld, Alan | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1987 | 1987 | CA | 725.00 | 0.80 | 580.00 |
| A Lamb, Peter | Davis Polk & Wardwell (CA) | 2005 | 2005 | CA | 680.00 | 101.40 | 69,952.00 |
| P Irving, Jeanne E. | Herrington Bennett & Dorman LLP | 1976 | 1978 | CA | 680.00 | 18.10 | 6,868.00 |
| P Kevane, Henry | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1985 | 1986 | CA | 675.00 | 19.10 | 12,892.50 |
| A Gonsch, Ronald | White & Case LLP (CA) | 2001 | 2001 | CA | 665.00 | 176.20 | 117,173.00 |
| P Brown, Kenneth H. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1977 | 1981 | CA | 650.00 | 27.30 | 17,745.00 |
| P Fidler, David | Klee, Tuchin, Bogdanoff & Stern, LLP | 1997 | 1998 | CA | 650.00 | 23.10 | 15,015.00 |
| P Weismann, Henry | Munger Toiles & Olson LLC | 1987 | 1987 | CA | 650.00 | 0.50 | 328.00 |
| P Bernthal, David M. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1989 | 1993 | CA | 645.00 | 35.60 | 22,962.00 |
| P Montgomery, Cromwell | Gibson Dunn & Crutcher, LLP (CA) | 1997 | 1997 | CA | 635.00 | 0.80 | 508.00 |
| A Brown, Dennis | Munger Toiles & Olson LLC | 1970 | 1970 | CA | 625.00 | 17.80 | 11,125.00 |
| A Newman, Samuel | Gibson Dunn & Crutcher, LLP (CA) | 2001 | 2001 | CA | 610.00 | 13.50 | 8,235.00 |
| A Dextrahan, Shiva | White & Case LLP (CA) | 2003 | 2003 | CA | 600.00 | 183.70 | 119,220.00 |
| P Vincent, Garth | Munger Toiles & Olson LLC | 1988 | 1988 | CA | 600.00 | 124.60 | 74,760.00 |
| A Scott, Melanie | White & Case LLP (CA) | 2004 | 2004 | CA | 600.00 | 20.90 | 12,540.00 |
| P Buchanan, Laura | Klee, Tuchin, Bogdanoff & Stern, LLP | 1991 | 1991 | CA | 590.00 | 0.20 | 118.00 |
| A Ger Kwang-chien, B. | Weil, Gotschal & Mangos LLP (CA) | 2003 | 2003 | CA | 570.00 | 28.50 | 16,530.00 |
| A Edgell, David | Gibson Dunn & Crutcher, LLP (CA) | 2003 | 2003 | CA | 570.00 | 2.50 | 1,651.00 |
| P Heintz, Jeffrey | Munger Toiles & Olson LLC | 1984 | 1984 | CA | 550.00 | 35.10 | 19,305.00 |
| P Fulton, James | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1995 | 1995 | CA | 535.00 | 21.40 | 11,448.00 |
| A Morse, Joshua | Munger Toiles & Olson LLC | 1997 | 1997 | CA | 525.00 | 25.80 | 13,545.00 |
| A Matralic, Michael | Herrington Bennett & Dorman LLP | 2000 | 2000 | CA | 505.00 | 13.10 | 6,615.50 |
| A Barstow, Melissa | Weil, Gotschal & Mangos LLP (CA) | 2005 | 2005 | CA | 500.00 | 36.50 | 18,250.00 |
| A Liu, Leslie | Weil, Gotschal & Mangos LLP (CA) | 2006 | 2006 | CA | 470.00 | 14.00 | 6,580.00 |
| A Kaufman, Derek | Munger Toiles & Olson LLC | 2005 | 2005 | CA | 450.00 | 508.30 | 228,735.00 |
| A Hochmeister, Brian | Munger Toiles & Olson LLC | 2002 | 2002 | CA | 435.00 | 0.30 | 130.50 |
| A Nathan, Joseph | Weil, Gotschal & Mangos LLP (CA) | 2007 | 2007 | CA | 415.00 | 25.20 | 10,458.00 |
| A Jasper, M. Lance | Munger Toiles & Olson LLC | 2006 | 2006 | CA | 400.00 | 96.20 | 38,480.00 |
| A Estandard, Barney | Munger Toiles & Olson LLC | 2006 | 2006 | CA | 400.00 | 8.80 | 3,520.00 |
| A Rubin, Erendia E. | O'Melveny & Myers LLP (CA) | 2006 | 2006 | CA | 395.00 | 8.40 | 3,318.00 |

California Rate Report

| PROFESSIONAL | FIRM | GRADUATED | ADMITTED | STATE | RATE | HOURS | \$ | TOTAL |
|-----------------------|--|-----------|----------|-------|-----------|-------|----|----------|
| A. Schneider, Bradley | Munger, Toiles & Olson LLC | 2004 | 2004 | CA | \$ 385.00 | 1.30 | | 513.50 |
| A. Reason, Matthew | Weil, Gotshal & Manges LLP (CA) | 2006 | 2006 | CA | 355.00 | 13.50 | | 4,792.50 |
| A. Guzman, Tanya | O'Melveny & Myers LLP (CA) | 2007 | 2007 | CA | 330.00 | 2.50 | | 825.00 |
| PP Neglia, Ross | O'Melveny & Myers LLP (CA) | | | | 260.00 | 6.20 | | 1,612.00 |
| Finelison, Keitha | Pachniski Slang Zieni Young Jones & Weintraub (CA) | | | | 225.00 | 27.50 | | 6,210.00 |
| Jeffries, Patricia J. | Pachniski Slang Zieni Young Jones & Weintraub (CA) | | | | 225.00 | 0.40 | | 90.00 |
| PP Pearson, Sandra | Klee, Tucke, Bogdanoff & Stern, LLP | | | CA | 215.00 | 1.90 | | 408.50 |
| PP Floyd, Kevin | Hendman Bennett & Dorman LLP | | | | 210.00 | 0.30 | | 63.00 |
| PP Krojts, Cheryl | Pachniski Slang Zieni Young Jones & Weintraub (CA) | | | | 205.00 | 2.20 | | 451.00 |
| CMA Pitman, Sharla | Pachniski Slang Zieni Young Jones & Weintraub (CA) | | | | 125.00 | 2.50 | | 325.00 |

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LEGAL BILLING REPORT

VOLUME 11, NUMBER 2

August 2009

BY BILLING RATE

California rate Report

| PROFESSIONAL | FIRM | GRADUATED | ADMITTED | STATE | RATE | HOURS | TOTAL |
|-------------------------|--|-----------|----------|-------|-----------|--------|------------|
| P. Tolles, Stephen L. | Gibson Dunn & Crutcher, LLP (CA) | 1982 | 1982 | CA | \$ 860.00 | 0.10 | \$ 86.00 |
| P. Patterson, Thomas | Klee Tuchin, Bogdanoff & Stern, LLP | 1984 | 1984 | CA | 890.00 | 223.00 | 191,250.00 |
| P. Tuchin, Michael | Klee Tuchin, Bogdanoff & Stern, LLP | 1980 | 1980 | CA | 850.00 | 74.40 | 63,240.00 |
| P. Stern, David | Klee Tuchin, Bogdanoff & Stern, LLP | 1975 | 1975 | CA | 850.00 | 32.50 | 27,850.00 |
| P. Issler, Paul S. | Gibson Dunn & Crutcher, LLP (CA) | 1986 | 1986 | CA | 840.00 | 6.35 | 5,334.00 |
| P. Arnold, Dennis | Gibson Dunn & Crutcher, LLP (CA) | 1975 | 1976 | CA | 840.00 | 4.10 | 3,444.00 |
| P. Thompson, Brian | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 1991 | 1991 | CA | 820.00 | 72.80 | 59,696.00 |
| P. Balach, Karan | Weil, Gotshal & Manges, LLP (CA) | 1986 | 1986 | CA | 810.00 | 40.40 | 32,724.00 |
| P. Ziehl, Dean A. | Pacholski Slung Ziehl Young Jones & Weintraub (CA) | 1978 | 1978 | CA | 795.00 | 20.30 | 16,138.50 |
| P. Gilmer, Danielle | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 1993 | 1994 | CA | 775.00 | 9.50 | 7,362.50 |
| P. Averch, Craig | White & Case LLP (CA) | 1984 | 1984 | CA | 750.00 | 189.20 | 141,900.00 |
| P. Keller, Tobias | White & Case LLP (CA) | 1980 | 1980 | CA | 750.00 | 1.90 | 1,425.00 |
| P. Baker, James | Jones Day (CA) | 1980 | 1980 | CA | 750.00 | 0.80 | 150.00 |
| P. Winston, Eric D. | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 1999 | 1999 | CA | 740.00 | 7.10 | 5,254.00 |
| P. Orr, Johanna Y. | Pacholski Slung Ziehl Young Jones & Weintraub (CA) | 1997 | 1997 | CA | 740.00 | 6.30 | 4,662.00 |
| P. Kornfeld, Alan | Pacholski Slung Ziehl Young Jones & Weintraub (CA) | 1987 | 1987 | CA | 725.00 | 10.10 | 7,322.50 |
| A. Blot, Jeffrey E. | Slidley Austin Brown & Wood LLP (CA) | 1987 | 1988 | CA | 700.00 | 110.90 | 77,630.00 |
| P. Myers, Martin | Jones Day (CA) | 1987 | 1987 | CA | 700.00 | 26.50 | 18,550.00 |
| P. Grassowien, Debra L. | Pacholski Slung Ziehl Young Jones & Weintraub (CA) | 1991 | 1992 | CA | 695.00 | 5.50 | 3,822.50 |
| A. Gustafson, Mark E. | White & Case LLP (CA) | 1988 | 1988 | CA | 685.00 | 117.70 | 80,824.50 |
| P. Alash, Dora | Gibson Dunn & Crutcher, LLP (CA) | 1995 | 1995 | CA | 675.00 | 39.40 | 28,595.00 |
| A. Gershen, Ronald | White & Case LLP (CA) | 2001 | 2001 | CA | 665.00 | 221.50 | 147,297.50 |
| P. Montgomery, Cromwell | Gibson Dunn & Crutcher, LLP (CA) | 1997 | 1997 | CA | 635.00 | 2.50 | 1,587.50 |
| A. Neuman, Samuel | Gibson Dunn & Crutcher, LLP (CA) | 2001 | 2001 | CA | 610.00 | 11.50 | 7,015.00 |
| A. Debrahm, Shiva | White & Case LLP (CA) | 2003 | 2003 | CA | 600.00 | 217.50 | 130,500.00 |
| A. Scott, Melanie | White & Case LLP (CA) | 2004 | 2004 | CA | 800.00 | 74.90 | 44,940.00 |
| P. Trodella, Robert | Jones Day (CA) | 1995 | 1995 | CA | 600.00 | 35.30 | 21,180.00 |
| A. Ger Kwan-chien, B. | Weil, Gotshal & Manges, LLP (CA) | 2003 | 2003 | CA | 580.00 | 54.20 | 31,436.00 |
| OC Metcalf, Brian | Klee, Tuchin, Bogdanoff & Stern, LLP | 1998 | 1998 | CA | 575.00 | 12.40 | 7,130.00 |
| A. Egoel, David | Gibson Dunn & Crutcher, LLP (CA) | 2003 | 2003 | CA | 570.00 | 0.50 | 285.00 |
| C. Crosby IV, Peter | Jones Day (CA) | 1984 | 1984 | CA | 565.00 | 13.30 | 7,514.50 |
| A. Martin, M. | White & Case LLP (CA) | 2006 | 2006 | CA | 550.00 | 45.80 | 25,190.00 |
| A. Correa, Michelle | Jones Day (CA) | 2001 | 2001 | CA | 525.00 | 1.70 | 892.50 |
| OC Brandt, Gina F. | Pacholski Slung Ziehl Young Jones & Weintraub (CA) | 1976 | 1976 | CA | 525.00 | 1.30 | 682.50 |
| A. Malekic, Michael | Weil, Gotshal & Manges, LLP (CA) | 2005 | 2005 | CA | 500.00 | 175.30 | 87,650.00 |
| A. Rodriguez, Noel | Jones Day (CA) | 2003 | 2003 | CA | 500.00 | 41.80 | 20,900.00 |
| A. Heyn, Matthew | Klee, Tuchin, Bogdanoff & Stern, LLP | 2003 | 2003 | CA | 495.00 | 111.80 | 55,341.00 |
| A. Barshop, Melissa | Gibson Dunn & Crutcher, LLP (CA) | 2006 | 2006 | CA | 470.00 | 4.10 | 1,927.00 |
| A. Liu, Leslie | Weil, Gotshal & Manges, LLP (CA) | 2006 | 2006 | CA | 465.00 | 302.70 | 140,755.50 |
| A. Chun, Sebyul | White & Case LLP (CA) | 2008 | 2008 | CA | 460.00 | 162.10 | 74,566.00 |

California rate Report

| PROFESSIONAL | FIRM | GRADUATED | ADMITTED | STATE | RATE | HOURS | TOTAL |
|--------------------------|---|-----------|----------|-------|-----------|--------|--------------|
| A. Morrison, Kelley M. | White & Case LLP (CA) | 2008 | 2008 | CA | \$ 460.00 | 105.50 | \$ 48,530.00 |
| A. Hawk, Jonathan | White & Case LLP (CA) | 2007 | 2007 | CA | 460.00 | 20.30 | 9,338.00 |
| P. Phillip, Laurence | McKenna Long & Aldridge LLP (CA) | 1997 | 1997 | CA | 450.00 | 15.00 | 6,750.00 |
| P. Larsen, J. David | McKenna Long & Aldridge LLP (CA) | 1997 | 1997 | CA | 450.00 | 10.00 | 4,500.00 |
| A. Gussis, David | Klee, Tuchin, Bogdanoff & Stern, LLP | 2005 | 2005 | CA | 430.00 | 366.70 | 157,881.00 |
| A. Pczmanlier, Courtney | Klee, Tuchin, Bogdanoff & Stern, LLP | 2005 | 2005 | CA | 430.00 | 23.20 | 9,976.00 |
| A. Dickerson, Matthew | Sidley Austin Brown & Wood LLP (CA) | 2007 | 2007 | CA | 425.00 | 25.30 | 10,752.50 |
| A. Tran, William | Sidley Austin Brown & Wood LLP (CA) | 2006 | 2006 | CA | 425.00 | 5.40 | 2,295.00 |
| A. Nathan, Joseph | Weil, Gotshal & Manges LLP (CA) | 2007 | 2007 | CA | 415.00 | 61.50 | 25,522.50 |
| A. Williams, Lorna S. | Gibson Dunn & Crutcher, LLP (CA) | 2008 | 2008 | CA | 400.00 | 4.00 | 1,600.00 |
| A. Simonds, Ariella | Sidley Austin Brown & Wood LLP (CA) | 2008 | 2008 | CA | 375.00 | 49.30 | 18,487.50 |
| A. Dearlhan, Kevin | Klee, Tuchin, Bogdanoff & Stern, LLP | 2008 | 2008 | CA | 300.00 | 4.70 | 1,410.00 |
| A. Elliot, Kerin | Klee, Tuchin, Bogdanoff & Stern, LLP | 2008 | 2008 | CA | 300.00 | 2.10 | 630.00 |
| LIB Forrester, Leslie A. | Pachulski Slag Young Jones & Weintraub (CA) | | | | 250.00 | 4.30 | 1,225.00 |
| PP Harits, Denise A. | Pachulski Slag Young Jones & Weintraub (CA) | | | | 225.00 | 8.50 | 1,912.50 |
| PP Grycenker, Michelle | McKenna Long & Aldridge LLP (CA) | | | | 215.00 | 40.60 | 8,729.00 |
| PP Pearson, Sandra | Klee, Tuchin, Bogdanoff & Stern, LLP | | | CA | 215.00 | 36.00 | 7,740.00 |
| PP Brown, Thomas J. | Pachulski Slag Young Jones & Weintraub (CA) | | | | 195.00 | 2.00 | 390.00 |
| LIB Jones, Carla H. | Gibson Dunn & Crutcher, LLP (CA) | | | | 165.00 | 0.50 | 82.50 |

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LEGAL BILLING REPORT

VOLUME 11, NUMBER 3

December 2009

BY BILLING RATE

California Rate Report

| PROFESSIONAL | FIRM | GRADUATED | ADMITTED | STATE | RATE | HOURS | TOTAL |
|-------------------------|--|-----------|----------|-------|-----------|--------|---------------|
| P Pachnisi, Richard M. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1978 | 1978 | CA | \$ 885.00 | 287.62 | \$ 257,419.90 |
| P Patterson, Thomas | Klee, Tuchin, Bogdanoff & Stern, LLP | 1994 | 1994 | CA | 850.00 | 382.60 | 333,740.00 |
| P Tschin, Michael | Klee, Tuchin, Bogdanoff & Stern, LLP | 1990 | 1990 | CA | 850.00 | 201.40 | 171,190.00 |
| P Stern, David | Klee, Tuchin, Bogdanoff & Stern, LLP | 1975 | 1975 | CA | 850.00 | 68.60 | 58,480.00 |
| P Pachnisi, Richard M. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1979 | 1979 | CA | 850.00 | 68.00 | 57,800.00 |
| P Arnold, David | Gibson Dunn & Crutcher, LLP (CA) | 1975 | 1975 | CA | 840.00 | 1.00 | 840.00 |
| P Ziehl, Dean A. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1978 | 1978 | CA | 825.00 | 258.75 | 211,406.25 |
| P Timmons, Brian | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 1991 | 1991 | CA | 820.00 | 240.60 | 197,282.00 |
| P Lyons, Duane | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 1986 | 1986 | CA | 820.00 | 60.20 | 65,764.00 |
| P Oglet, Robert B. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1981 | 1981 | CA | 785.00 | 357.30 | 284,053.50 |
| P Richards, Jeremy | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1980 | 1981 | CA | 795.00 | 158.50 | 126,007.50 |
| P Ziehl, Dean A. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1978 | 1978 | CA | 795.00 | 94.00 | 74,730.00 |
| P Ziehl, Dean A. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1978 | 1978 | CA | 785.00 | 20.30 | 16,136.50 |
| P Winston, Eric D. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1999 | 1999 | CA | 740.00 | 54.00 | 39,960.00 |
| P Ong, Johanna Y. | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 1997 | 1997 | CA | 740.00 | 11.20 | 8,288.00 |
| P Kornfeld, Alan | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1987 | 1987 | CA | 725.00 | 10.10 | 7,322.50 |
| P Grassman, Debra I. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1991 | 1992 | CA | 695.00 | 6.50 | 3,822.50 |
| C Galin, Andrew | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1983 | 1983 | CA | 685.00 | 3.40 | 2,361.00 |
| P Parker, Daryl | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1986 | 1970 | CA | 675.00 | 60.80 | 41,040.00 |
| P McInerney, James | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1986 | 1987 | CA | 675.00 | 16.60 | 11,205.00 |
| P Arash, Dora | Gibson Dunn & Crutcher, LLP (CA) | 1995 | 1995 | CA | 675.00 | 14.80 | 9,990.00 |
| P Davids, Ron | Klee, Tuchin, Bogdanoff & Stern, LLP | 1985 | 1985 | CA | 650.00 | 1.40 | 910.00 |
| A Newman, Samuel | Gibson Dunn & Crutcher, LLP (CA) | 2001 | 2001 | CA | 610.00 | 3.70 | 2,287.00 |
| C Hochman, Harry | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1987 | 1987 | CA | 585.00 | 100.80 | 59,976.00 |
| A Newmark, Viktoria | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1986 | 1997 | CA | 595.00 | 32.50 | 18,397.50 |
| C Cho, Shiny | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1987 | 1987 | CA | 595.00 | 19.40 | 11,543.00 |
| C Hochman, Harry | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1987 | 1987 | CA | 575.00 | 57.60 | 33,120.00 |
| A Dirckman, Jennifer | Klee, Tuchin, Bogdanoff & Stern, LLP | 1988 | 1988 | CA | 575.00 | 1.40 | 805.00 |
| OC Metcalf, Brian | Klee, Tuchin, Bogdanoff & Stern, LLP | 1999 | 1999 | CA | 575.00 | 0.70 | 402.50 |
| OC Brandt, Gina F. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1976 | 1976 | CA | 525.00 | 1.30 | 682.50 |
| A Heyn, Matthew | Klee, Tuchin, Bogdanoff & Stern, LLP | 2003 | 2003 | CA | 495.00 | 109.70 | 54,301.50 |
| P Brown, Brian | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | 1989 | 1989 | CA | 495.00 | 0.50 | 247.50 |
| A Barstow, Melissa | Gibson Dunn & Crutcher, LLP (CA) | 2006 | 2006 | CA | 470.00 | 2.10 | 987.00 |
| A Liu, Leslie | Wall, Gelstein & Mancoske LLP (CA) | 1997 | 1997 | CA | 465.00 | 9.80 | 4,557.00 |
| P Phelan, Laurence | McKenna Long & Aldridge LLP (CA) | 2005 | 2005 | CA | 450.00 | 2.70 | 1,215.00 |
| A Guets, David | Klee, Tuchin, Bogdanoff & Stern, LLP | 2005 | 2005 | CA | 380.00 | 4.80 | 1,734.00 |
| PP Santos, Joseph C | Quinn Emanuel Urquhart Oliver & Hedges, LLP | 2008 | 2008 | CA | 300.00 | 16.60 | 4,980.00 |
| A Elliot, Kolin | Klee, Tuchin, Bogdanoff & Stern, LLP | 2008 | 2008 | CA | 250.00 | 20.30 | 5,075.00 |
| PP Lacroix, Maurice | Quinn Emanuel Urquhart Oliver & Hedges, LLP | | | | | | |
| LIB Fontaine, Leslie A. | Pachnisi Slung Zhen Young Jones & Weintraub (CA) | | | | 250.00 | 4.90 | 1,225.00 |

California Rate Report

| PROFESSIONAL | FIRM | GRADUATED | ADMITTED | STATE | RATE | HOURS | TOTAL |
|--------------------------|--|-----------|----------|-------|-----------|-------|-----------|
| LIB Forrester, Leslie A. | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | \$ 250.00 | 1.80 | \$ 450.00 |
| PP Harris, Denise A. | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 225.00 | 47.80 | 10,777.50 |
| PP Harris, Denise A. | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 225.00 | 8.50 | 1,912.50 |
| PP Harrison, Felice | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 225.00 | 0.40 | 90.00 |
| PP Glycerat, Michelle | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 215.00 | 60.40 | 12,996.00 |
| PP Pearson, Sandra | McKenna Long & Aldridge LLP (CA) | | | | 215.00 | 52.40 | 11,268.00 |
| PP Brown, Thomas J. | Klee, Tustin, Bogdanoff & Stern, LLP | | | | 195.00 | 59.75 | 11,651.25 |
| PP Brown, Thomas J. | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 195.00 | 6.00 | 1,170.00 |
| PP Matteo, Mike | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 195.00 | 2.00 | 390.00 |
| PP Brown, Thomas J. | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 180.00 | 3.00 | 540.00 |
| LS Evershead, Christine | McKenna Long & Aldridge LLP (CA) | | | | 180.00 | 16.80 | 2,535.00 |
| PP Sahn, Andrew | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 150.00 | 0.80 | 120.00 |
| PP Bass, John | Pachniski Slang Ziehl Young Jones & Weintraub (CA) | | | | 150.00 | | |



2010 NLJ Billing Survey

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--|-------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Adams and Reese | New Orleans | \$265 | \$550 | \$250 | \$344 | \$290 | \$195 | \$229 |
| 2010 | Akerman Senterfitt | Miami | | | | | | | |
| 2010 | Akin Gump Strauss Hauer & Feld | Washington | | | | | | | |
| 2010 | Allen Matkins Lack | Los Angeles | | | | | | | |
| 2010 | Gamble Maffroy & Natsis | Atlanta | \$515 | \$865 | \$450 | \$627 | \$590 | \$270 | \$405 |
| 2010 | Alston & Bird | Houston | | | | | | | |
| 2010 | Andrews Kurth | Haddonfield, NJ | | \$560 | \$305 | | \$340 | \$175 | |
| 2010 | Archer & Greiner | Washington | | | | | | | |
| 2010 | Arent Fox | St. Louis | | \$765 | \$400 | | \$475 | \$240 | |
| 2010 | Armstrong Teasdale | Washington | | \$475 | \$300 | | \$325 | \$200 | |
| 2010 | Arnold & Porter | Indianapolis | | | | | | | |
| 2010 | Baker & Daniels | Cleveland | | | | | | | |
| 2010 | Baker & Hostetler | Houston | | | | | | | |
| 2010 | Baker Botts LLP | Memphis, TN | \$312 | \$595 | \$255 | \$357 | \$320 | \$165 | \$231 |
| 2010 | Baker, Donelson, Bearman, Caldwell & Berkowitz | Philadelphia | | | | | | | |
| 2010 | Ballard Spahr | Indianapolis | \$367 | \$613 | \$298 | \$416 | \$355 | \$225 | \$261 |
| 2010 | Barnes & Thornburg | Nashville, TN | | | | | | | |
| 2010 | Bass, Berry & Sims | Cleveland | \$315 | \$575 | \$350 | \$335 | \$360 | \$195 | \$245 |
| 2010 | Benesch, Friedlander, Coplan & Aronoff | Riverside, Calif. | | \$550 | \$310 | | \$395 | \$225 | |
| 2010 | Best Best & Krieger | | | | | | | | |

| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--------------------------------------|------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Bingham McCutchen | Boston | | | | | | | |
| 2010 | Blank Rome | Philadelphia | \$510 | \$855 | \$440 | \$615 | \$360 | \$260 | \$361 |
| 2010 | Bond, Schoeneck & King | Syracuse, NY | \$260 | \$475 | \$220 | \$309 | \$280 | \$160 | \$208 |
| 2010 | Briggs and Morgan | Minneapolis | \$373 | \$600 | \$290 | \$437 | \$315 | \$210 | \$240 |
| 2010 | Brinks Hofer Gilson & Lyne | Chicago | \$435 | \$725 | \$345 | \$541 | \$420 | \$195 | \$308 |
| 2010 | Broad and Cassel | Orlando, FL | \$307 | \$475 | \$260 | \$372 | \$350 | \$175 | \$242 |
| 2010 | Brown Rudnick | Boston | | | | | | | |
| 2010 | Brownstein Hyatt Farber Schreck | Denver | \$391 | \$810 | \$295 | \$463 | \$360 | \$200 | \$256 |
| 2010 | Bryan Cave | St. Louis | \$464 | \$790 | \$370 | \$553 | \$550 | \$185 | \$344 |
| 2010 | Buchalter Nemer | Los Angeles | \$415 | \$625 | \$270 | \$490 | \$450 | \$195 | \$328 |
| 2010 | Buchanan Ingersoll & Rooney | Pittsburgh | | \$900 | \$310 | | \$465 | \$210 | |
| 2010 | Burr & Forman | Birmingham, AL | \$328 | \$500 | \$210 | \$361 | \$335 | \$200 | \$250 |
| 2010 | Butzel Long | Detroit | | \$750 | \$300 | | \$375 | \$200 | |
| 2010 | Cadwalader, Wickersham & Taft LLP | New York | | | | | | | |
| 2010 | Cahill Gordon Reindel LLP | New York | | | | | | | |
| 2010 | Carlton Fields | Tampa, FL | \$388 | \$775 | \$325 | \$455 | \$375 | \$195 | \$268 |
| 2010 | Chadbourne & Parke | New York | \$456 | \$995 | \$390 | \$769 | \$625 | \$110 | \$442 |
| 2010 | Chapman and Cutler | Chicago | | | | | | | |
| 2010 | Clark Hill | Detroit | | | | | | | |
| 2010 | Cooley | Palo Alto, CA | | | | | | | |
| 2010 | Covington & Burling | Washington | | | | | | | |
| 2010 | Cozen O'Connor | Philadelphia | \$422 | \$880 | \$310 | \$497 | \$585 | \$225 | \$326 |
| 2010 | Crowell & Moring | Washington | | | | | | | |
| 2010 | Curtis, Mallet-Prevost, Colt & Mosle | New York | \$489 | \$785 | \$675 | \$669 | \$575 | \$290 | \$365 |
| 2010 | Davis Wright Tremaine | Seattle | \$355 | \$795 | \$320 | \$486 | \$435 | \$210 | \$304 |
| 2010 | Day Pitney | Florham Park, NJ | | | | | | | |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--|--------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Dewey & Leboeuf LLP | New York | | | | | | | |
| 2010 | Dickinson Wright | Detroit | | \$575 | \$355 | | \$275 | \$195 | |
| 2010 | Dickstein Shapiro | Washington | \$546 | \$950 | \$525 | \$656 | \$530 | \$265 | \$426 |
| 2010 | Dinsmore & Shohl | Cincinnati | \$302 | \$590 | \$220 | \$360 | \$300 | \$175 | \$222 |
| 2010 | DLA Piper | Chicago | | | | | | | |
| 2010 | Dorsey & Whitney | Minneapolis | \$410 | \$795 | \$290 | \$515 | \$440 | \$180 | \$285 |
| 2010 | Duane Morris | Philadelphia | \$483 | \$850 | \$240 | \$560 | \$480 | \$135 | \$349 |
| 2010 | Dykema Gossett | Detroit | \$445 | \$635 | \$360 | \$495 | \$450 | \$225 | \$325 |
| 2010 | Eckert Seamans Chertin & Melloff | Pittsburgh | | \$625 | \$250 | | \$320 | \$150 | |
| 2010 | Edwards Angell Palmer & Dodge | Boston | \$451 | \$780 | \$345 | \$571 | \$610 | \$200 | \$323 |
| 2010 | Epstein Becker & Green | New York | \$429 | \$850 | \$350 | \$520 | \$450 | \$180 | \$325 |
| 2010 | Faegre & Benson LLP | Minneapolis | | | | | | | |
| 2010 | Finnegan, Henderson, Farabow, Garrett & Dunner | Washington | | | | | | | |
| 2010 | Fish & Richardson | Boston | | | | | | | |
| 2010 | Fisher & Phillips | Atlanta | | \$505 | \$340 | | \$360 | \$220 | |
| 2010 | Flitzpatrick, Calla, Harper & Scinto | New York | | \$730 | \$460 | | \$440 | \$275 | |
| 2010 | Foley & Lardner | Milwaukee | \$554 | \$1,035 | | \$654 | | \$255 | \$426 |
| 2010 | Foley Hoag | Boston | | | | | | | |
| 2010 | Ford & Harrison | Atlanta | | \$620 | \$375 | | | | |
| 2010 | Fowler White Boggs | Tampa, FL | \$350 | \$575 | \$325 | \$400 | \$390 | \$250 | \$250 |
| 2010 | Fox Rothschild | Philadelphia | \$407 | \$690 | \$315 | \$473 | \$315 | \$235 | \$298 |
| 2010 | Frost Brown Todd | Cincinnati | \$279 | \$515 | \$200 | \$326 | \$250 | \$150 | \$189 |
| 2010 | Fulbright & Jaworski | Houston | | | | | | | |
| 2010 | Gardere Wynne Sewell | Dallas | \$445 | \$815 | \$380 | \$531 | \$445 | \$195 | \$311 |
| 2010 | Gibbons | Newark, NJ | \$404 | \$790 | \$390 | \$479 | \$450 | \$250 | \$289 |
| 2010 | Gibson, Dunn & Crutcher LLP | Los Angeles | | | | | | | |
| 2010 | Godfrey & Kahn | Milwaukee | | \$495 | \$325 | | \$340 | \$180 | |
| 2010 | Goodwin Procter | Boston | | | | | | | |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|---|-------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Gordon & Rees | San Francisco, CA | | | | | | | |
| 2010 | GrayRobinson | Orlando, FL | | \$750 | \$225 | | \$315 | \$150 | |
| 2010 | Greenberg Traurig | New York | \$453 | \$875 | \$355 | \$550 | \$610 | \$200 | \$332 |
| 2010 | Harris Beach | Rochester, NY | | \$500 | \$275 | | \$250 | \$140 | |
| 2010 | Haynes and Boone | Dallas | | | | | | | |
| 2010 | Hinshaw & Culbertson | Chicago | | | | | | | |
| 2010 | Hiscock & Barclay | Syracuse, NY | \$311 | \$650 | \$195 | \$348 | \$440 | \$150 | \$234 |
| 2010 | Hodgson Russ | Buffalo, NY | \$328 | \$665 | \$230 | \$374 | \$410 | \$175 | \$238 |
| 2010 | Hogan Lovells | Washington | | | | | | | |
| 2010 | Holland & Hart LLP | Washington | | | | | | | |
| 2010 | Holland & Knight | Washington | \$418 | \$850 | \$300 | \$499 | \$480 | \$185 | \$288 |
| 2010 | Holme Roberts & Owen | Denver | \$355 | \$635 | \$285 | \$415 | \$530 | \$170 | \$295 |
| 2010 | Honigman Miller Schwartz and Cohn | Detroit | | | | | | | |
| 2010 | Hughes Hubbard & Reed LLP | New York | | | | | | | |
| 2010 | Hunton & Williams | Richmond, VA | | | | | | | |
| 2010 | Husch Blackwell | St. Louis | \$329 | \$804 | \$230 | \$357 | \$415 | \$171 | \$220 |
| 2010 | Ice Miller LLP | Indianapolis | | | | | | | |
| 2010 | Irell & Manella | Los Angeles | | | | | | | |
| 2010 | Jackson Kelly | Charleston, WV | | \$495 | \$245 | | \$275 | \$155 | |
| 2010 | Jackson Lewis | White Plains, NY | \$384 | \$715 | \$260 | \$426 | \$440 | \$150 | \$282 |
| 2010 | Jones Day | Washington | | | | | | | |
| 2010 | Jones, Walker, Waechter, Poitavent, Carrara & Denegre | New Orleans | | \$520 | \$195 | | \$275 | \$140 | |
| 2010 | K&L Gates | Pittsburgh | | | | | | | |
| 2010 | Kelley Drye & Warren | New York | | \$900 | \$465 | | \$565 | \$275 | |
| 2010 | Kenyon & Kenyon LLP | New York | | | | | | | |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--|----------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Kilpatrick Stockton | Atlanta | \$425 | \$730 | \$375 | \$527 | \$465 | \$225 | \$320 |
| 2010 | Kirkland & Ellis | Chicago | | | | | | | |
| 2010 | Knobbe, Martens, Olson & Bear | Irvine, CA | \$432 | \$710 | \$395 | \$511 | \$450 | \$285 | \$332 |
| 2010 | Kramer Levin Naftalis & Frankel | New York | | | | | | | |
| 2010 | Lane Powell | Seattle | \$349 | \$600 | \$310 | \$431 | \$350 | \$230 | \$278 |
| 2010 | Lathrop & Gage | Kansas City | | \$490 | \$255 | | \$265 | \$180 | |
| 2010 | LeClairRyan, Professional Corporation | Richmond, VA | | | | | | | |
| 2010 | Leonard, Street and DeNard | Minneapolis | | | | | | | |
| 2010 | Lewis and Roca | Phoenix, AZ | | | | | | | |
| 2010 | Lewis Brisbois Bisgaard & Smith | Los Angeles | | | | | | | |
| 2010 | Lewis, Rice & Fingersh | St. Louis | | \$460 | \$250 | | \$315 | \$150 | |
| 2010 | Lindquist & Vennum | Minneapolis | \$330 | | | \$415 | | | \$235 |
| 2010 | Littler Mendelson | San Francisco | \$372 | \$650 | \$290 | \$445 | \$480 | \$210 | \$296 |
| 2010 | Locke Lord Bissell & Liddell | Dallas | \$486 | \$1,120 | \$400 | \$599 | \$525 | \$215 | \$320 |
| 2010 | Loeb & Loeb | New York | | \$975 | \$475 | | \$575 | \$275 | |
| 2010 | Lowenstein Sandler | Roseland, NJ | | \$825 | \$440 | | \$575 | \$235 | |
| 2010 | Luce, Forward, Hamilton & Scripps | San Diego | | \$670 | \$350 | | \$445 | \$245 | |
| 2010 | Manatt, Phelps & Phillips | Los Angeles | \$568 | \$850 | \$525 | \$651 | \$525 | \$200 | \$405 |
| 2010 | Marshall, Dennehey, Warner, Coleman & Goggin | Philadelphia | | \$410 | \$145 | | \$320 | \$130 | |
| 2010 | Maynard, Cooper & Gale | Birmingham, AL | | \$600 | \$325 | | \$295 | \$235 | |
| 2010 | McAndrews, Held & Malloy | Chicago | | \$675 | \$260 | | \$350 | \$225 | |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--|-------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | McCarter & English | Newark, NJ | \$355 | \$825 | \$360 | \$498 | \$405 | \$215 | \$313 |
| 2010 | McElroy, Deutsch, Mulvaney & Carpenter | Morristown, N.J. | \$210 | \$550 | \$295 | \$280 | \$275 | \$150 | \$190 |
| 2010 | McGuireWoods | Richmond, Va. | \$455 | \$830 | \$325 | \$543 | \$600 | \$220 | \$355 |
| 2010 | McKenna Long & Aldridge | Atlanta | \$455 | \$775 | \$375 | \$540 | \$490 | \$220 | \$366 |
| 2010 | Michael Best & Friedrich | Milwaukee | \$345 | \$650 | \$235 | \$400 | \$320 | \$190 | \$239 |
| 2010 | Miles & Stockbridge | Baltimore | | \$695 | \$325 | | \$370 | \$220 | |
| 2010 | Miller & Martin | Chattanooga, TN | \$328 | \$610 | \$235 | \$361 | \$275 | \$180 | \$218 |
| 2010 | Miller, Canfield, Paddock and Stone | Detroit | | | | | | | |
| 2010 | Montgomery, McCracken, Walker & Rhoads | Philadelphia | | \$625 | \$380 | \$461 | \$395 | \$205 | \$284 |
| 2010 | Moore & Van Allen | Charlotte, N.C. | \$364 | \$785 | \$265 | \$441 | \$360 | \$180 | \$257 |
| 2010 | Morgan, Lewis & Bockius | Philadelphia | | | | | | | |
| 2010 | Morris, Manning & Martin | Atlanta | \$424 | \$760 | \$425 | \$492 | \$545 | \$225 | \$353 |
| 2010 | Morrison & Foerster | San Francisco, CA | | | | | | | |
| 2010 | Munger, Tolles & Olson | Los Angeles | | | | | | | |
| 2010 | Neal, Gerber & Eisenberg | Chicago | | | | | | | |
| 2010 | Nelson Mullins Riley & Scarborough | Columbia, SC | \$347 | \$850 | \$245 | \$399 | \$335 | \$185 | \$248 |
| 2010 | Nexsen Pruet | Columbia, SC | | \$625 | \$230 | | \$250 | \$160 | |
| 2010 | Nixon Peabody | New York | | \$905 | \$375 | \$613 | \$580 | \$195 | \$388 |
| 2010 | O'Melveny & Myers | Los Angeles | \$429 | | | | | | |
| 2010 | Ogletree, Deakins, Nash, Smoak & Stewart | Greenville, S.C. | \$351 | \$575 | \$300 | \$389 | \$390 | \$195 | \$285 |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--|-------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Orick, Herrington & Sutcliffe | San Francisco, CA | | | | | | | |
| 2010 | Parker Poe Adams & Bernstein LLP | Charlotte N.C. | | | | | | | |
| 2010 | Patton Boggs | Washington | \$482 | \$990 | \$355 | \$645 | \$550 | \$215 | \$399 |
| 2010 | Paul, Hastings, Janofsky & Walker | New York | | | | | | | |
| 2010 | Paul, Weiss, Rifkind, Wharton & Garrison LLP | New York | | | | | | | |
| 2010 | Pepper Hamilton | Philadelphia | \$326 | \$825 | \$420 | \$547 | \$465 | \$230 | \$329 |
| 2010 | Perkins Coie | Seattle | \$447 | \$825 | \$275 | \$534 | \$570 | \$200 | \$354 |
| 2010 | Phelps Dunbar | New Orleans | \$226 | \$385 | \$180 | \$272 | \$240 | \$145 | \$183 |
| 2010 | Phillips Lytle | Buffalo, NY | \$255 | \$535 | \$260 | \$352 | \$450 | \$150 | \$283 |
| 2010 | Pillsbury Winthrop Shaw Pittman | New York | | | | | | | |
| 2010 | Polsinelli Shughart | Kansas City, MO | | \$600 | \$250 | | \$325 | \$185 | |
| 2010 | Quarles & Brady | Milwaukee | \$364 | \$660 | \$290 | \$438 | \$400 | \$210 | \$260 |
| 2010 | Read Smith | Pittsburgh | | | | | | | |
| 2010 | Reinhart Boerner Van Duren | Milwaukee | | | | | | | |
| 2010 | Roetzel & Andress | Akron, OH | \$317 | \$525 | \$225 | \$357 | \$325 | \$165 | \$243 |
| 2010 | Rutan & Tucker | Costa Mesa, CA | | \$650 | \$355 | | \$450 | \$225 | |
| 2010 | Saul Ewing | Philadelphia | \$412 | \$800 | \$320 | \$491 | \$475 | \$225 | \$310 |
| 2010 | Schiff Hardin LLP | Chicago | | | | | | | |
| 2010 | Schnader Harrison Segal & Lewis | Philadelphia | | | | | | | |
| 2010 | Schulte Roth & Zabel | New York | | \$895 | \$735 | | \$690 | \$275 | |
| 2010 | Schwabe, Williamson & Wyatt | Portland, OR | \$350 | \$540 | \$310 | \$415 | \$450 | \$200 | \$260 |
| 2010 | Sedgwick, Detert, Moran & Arnold | San Francisco | | | | | | | |
| 2010 | Seyfarth Shaw | Chicago | \$377 | \$770 | \$335 | \$505 | \$535 | \$185 | \$325 |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|--------------------------------------|-------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Sheppard Mullin | Los Angeles | | \$820 | \$495 | | \$620 | \$270 | |
| 2010 | Stelman & Howard | New York | | | | | | | |
| 2010 | Shook, Hardy & Bacon | Kansas City, MO | | | | | | | |
| 2010 | Shumaker, Loop & Kendrick | Toledo, OH | \$331 | \$540 | \$250 | \$366 | \$315 | \$185 | \$246 |
| 2010 | Skadden, Arps, Slate, Meagher & Flom | New York | | | | | | | |
| 2010 | Smith, Gambrell & Russell | Atlanta | | \$740 | \$325 | | \$440 | \$195 | |
| 2010 | Snell & Wilmer | Phoenix | | | | | | | |
| 2010 | Squire, Sanders & Dempsey | Cleveland | \$338 | \$795 | \$315 | \$486 | \$550 | \$175 | \$282 |
| 2010 | Stoetzel & Johnson LLP | Washington | | | | | | | |
| 2010 | Stevens & Lee | Reading, PA | | | | | | | |
| 2010 | Stinson Morrison Hecker | Kansas City, MO | | | | | | | |
| 2010 | Sites & Harbison | Louisville, KY | | | | | | | |
| 2010 | Stoel Rives | Portland, OR | \$381 | \$600 | \$315 | \$441 | \$390 | \$190 | \$270 |
| 2010 | Strasburger & Price | Dallas | \$336 | \$617 | \$250 | \$372 | \$306 | \$194 | \$243 |
| 2010 | Sullivan & Worcester | Boston | \$537 | \$830 | \$475 | \$647 | \$535 | \$290 | \$383 |
| 2010 | Sutherland Asbill & Brennan | Atlanta | | | | | | | |
| 2010 | Taft, Stettinius & Hollister | Cincinnati | \$315 | \$500 | \$220 | \$358 | \$365 | \$165 | \$227 |
| 2010 | Thompson & Knight | Dallas | | \$825 | \$410 | | \$440 | \$265 | |
| 2010 | Thompson Coburn | St. Louis | | \$610 | \$300 | | \$395 | \$190 | |
| 2010 | Townsend and Townsend and Crew | San Francisco, CA | \$320 | \$750 | \$470 | \$563 | \$460 | \$260 | \$345 |
| 2010 | Troutman Sanders | Atlanta | | | | | | | |
| 2010 | Ulmer & Berne | Cleveland | | \$665 | \$260 | | \$375 | \$185 | |
| 2010 | Vedder Price | Chicago | \$425 | \$720 | \$370 | \$483 | \$365 | \$255 | \$326 |
| 2010 | Venable | Washington | \$484 | \$950 | \$445 | \$590 | \$500 | \$280 | \$353 |

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| Fiscal Year | Firm Name | Location | Firmwide Average | Partner High | Partner Low | Partner Average | Associate High | Associate Low | Associate Average |
|-------------|---------------------------------------|-------------------|------------------|--------------|-------------|-----------------|----------------|---------------|-------------------|
| 2010 | Vorys, Sater, Seymour and Pease | Columbus, OH | | | | | | | |
| 2010 | Wachtell, Lipton, Rosen & Katz | New York | | | | | | | |
| 2010 | Weil, Gotshal & Manges LLP | New York | | | | | | | |
| 2010 | White and Williams | Philadelphia | | | | | | | |
| 2010 | Wildman, Harrold, Allen & Dixon LLP | Chicago | | | | | | | |
| 2010 | Wiley Rein | Washington | | | | | | | |
| 2010 | Williams Mullen | Richmond, Va. | \$368 | \$645 | \$315 | \$428 | \$370 | \$230 | \$279 |
| 2010 | Willkie Farr & Gallagher LLP | New York | | | | | | | |
| 2010 | Wilmer Cutler Pickering Hale and Dorr | Washington | | | | | | | |
| 2010 | Winstead | Dallas | \$395 | \$655 | \$340 | \$462 | \$390 | \$215 | \$291 |
| 2010 | Winston & Strawn | Chicago | \$486 | \$1,075 | \$475 | \$670 | \$610 | \$250 | \$393 |
| 2010 | Womble Carlyle Sandridge & Rice | Winston Salem, NC | \$372 | \$625 | \$300 | \$461 | \$445 | \$210 | \$291 |
| 2010 | Wyatt, Tarrant & Combs | Louisville, KY | | \$500 | \$245 | | \$285 | \$180 | |

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2010 NLJ Associate Class Billing Survey

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| Fiscal Year | Firm Name | Associate Class | | | | | | | |
|-------------|-------------------------------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | 1st year | 2nd year | 3rd year | 4th year | 5th year | 6th year | 7th year | 8th year |
| 2010 | Alston & Bird | \$270 - \$345 | \$330 - \$395 | \$365 - \$440 | \$395 - \$470 | \$420 - \$515 | \$445 - \$550 | \$470 - \$570 | |
| 2010 | Benesch, Friedlander, Coplan | \$195 | \$200 | \$215 | \$230 | \$240 | \$250 | \$275 | |
| 2010 | Blank Rome | \$250 - \$275 | \$260 - \$290 | \$280 - \$305 | \$325 - \$360 | \$345 - \$400 | \$370 - \$435 | \$390 - \$460 | \$410 - \$480 |
| 2010 | Brinks Hofer Gilson & Lione | \$240 | \$265 | \$285 | \$310 | \$340 | \$365 | \$390 | \$410 |
| 2010 | Brownstein Hyatt Farber Schreck | \$200 | | | | | | | |
| 2010 | Bryan Cave | \$185 - \$300 | \$215 - \$350 | \$250 - \$385 | \$275 - \$395 | \$300 - \$420 | \$275 - \$460 | \$330 - \$480 | \$340 - \$510 |
| 2010 | Curtis, Mallet-Prevost, Colt & | \$290 | \$335 | \$375 | \$415 | \$455 | \$495 | \$535 | \$575 |
| 2010 | Davis Wright Tremaine | \$190 - \$285 | \$205 - \$295 | \$225 - \$325 | \$235 - \$345 | \$245 - \$365 | \$265 - \$380 | \$285 - \$405 | \$295 - \$415 |
| 2010 | Dickinson Wright | \$190 | \$195 | \$205 | \$220 | \$230 | \$240 | \$250 | |
| 2010 | Dickstein Shapiro | \$265 - \$290 | \$325 - \$375 | \$375 - \$425 | \$375 - \$425 | \$425 - \$475 | \$425 - \$475 | \$475 - \$530 | \$475 - \$530 |
| 2010 | Dinsmore & Shohl | \$180 | \$190 | \$205 | \$220 | \$230 | \$240 | \$250 | 260 |
| 2010 | Edwards Angell Palmer & Dodge | 255 | 275 | | | | | | |
| 2010 | Fitzpatrick, Cella, Harper & Scinto | \$275 | \$300 | \$325 | \$350 | \$370 | \$385 | \$405 | \$420 |

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| Fiscal Year | Firm Name | Associate Class | | | | | | | |
|-------------|--|-----------------|-----------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | 1st year | 2nd year | 3rd year | 4th year | 5th year | 6th year | 7th year | 8th year |
| 2010 | Frost Brown Todd | \$150 | | | | | | | |
| 2010 | Gardere Wynne Sewell | 195 | 210 | 260 | 280 | 300 | 315 | 355 | 385 |
| 2010 | Harris Beach | \$155 | \$170 | \$200 | \$230 | \$230 | \$230 | \$250 | \$250 |
| 2010 | Hiscock & Barclay | \$150 - \$340 | \$150-340 | \$165 - \$360 | \$165 - \$360 | \$165 - \$360 | \$175 - \$380 | \$175 - \$380 | \$185 - \$440 |
| 2010 | Kelley Dye & Warren | \$305 | \$340 | \$370 | \$410 | \$435 | \$455 | \$485 | 510 |
| 2010 | Kipatrick Stockton | 250 | 275 | 310 | 325 | 335 | 360 | 375 | 385 |
| 2010 | Kiobbe Martens Olson & Bear | \$285 | \$310 | \$335 | \$360 | \$385 | | | |
| 2010 | Lindquist & Vennum | \$200 | \$210 | 225 | 235 | 245 | 260 | 265 | 290 |
| 2010 | Locke Lord Bissell & Liddell | \$215 | \$230 | \$253 | \$270 | \$300 | \$321 | \$349 | \$386 |
| 2010 | Loeb & Loeb | \$350 - \$375 | | | | | | | |
| 2010 | Maynard, Cooper & Gale | \$235 | \$235 | \$245 | \$255 | \$270 | \$280 | \$295 | |
| 2010 | McElroy, Deutsch, Mulvaney & McKenna | \$150 | \$175 | \$185 | \$195 | \$200 | \$205 | \$210 | \$220 |
| 2010 | McKenna Long & Aldridge | 279 | 312 | 325 | 346 | 363 | 381 | 382 | 415 |
| 2010 | Montgomery, McCracken, Walker & Morris | \$205 | \$215 | \$235 | \$255 | \$275 | \$295 | \$315 | \$335 |
| 2010 | Morris, Manning & Martin | \$200 | \$265 | \$310 | \$340 | \$365 | \$390 | \$415 | \$425 |

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| Fiscal Year | Firm Name | Apprentice Class | | | | | | | |
|-------------|--|------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | 1st year | 2nd year | 3rd year | 4th year | 5th year | 6th year | 7th year | 8th year |
| 2010 | Frost Brown Todd | \$150 | | | | | | | |
| 2010 | Gardere Wynne Sewell | 195 | 210 | 260 | 280 | 300 | 315 | 355 | 385 |
| 2010 | Harris Beach | \$155 | \$170 | \$200 | \$230 | \$230 | \$230 | \$250 | \$250 |
| 2010 | Hiscock & Barclay | \$150 - \$340 | \$150 - \$340 | \$165 - \$360 | \$165 - \$360 | \$165 - \$360 | \$175 - \$380 | \$175 - \$380 | \$185 - \$440 |
| 2010 | Kelley Dye & Warren | \$305 | \$340 | \$370 | \$410 | \$435 | \$455 | \$485 | 510 |
| 2010 | Kilpatrick Stockton | 250 | 275 | 310 | 325 | 335 | 360 | 375 | 385 |
| 2010 | Knobbe Martens Olson & Bear | \$285 | \$310 | \$335 | \$360 | \$385 | | | |
| 2010 | Lindquist & Vennum | \$200 | \$210 | 225 | 235 | 245 | 260 | 265 | 290 |
| 2010 | Locke Lord Bissell & Liddell | \$215 | \$230 | \$253 | \$270 | \$300 | \$321 | \$349 | \$386 |
| 2010 | Loeb & Loeb | \$350 - \$375 | | | | | | | |
| 2010 | Maynard, Cooper & Gale | \$235 | \$235 | \$245 | \$255 | \$270 | \$280 | \$295 | |
| 2010 | McElroy Deutsch, Mulvaney & Aldridge | \$150 | \$175 | \$185 | \$195 | \$200 | \$205 | \$210 | \$220 |
| 2010 | McKenna Long & Aldridge | 279 | 312 | 325 | 346 | 363 | 381 | 382 | 415 |
| 2010 | Montgomery, McCracken, Walker & Morris, Manning & Martin | \$205 | \$215 | \$235 | \$255 | \$275 | \$295 | \$315 | \$335 |
| 2010 | | \$200 | \$265 | \$310 | \$340 | \$365 | \$390 | \$415 | \$425 |

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| Fiscal Year | Firm Name | Associate Class | | | | | | | |
|-------------|-------------------------------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | 1st year | 2nd year | 3rd year | 4th year | 5th year | 6th year | 7th year | 8th year |
| 2010 | Patton Boggs | \$290 | \$315 | \$340 | \$370 | \$400 | \$425 | \$450 | \$480 |
| 2010 | Pepper Hamilton | \$230 | \$275 | \$300 | \$330 | \$355 | \$370 | \$385 | \$395 |
| 2010 | Perkins Cole | 272 | 290 | 306 | 337 | 345 | 372 | 391 | 436 |
| 2010 | Phillips Lytle | \$160 | \$170 | \$190 | \$195 | \$210 | \$225 | \$220 | 235 |
| 2010 | Quanes & Brady | \$210 - \$235 | \$220 - \$240 | | | | | | |
| 2010 | Saul Ewing | \$225 - \$235 | \$230 - \$260 | \$255 - \$275 | \$240 - \$315 | \$260 - \$285 | \$285 - \$300 | \$295 - \$425 | \$275 - \$320 |
| 2010 | Schutte Roth & Zabel | \$375 | \$445 | \$495 | \$540 | \$560 | \$580 | \$605 | \$625 |
| 2010 | Schwabe | | | | | | | | |
| 2010 | Williamson & Wyatt | \$200 | | | | | | | |
| 2010 | Sheppard, Mullin, Richter & Hampton | \$270 - \$335 | \$330 - \$430 | \$365 - \$475 | \$395 - \$510 | \$420 - \$540 | \$445 - \$565 | \$470 - \$595 | \$490 - \$620 |
| 2010 | Snell & Wilmer | \$185 | \$200 | \$225 | \$260 | \$285 | \$315 | \$350 | \$365 |
| 2010 | Strasburger & Price | \$200 | \$220 | \$240 | \$260 | \$280 | \$300 | \$320 | \$340 |
| 2010 | Sullivan & Worcester | \$290 | \$305 | \$330 | \$350 | \$370 | \$390 | \$425 | |
| 2010 | Thompson & Knight | \$265 | \$300 | \$330 | \$365 | \$385 | \$405 | \$425 | \$440 |
| 2010 | Townsend and | 260 | 290 | 325 | 370 | 390 | 420 | 450 | 460 |
| 2010 | Townsend and Crew | | | | | | | | |
| 2010 | Yedder Price | 225 | 270 | 290 | 310 | 325 | 345 | 360 | 380 |

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| Fiscal Year | Firm Name | Associate Class | | | | | | | |
|-------------|------------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | 1st year | 2nd year | 3rd year | 4th year | 5th year | 6th year | 7th year | 8th year |
| 2010 | Williams Mullen | \$230 | \$250 | \$265 | \$295 | \$295 | \$310 | \$345 | \$345 |
| 2010 | Winstead | \$215 | 215 | 227 | 260 | 280 | 300 | 325 | 350 |
| 2010 | Winston & Strawn | \$295 - \$320 | \$305 - \$335 | \$325 - \$365 | \$350 - \$400 | \$380 - \$440 | \$420 - \$480 | \$455 - \$520 | \$490 - \$555 |

SURVEYS AND RANKINGS

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- ▶ AM LAW 200
- ▶ AM LAW TECH A-LIST
- ▶ GLOBAL 100
- ▶ CORPORATE SCORECARD
- ▶ DEALMAKERS OF THE YEAR
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- ▶ DIVERSITY SCORECARD
- ▶ PRO BONO SCORECARD
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December 15, 2009 7:11 PM

Bankruptcy Rates Top \$1K Mark in 2008-09

Posted by Amy Kolz

CORRECTION: Our original report noted that Pleasantville, New York-based Alan Harris charged \$1,200 an hour for his work as special real estate litigation counsel on the bankruptcy of Digital Printing Systems in the Southern District of New York. That rate was a typo in Harris's March 24, 2009 application for final award of compensation. Harris's correct rate was \$120 an hour.

A review of bankruptcy rates in Delaware and the Southern District of New York shows that a handful of U.S.-based partners at Am Law 200 firms have inched above the \$1,000 rate barrier, making bankruptcy work as lucrative as it was plentiful in 2008 and 2009. Over a 12-month period ending August 2009, there were more than 13,000 billing rate entries submitted by law firms in the nation's two busiest bankruptcy courts, according to a new database compiled by ALM Media.

Among U.S.-based lawyers at Am Law 200 firms, Shearman & Sterling tax partner Bernie Pistillo topped the rate chart with an hourly fee of \$1,065 for his work on the bankruptcy of Stock Building Supply Holdings LLC, a building products supplier, in Delaware. Eleven other U.S.-based Am Law 200 partners were in the \$1,000-plus club, according to the database. Cadwalader, Wickersham & Taft financial restructuring cochair Deryck Palmer, a former Weil, Gotshal & Manges partner, billed Lyondell Chemical Company at a rate of \$1,050 for work on its 2009 bankruptcy. Greenberg Traurig bankruptcy cochair Bruce Zirinsky, who left Cadwalader last January, billed \$1,050 an hour as debtor's counsel for TG Agriculture and Nutrition LLC, as did White & Case global restructuring head Thomas Lauria for WCI Communities, Inc., and Robert Pincus, the head of the corporate practice in Skadden, Arps, Stea, Meagher & Flom's Wilmington office, for Hayes Lemmerz International Inc., an automotive wheel supplier.

Neal Toll, a Skadden ardent partner, and Sally Thurston, a Skadden tax staff, billed \$1,035 for work on the bankruptcies of VeraSun Energy Corporation and Hayes Lemmerz, respectively, while Latham Watkins corporate finance chair Kirk Davenport billed at \$1,025 an hour for Dayton Superior Corporation's filing. Paul, Weiss, Rifkind, Wharton & Garrison partners Carl Reinsner and Richard Bronstein billed at \$1,025 for the Buffets, Inc., bankruptcy. (Reinsner is cohead of the firm's M&A practice and Bronstein is cochair of its tax practice.) Simpson Thacher & Bartlett partners Lee Meyerson and litigator Michael Chelpano charged Lehman Brothers \$1,000 an hour on the sale of its brokerage to Barclays Bank PLC.

Absent from the \$1,000 club are Weil, Gotshal & Manges restructuring gurus Harvey Miller and Marcia Goldstein. Both clocked rates of \$950 an hour for their work on the Lehman Brothers and BearingPoint Inc. bankruptcies, respectively. Also, Kirkland & Ellis's James Sprayregen billed \$965 an hour for work on the bankruptcies of Lear Corporation and The Reader's Digest Association. And Jones Day partner Corinne Ball charged \$900 an hour for her work on Chrysler's filing.

Comparing the median partner rates among Am Law 200 firms in the database demonstrated that there are few bargains when it comes to Chapter 11 work. Among those charging median partner rates of more than \$900 an hour were: Cadwalader, Gentry Goodfriend Steen & Hamilton; Davis Polk & Wardwell; Milbank, Tweed, Hadley & McCloy; Paul Weiss; Shearman & Sterling; Simpson Thacher; and Skadden. Firms with median partner billing rates between \$800 and \$900 were Gibson Dunn, Fried Frank, Latham, Paul Hastings, Weil Gotshal, and White & Case. Firms billing \$700 or below were Akin Gump Strauss Hauser & Feld, Kirkland, Sidley Austin, and Sonnenschein Nath & Rosenthal. (Medians can be deceiving, since some firms, such as Kirkland, had a difference of more than \$500 between its highest- and lowest-rate partners.)



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The bankruptcy case with one of the highest median partner rates was Nortel Networks. The phone equipment maker paid firms such as Cleary and Kirkland a median partner rate of \$940. Firms working on the Lehman filing billed a median partner rate of \$810 during the time period, while firms working on the filing of Tribune Company billed a median of \$690, according to the database.

Associate rates occasionally topped \$700 an hour on bankruptcies including Lehman and Nortel Networks, as well as that of the lesser-known Sportsman's Warehouse. Discovery attorneys, research specialists, and benefits consultants sometimes billed between \$500 and \$800 on cases such as Nortel, Charter Communications, and Graphics Properties Holdings, Inc.

FIRM / MEDIAN PARTNER RATE*/ # PARTNERS FILING

Simpson Thacher / \$980 / 30

Cleary Gottlieb / \$960 / 47

Shearman & Sterling / \$950 / 17

Davis Polk / \$948 / 14

Skadden / \$945 / 38

Paul Weiss / \$925 / 24

Cadwalader / \$900 / 29

Milbank / \$900 / 55

Weil Gotshal / \$843 / 142

Gibson Dunn / \$840 / 29

Fried Frank / \$830 / 518

Latham & Watkins / \$830 / 57

White & Case / \$825 / 21

Paul Hastings / \$810 / 46

Sidley Austin / \$700 / 99

Akin Gump / \$690 / 79

Kirkland / \$675 / 149

Sonnenschein / \$625 / 47

*U.S.-based partners only.

The American Lawyer will publish a detailed analysis of the bankruptcy billing rates in its February 2010 issue.

Click here to order the Excel® version of the 2009 Bankruptcy Billing Rates Report.

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\$1,000 Per Hour Isn't Rare Anymore; Nominal billing levels rise, but discounts ease blow. The National Law Journal January 13, 2014 Monday

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THE NATIONAL
LAW JOURNAL

The National Law Journal

January 13, 2014 Monday

SECTION: NLJ'S BILLING SURVEY; Pg. 1 Vol. 36 No. 20

LENGTH: 1860 words

HEADLINE: \$1,000 Per Hour **Isn't Rare Anymore;**
Nominal billing levels rise, but discounts ease blow.

BYLINE: KAREN SLOAN

BODY:

As recently as five years ago, law partners charging \$1,000 an hour were outliers. Today, four-figure hourly rates for indemand partners at the most prestigious firms don't raise eyebrows-and a few top earners are closing in on \$2,000 an hour.

These rate increases come despite hand-wringing over price pressures from clients amid a tough economy. But everrising standard billing rates also obscure the growing practice of discounts, falling collection rates, and slow march toward alternative fee arrangements.

Nearly 20 percent of the firms included in The National Law Journal's annual survey of large law firm billing rates this year had at least one partner charging more than \$1,000 an hour. Gibson, Dunn & Crutcher partner Theodore Olson had the highest rate recorded in our survey, billing \$1,800 per hour while representing mobile satellite service provider LightSquared Inc. in Chapter 11 proceedings.

Of course, few law firm partners claim Olson's star power. His rate in that case is nearly the twice the \$980 per hour average charged by Gibson Dunn partners and three times the average \$604 hourly rate among partners at NLJ 350 firms. Gibson Dunn chairman and managing partner Ken Doran said Olson's rate is "substantially" above that of other partners at the firm, and that the firm's standard rates are in line with its peers.

"While the majority of Ted Olson's work is done under alternative billing arrangements, his hourly rate reflects his stature in the legal community, the high demand for his services and the unique value that he offers to clients given his extraordinary experience as a former solicitor general of the United States who has argued more than 60 cases before the U.S. Supreme Court and has counseled several presidents," Doran said.

In reviewing billing data this year, we took a new approach, asking each firm on the NLJ 350-our survey of the nation's 350 largest firms by attorney headcount-to provide their highest, lowest and average billing rates for associates and partners. We supplemented those data through public records. All together, this year's survey includes information for 159 of the country's largest law firms and reflects billing rates as of October.

The figures show that, even in a down economy, hiring a large law firm remains a pricey prospect. The median among the highest partner billing rates reported at each firm is \$775 an hour, while the median low partner rate is \$405. For associates, the median high stands at \$510 and the low at \$235. The average associate rate is \$370.

Multiple industry studies show that law firm billing rates continued to climb during 2013 despite efforts by corporate counsel to rein them in. TyMetrix's 2013 Real Rate Report Snapshot found that the average law firm billing rate increased by 4.8 percent compared with 2012. Similarly, the Center for the Study of the Legal Profession at the Georgetown University Law Center and Thomson Reuters Peer Monitor found that law firms increased their rates by an average 3.5 percent during 2013.

Of course, rates charged by firms on paper don't necessarily reflect what clients actually pay. Billing realization rates-which reflect the percentage of work billed at firms' standard rates- have fallen from 89 percent in 2010 to nearly 87 percent in 2013 on average, according to the Georgetown study. When accounting for billed hours actually collected by firms, the realization rate falls to 83.5 percent.

"What this means, of course, is that- on average-law firms are collecting only 83.5 cents for every \$1.00 of standard time they record," the Georgetown report reads. "To understand the full impact, one need only consider that at the end of 2007, the collected realization rate was at the 92 percent level."

In other words, law firms set rates with the understanding that they aren't likely to collect the full amount, said Mark Medice, who oversees the Peer Monitor Index. That index gauges the strength of the legal market according to economic indicators including demand for legal services, productivity, rates and expenses. "Firms start out with the idea of, 'I want to achieve a certain rate, but it's likely that my client will ask for discounts whether or not I increase my rate,'" Medice said.

Indeed, firms bill nearly all hourly work at discounts ranging from 5 percent to 20 percent off standard rates, said Peter Zeughauser, a consultant with the Zeughauser Group. Discounts can run as high as 50 percent for matters billed under a hybrid system, wherein a law firm can earn a premium for keeping costs under a set level or for obtaining a certain outcome, he added. "Most firms have gone to a two-tier system, with what is essentially an aspirational rate that they occasionally get and a lower rate that they actually budget for," he said.

Most of the discounting happens at the front end, when firms and clients negotiate rates, Medice said. But additional discounting happens at the billing and collections stages. Handling alternative fee arrangements and discounts has become so complex that more than half of the law firms on the Am Law 100-NLJ affiliate The American Lawyer's ranking of firms by gross revenue-have created new positions for pricing directors, Zeughauser said.

THE ROLE OF GEOGRAPHY

Unsurprisingly, rates vary by location. Firms with their largest office in New York had the highest average partner and associate billing rates, at \$882 and \$520, respectively. Similarly, TyMetrix has reported that more than 25 percent of partners at large New York firms charge \$1,000 per

hour or more for contracts and commercial work.

Washington was the next priciest city on our survey, with partners charging an average \$748 and associates \$429. Partners charge an average \$691 in Chicago and associates \$427. In Los Angeles, partners charge an average \$665 while the average associate rate is \$401.

Pricing also depends heavily on practice area, Zeughauser and Medice said. Bet-the-company patent litigation and white-collar litigation largely remain at premium prices, while practices including labor and employment have come under huge pressure to reduce prices.

"If there was a way for law firms to hold rates, they would do it. They recognize how sensitive clients are to price increases," Zeughauser said. But declining profit margins—due in part to higher technology costs and the expensive lateral hiring market—mean that firms simply lack the option to keep rates flat, he said.

BILLING SURVEY METHODOLOGY

The National Law Journal's survey of billing rates of the largest U.S. law firms provides the high, low and average rates for partners and associates.

The NLJ asked respondents to its annual survey of the nation's largest law firms (the NLJ 350) to provide a range of hourly billing rates for partners and associates as of October 2013.

For firms that did not supply data to us, in many cases we were able to supplement billing-rate data derived from public records.

In total, we have rates for 159 of the nation's 350 largest firms.

Rates data include averages, highs and low rates for partners and associates. Information also includes the average full-time equivalent (FTE) attorneys at the firm and the city of the firm's principal or largest office.

We used these data to calculate averages for the nation as a whole and for selected cities.

Billing Rates at the Country's Priciest Law Firms

Here are the 50 firms that charge the highest average hourly rates for partners.

Billing Rates at the Country's Priciest Law Firms

| FIRM NAME | LARGEST U.S. OFFICE* | AVERAGE FULL-TIME EQUIVALENT ATTORNEYS* | PARTNER HOURLY RATES | ASSOCIATE HOURLY RATES | | | | |
|---|----------------------------|--|----------------------------|------------------------------|-------|---------|-------|-------|
| | | | AVERAGE | HIGH | LOW | AVERAGE | HIGH | LOW |
| * Full-time equivalent attorney numbers and the largest U.S. office are from the NLJ 350 published in April 2013. For complete numbers, please see NLJ.com . | | | | | | | | |
| ** Firm did not exist in this form for the entire year. | | | | | | | | |
| Debevoise & Plimpton | New York | 615 | \$1,055 | \$1,075 | \$955 | \$490 | \$760 | \$120 |
| Paul, Weiss, | New York | 803 | \$1,040 | \$1,120 | \$760 | \$600 | \$760 | \$250 |

| | | | | | | | | | |
|--|------------------|-------|---------|---------|-------|-------|---------|-------|--|
| Rifkind, Wharton & Garrison | | | | | | | | | |
| Skadden, Arps, Slate, Meagher & Flom | New York | 1,735 | \$1,035 | \$1,150 | \$845 | \$620 | \$845 | \$340 | |
| Fried, Frank, Harris, Shriver & Jacobson | New York | 476 | \$1,000 | \$1,100 | \$930 | \$595 | \$760 | \$375 | |
| Latham & Watkins | New York | 2,033 | \$990 | \$1,110 | \$895 | \$605 | \$725 | \$465 | |
| Gibson, Dunn & Crutcher | New York | 1,086 | \$980 | \$1,800 | \$765 | \$590 | \$930 | \$175 | |
| Davis Polk & Wardwell | New York | 787 | \$975 | \$985 | \$850 | \$615 | \$975 | \$130 | |
| Willkie Farr & Gallagher | New York | 540 | \$950 | \$1,090 | \$790 | \$580 | \$790 | \$350 | |
| Cadwalader, Wickersham & Taft | New York | 435 | \$930 | \$1,050 | \$800 | \$605 | \$750 | \$395 | |
| Weil, Gotshal & Manges | New York | 1,201 | \$930 | \$1,075 | \$625 | \$600 | \$790 | \$300 | |
| Quinn Emanuel Urquhart & Sullivan | New York | 697 | \$915 | \$1,075 | \$810 | \$410 | \$675 | \$320 | |
| Wilmer Cutler Pickering Hale and Dorr | Washington | 961 | \$905 | \$1,250 | \$735 | \$290 | \$695 | \$75 | |
| Dechert | New York | 803 | \$900 | \$1,095 | \$670 | \$530 | \$735 | \$395 | |
| Andrews Kurth | Houston | 348 | \$890 | \$1,090 | \$745 | \$528 | \$785 | \$265 | |
| Hughes Hubbard & Reed | New York | 344 | \$890 | \$995 | \$725 | \$555 | \$675 | \$365 | |
| Irell & Manella | Los Angeles | 164 | \$890 | \$975 | \$800 | \$535 | \$750 | \$395 | |
| Proskauer Rose | New York | 746 | \$880 | \$950 | \$725 | \$465 | \$675 | \$295 | |
| White & Case | New York | 1,900 | \$875 | \$1,050 | \$700 | \$525 | \$1,050 | \$220 | |
| Morrison & Foerster | San Francisco | 1,010 | \$865 | \$1,195 | \$595 | \$525 | \$725 | \$230 | |
| Pillsbury Winthrop Shaw Pittman | Washington | 609 | \$865 | \$1,070 | \$615 | \$520 | \$860 | \$375 | |
| Kaye Scholer | New York | 414 | \$860 | \$1,080 | \$715 | \$510 | \$680 | \$320 | |
| Kramer Levin Naftalis & Frankel | New York | 320 | \$845 | \$1,025 | \$740 | \$590 | \$750 | \$400 | |
| Hogan Lovells | Washington | 2,280 | \$835 | \$1,000 | \$705 | - | - | - | |

| | | | | | | | | |
|--|----------------|-------|-------|---------|-------|-------|-------|-------|
| Kasowitz, Benson, Torres & Friedman | New York | 365 | \$835 | \$1,195 | \$600 | \$340 | \$625 | \$200 |
| Kirkland & Ellis | Chicago | 1,517 | \$825 | \$995 | \$590 | \$540 | \$715 | \$235 |
| Cooley | Palo Alto | 632 | \$820 | \$990 | \$660 | \$525 | \$630 | \$160 |
| Arnold & Porter | Washington | 748 | \$815 | \$950 | \$670 | \$500 | \$610 | \$345 |
| Paul Hastings | New York | 899 | \$815 | \$900 | \$750 | \$540 | \$755 | \$335 |
| Curtis, Mallet- Prevost, Colt & Mosle | New York | 322 | \$800 | \$860 | \$730 | \$480 | \$785 | \$345 |
| Winston & Strawn | Chicago | 842 | \$800 | \$995 | \$650 | \$520 | \$590 | \$425 |
| Bingham McCutchen | Boston | 900 | \$795 | \$1,080 | \$220 | \$450 | \$605 | \$185 |
| Akin Gump Strauss Hauer & Feld | Washington | 806 | \$785 | \$1,220 | \$615 | \$525 | \$660 | \$365 |
| Covington & Burling | Washington | 738 | \$780 | \$890 | \$605 | \$415 | \$565 | \$320 |
| King & Spalding | Atlanta | 838 | \$775 | \$995 | \$545 | \$460 | \$735 | \$125 |
| Norton Rose Fulbright | N/A** | N/A** | \$775 | \$900 | \$525 | \$400 | \$515 | \$300 |
| DLA Piper | New York | 4,036 | \$765 | \$1,025 | \$450 | \$510 | \$750 | \$250 |
| Bracewell & Giuliani | Houston | 432 | \$760 | \$1,125 | \$575 | \$440 | \$700 | \$275 |
| Baker & McKenzie | Chicago | 4,004 | \$755 | \$1,130 | \$260 | \$395 | \$925 | \$100 |
| Dickstein Shapiro | Washington | 308 | \$750 | \$1,250 | \$590 | \$475 | \$585 | \$310 |
| Jenner & Block | Chicago | 432 | \$745 | \$925 | \$565 | \$465 | \$550 | \$380 |
| Jones Day | New York | 2,363 | \$745 | \$975 | \$445 | \$435 | \$775 | \$205 |
| Manatt, Phelps & Phillips | Los Angeles | 325 | \$740 | \$795 | \$640 | - | - | - |
| Seward & Kissel | New York | 152 | \$735 | \$850 | \$625 | \$400 | \$600 | \$290 |
| O'Melveny & Myers | Los Angeles | 738 | \$715 | \$950 | \$615 | - | - | - |
| McDermott Will & Emery | Chicago | 1,024 | \$710 | \$835 | \$525 | - | - | - |
| Reed Smith | Pittsburgh | 1,468 | \$710 | \$945 | \$545 | \$420 | \$530 | \$295 |
| Dentons | N/A** | N/A** | \$700 | \$1,050 | \$345 | \$425 | \$685 | \$210 |
| Jeffer Mangels Butler & Mitchell | Los Angeles | 126 | \$690 | \$875 | \$560 | - | - | - |
| Sheppard, | Los | 521 | \$685 | \$875 | \$490 | \$415 | \$535 | \$275 |

Mullin, Richter Angeles
& Hampton

Alston & Bird Atlanta 805 \$675 \$875 \$495 \$425 \$575 \$280

THE FOUR-FIGURE CLUB

These 10 firms posted the highest partner billing rates.

THE FOUR-FIGURE CLUB

| | |
|--|---------|
| Gibson, Dunn & Crutcher | \$1,800 |
| Dickstein Shapiro | \$1,250 |
| Wilmer Cutler Pickering Hale and Dorr | \$1,250 |
| Akin Gump Strauss Hauer & Feld | \$1,220 |
| Kasowitz, Benson, Torres & Friedman | \$1,195 |
| Morrison & Foerster | \$1,195 |
| Skadden, Arps, Slate, Meagher & Flom | \$1,150 |
| Baker & McKenzie | \$1,130 |
| Bracewell & Giuliani | \$1,125 |
| Paul, Weiss, Rifkind, Wharton & Garrison | \$1,120 |

Contact Karen Sloan at ksloan@alm.com

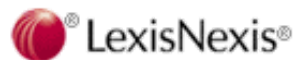
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GUTRIDE SAFIER LLP

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Co-Lead Interim Class Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Case No. 4:24-cv-03229-HSG (lead)

No. 4:24-cv-03612-SK

In re VNGR BEVERAGE, LLC
LITIGATION

DECLARATION OF SETH A. SAFIER IN
SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS AND
INCENTIVE AWARDS

Judge: Hon. Haywood S. Gilliam, Jr.
Courtroom: 2

1 I, Seth A. Safier, declare and state that:

2 1. I am an attorney licensed to practice law in the State of California and in this
3 Court, and a founding partner of Gutride Safier LLP (“GSLLP”). My firm is co-lead interim
4 counsel of record in the above captioned matter against VNGR Beverage Inc., d/b/a Poppi (“De-
5 fendant” or “Poppi”).

6 2. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs
7 and Incentive Awards. Unless otherwise noted, I have personal knowledge of the facts set forth in
8 this declaration and could and would testify competently to them if called upon to do so. I dis-
9 cuss, in the following order, (a) the history of this litigation, which includes a summary descrip-
10 tion of the legal services provided by GSLLP in this litigation to date; (b) the risks borne by
11 GSLLP; (c) the lodestar and out of pocket costs of GSLLP; and (d) justification of the requested
12 incentive awards for the class representatives.

13 **A. History of the Actions**

14 3. On June 14, 2024, the *Lesh* Plaintiffs, by and through their counsel, GSLLP, filed
15 a Class Action Complaint in the United States District Court for the Northern District of Califor-
16 nia (the “*Lesh* Action”) alleging claims for violations of the California Consumer Legal Reme-
17 dies Act, Civil Code § 1780, *et seq.* (“CLRA”), false advertising under California Business and
18 Professions Code § 17500, *et seq.*; unfair business practices under California Business and Pro-
19 fessions Code § 17200 *et seq.*; and fraud, seeking damages, an injunction and other relief. *Lesh*
20 Plaintiffs sought to pursue these claims on behalf of themselves and all purchasers of Poppi soda
21 products (the “Products”) in California and the United States (other than resellers) between June
22 14, 2020, and the present.

23 4. The *Lesh* Plaintiffs generally allege that unlawfully, misleadingly, and deceptively
24 marketed and labeled its Products as gut healthy based on the presence of putatively prebiotic fi-
25 ber and the Products’ sugar content.

26 5. GSLLP drafted and filed the *Lesh* complaint against Defendant and caused it to be
27 served. Prior to doing so, GSLLP spent time communicating with Plaintiffs and potential clients
28 concerning their claims and gathering documents and information. GSLLP also undertook

1 extensive pre-filing investigation, including without limitation, researching and reviewing pub-
2 licly available reports and research concerning inulin prebiotics; researching highly technical
3 FDA regulations; and researching publicly available information regarding Defendant, sales of its
4 Products, its business practices, and prior litigation involving it. Throughout this litigation,
5 GSLLP has continued to monitor, research, and review such materials. GSLLP also reviewed in-
6 formal discovery provided by Defendant concerning its amount of sales.

7 6. A substantially similar putative class action, involving the same questions of law
8 and fact, was previously filed in the Northern District of California, captioned *Cobbs v. VNGR*
9 *Beverage, LLC*, No. 4:24-cv-03229-HSG (the “*Cobbs Action*”). On June 25 and 27, 2024, the
10 Court entered orders relating and then consolidating the *Lesh Action* to the *Cobbs Action*, recap-
11 tioned as *In re VNGR Beverage LLC, Litigation* (the “*Consolidated Action*”), and set deadlines
12 for filing a consolidated amended complaint and related responsive filings.

13 7. On July 19, 2024, a third substantially similar putative class action, involving the
14 same questions of law and fact as in the Consolidated Action, was filed in the Northern District of
15 California, captioned *Wheeler v. VNGR Beverage LLC*, No. 4:24-cv-04396 (the “*Wheeler Ac-*
16 *tion*”).

17 8. On July 25, 2024, Plaintiffs in the *Cobbs* and *Lesh* Actions filed a Consolidated
18 Amended Complaint in the Consolidated Action.

19 9. On August 20, 2024, Plaintiffs in the *Cobbs*, *Lesh*, and *Wheeler* Actions filed a
20 Second Consolidated Amended Complaint in the Consolidated Action.

21 10. On August 21, 2024, the Court consolidated the *Wheeler Action* into the Consoli-
22 dated Action. The Court also appointed GSLLP and Bursor & Fisher, P.A., as co-lead Interim
23 Class Counsel in the Consolidated Action.

24 11. On September 23, 2024, Poppi filed a Motion to Dismiss the Second Consolidated
25 Amended Complaint under Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6). De-
26 fendant argued that 1) Plaintiffs failed to plausibly allege the products’ labeling was false and
27 misleading; 2) Plaintiffs failed to pled their fraud claims with the requisite particularity; 3) Plain-
28 tiffs failed to plead that a reasonable consumer would be misled; 4) the Products’ labeling does

1 not violate the Sherman law requirements; and 5) Plaintiffs' express warranty claim and unjust
2 enrichment claim fails for the same reasons.

3 12. Plaintiffs opposed the motion on October 21, 2024, and Defendant filed its reply
4 on November 12, 2024. The Court vacated the motion to dismiss hearing, scheduled for Decem-
5 ber 14, 2024, and took the motion under submission.

6 13. On December 4, 2024, the Parties attended an all-day private mediation with the
7 Honorable Judge Jay C. Gandhi (Ret.) at JAMS to achieve a global settlement. The Parties ac-
8 tively continued settlement discussions with Gandhi's oversight over the next few weeks. That
9 mediation resulted in the settlement memorialized in the Settlement Agreement.

10 14. GSLLP's prosecution of the *Lesh* Action has been diligent, efficient, and profes-
11 sional and the quality of the work that it has performed is evidenced by the substantial relief it has
12 obtained on behalf of the Class.

13 15. GSLLP assisted in preparing and filing an amended complaint that added all rele-
14 vant claims to allow for global resolution. ECF 54. GSLLP worked alongside co-counsel in prepar-
15 ing and filing a Motion for Approval of the Settlement and attended a hearing on preliminary
16 approval. ECF 55, 59. The Court granted Preliminary Approval on May 23, 2025. ECF 61.

17 16. Throughout the litigation, GSLLP has worked collaboratively with co-counsel.
18 Plaintiffs' Counsel were able to move the case forward and reached agreements to avoid disputes
19 over leadership. GSLLP worked closely with Plaintiffs' Counsel to delegate tasks among a small
20 number of attorneys who were familiar with the complex factual and legal issues in this litigation.
21 This resulted in an economy of service and avoided duplication of efforts.

22 17. Subsequently, GSLLP establish standardized procedures to ensure that all inquiries
23 from Class Members are timely and accurately handled. GSLLP then worked (and continues to
24 work) with the Claim Administrator to assure that the Settlement Website functions properly (i.e.,
25 is easy to use and properly designed). GSLLP worked (and continues to work) with the Claim
26 Administrator to assure that notice is disseminated in accordance with the Notice Plan provided in
27 the Settlement Agreement and the Court's May 23 Preliminary Approval Order. GSLLP receives
28 and reviews weekly updates from the Claim Administrator regarding the administration of the

1 settlement and claims filed. GSLLP will continue in this capacity should the Settlement be finally
 2 approved. GSLLP will prepare for and appear at the final approval hearing, including researching
 3 and drafting a reply memorandum and opposing objections, if any. If the Settlement is approved
 4 and fees awarded, GSLLP also will oppose any appeals that may be filed. Based on my experience
 5 with class actions, I additionally anticipate that there will be another 20-25 hours of work before
 6 the litigation is entirely complete and an estimated 75-100 hours of work if this Court's judgment
 7 is appealed.

8 18. A true and correct copy of GSLLP's current resume is attached as **Exhibit 1**. As
 9 can be seen from the resume, GSLLP has substantial experience in the litigation, certification, and
 10 settlement of class action cases. Indeed, as is further detailed in the resume, GSLLP has been ap-
 11 pointed as class counsel in more than 25 consumer cases and has overseen more than a dozen
 12 large class action settlements. Numerous judges in this District and other jurisdictions have com-
 13 mended GSLLP for its vigorous and effective advocacy and for the results achieved to curb false
 14 advertising and to recover damages and obtain injunctive relief to benefit consumers. Some of
 15 these commendations are recited in Exhibit 1.

16 19. Plaintiffs will request the actual amount of costs and expenses incurred in the Ac-
 17 tions currently in an amount not to exceed \$30,000,¹ and an award of attorneys' fees in the
 18 amount of \$2,670,000, and Incentive Awards for each of the named Plaintiffs of \$5,000. These
 19 payments will also be made out of the Settlement Fund.

20 **B. The Risks Borne by GSLLP**

21 20. In accepting this case, GSLLP bore risk. GSLLP took this case on a fully contingent
 22 basis, meaning that the firm was not paid for any time, and that it paid all costs and out of pocket
 23 expenses without any reimbursement to date. In evaluating the case at the outset, I concluded that
 24 there was a possibility that the total amount of class wide damages the firm would recover would
 25 be insufficient for GSLLP to be compensated for all the time it would expend, if GSLLP was limited
 26 to recovering a percentage of those class wide damages. However, because the statutes under which
 27

28 ¹ The precise number will be updated in Plaintiffs' reply memorandum in support of attorneys' fees, costs and incentive awards.

1 Plaintiffs would be suing authorized fee-shifting to a prevailing plaintiff who achieved a benefit for
2 the class members/general public (a.k.a. “private attorney general fees”), I concluded that GSLLP
3 could accept the engagement. Further, I recognized that GSLLP would be contributing a substantial
4 amount of time and advancing significant costs in prosecuting a class action, with no guarantee of
5 compensation or recovery, in the hopes of prevailing against a well-funded defense.

6 21. Because Defendant is represented by a large, highly-skilled and well-resourced liti-
7 gation firm, there is increased risk that Plaintiffs would not certify a class and/or receive a verdict
8 for the defense after a prolonged trial.

9 **C. Lodestar and Expenses for GSLLP**

10 22. Throughout the duration of this litigation, GSLLP has maintained contemporaneous
11 billing records for this case. Based on GSLLP’s time records, GSLLP has spent approximately 300
12 hours prosecuting this litigation, although some timekeepers have not yet input time for the current
13 month and their totals are current only through July 31, 2025. (Thus, this total does not include all
14 work preparing the motion for attorneys’ fees, costs and incentive awards and anticipated work
15 preparing the final approval settlement papers, the reply memorandum in support of motion attor-
16 neys’ fees, costs and incentive award, and additional work assisting with the administration of
17 claims.) The total number of hours, as well as the lodestar computed at our current rates, is shown
18 in the following table:

| Timekeeper | Hours | Rate | Total |
|------------------------|--------------|-------------|---------------------|
| Adam J. Gutride | 0 | \$1,550.00 | \$0.00 |
| Anthony Patek | 127.9 | \$1,410.00 | \$180,339.00 |
| Ashley Garcia | 2.8 | \$440.00 | \$1,232.00 |
| Fernanda Serrano | 2.8 | \$440.00 | \$1,232.00 |
| Hayley Reynolds | 14.5 | \$1,330.00 | \$19,285.00 |
| Kali Backer | 0.5 | \$1,420.00 | \$710.00 |
| Marie McCrary | 85.7 | \$1,470.00 | \$125,979.00 |
| Matt McCrary | 4.1 | \$1,470.00 | \$6,027.00 |
| Rachel Wilson | 6.2 | \$400.00 | \$2,480.00 |
| Rajiv Thairani | 0.8 | \$1,210.00 | \$968.00 |
| Seth A. Safier | 45.4 | \$1,550.00 | \$70,370.00 |
| Steven Raab | 0.7 | \$1,470.00 | \$1,029.00 |
| Sarah Foster | 0.4 | \$400.00 | \$160.00 |
| Madeleine Vera Wykstra | 0.2 | \$1,100.00 | \$220.00 |
| TOTAL | 292 | | \$410,031.00 |

23. The hourly rates shown for the attorneys and paralegals at GSLLP are the same as the regular rates charged for their services in other litigation. The persons shown above are all attorneys, except for Ashley Garcia, Fernanda Serrano, Sarah Foster and Rachel Wilson, who are paralegals.

24. The rates for the attorneys involved range from \$1100 to \$1550 per hour and for legal assistants is \$400 to \$440 per hour. The hourly rates charged by my firm have been deemed reasonable in connection with the approval of my firm's fee applications in approximately a dozen recent matters.

25. Most recently, on December 9, 2024, Judge Thompson approved GSLLP's rates in *Miller v. Travel Guard Grp., Inc.*, No. 21-cv-09751-TLT, 2024 U.S. Dist. LEXIS 238130, at *23

1 (N.D. Cal. Dec. 9, 2024) stating that the rates “are commensurate with their experience and with
2 the legal market in this district.”

3 26. Similarly, on October 29, 2024, Judge Tigar approved GSLLP’s rates in *Elgindy v.*
4 *AGA Serv. Co.*, No. 20-cv-06304-JST, 2024 U.S. Dist. LEXIS 196527, at *29 (N.D. Cal. Oct. 29,
5 2024).

6 27. On December 7, 2021, Judge Freeman approved GSLLP’s rates in *Taylor v. Shut-*
7 *terfly, Inc.*, No. 5:18-cv-00266-BLF, 2021 U.S. Dist. LEXIS 237069, at *25 (N.D. Cal. Dec. 7,
8 2021) stating that the “rates charged are reasonable and commensurate with those charged by at-
9 torneys with similar experience who appear in this Court.”

10 28. On March 24, 2021, Judge Walrath (of the Bankruptcy Court for the District of Del-
11 aware) approved a 40% attorney fee for GSLLP and co-counsel in *In re The Hertz Corporation, et*
12 *al.*, Case No. 20-bk-11247-MFW (Bankr. Del.) (ECF No. 178), noting that “the hourly rates
13 charged were reasonable and commensurate with market rates charged by others with similar skills
14 and experience.”

15 29. On March 24, 2021, Judge Wilken approved GSLLP’s rates in *McArdle v. AT&T*
16 *Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal.) (ECF No. 409), stating that the “rates
17 charged are reasonable and commensurate with those charged by attorneys with similar experience
18 who appear in this Court.”

19 30. On June 22, 2020, Judge Ryu in *Carlotti v. Asus Computer International, Inc.*, Case
20 No. 18-cv-03369-DMR (ECF No. 86) reviewed, in detail, GSLLP’s 2019 billing rates and approved
21 them as “reasonable within the context of this case.”

22 31. On October 13, 2019, Judge Edward Davila entered an order approving of GSLLP’s
23 2019 rates as reasonable in *Fitzhenry-Russell v. The Coca-Cola Company*, Case No. 5:17-cv-
24 00603-EJD (ECF No. 95) stating “[f]or attorneys and staff at the Gutride Safier firm, these hourly
25 rates are equal to market rates in San Francisco for attorneys of Plaintiffs’ Counsel’s background
26 and experience.”

27 32. On September 5, 2019, Judge Sontchi in *In re Arctic Sentinel, Inc., et al.*, Case No.
28 15-12465 (Bankr. Del.) (ECF No. 1331) entered an order approving of GSLLP’s 2018 billing rates

1 as “reasonable and commensurate with market rates charged by others with similar skills and ex-
2 perience.”

3 33. On April 10, 2019, Judge Cousins in *Fitzhenry-Russell et al. v. Dr Pepper Snapple*
4 *Group, Inc. et al.* 5:17-cv-00564 entered an order approving of GSLLP’s regular 2018 billing rates.

5 34. On March 29, 2019, in *Pettit et al. v. Procter & Gamble Co.*, Case No. 3:15-cv-
6 02150-RS, and on August 29, 2018, in *Koller et al. v. Med Foods, Inc., et al.*, Case No. 3:14-CV-
7 2400-RS, Judge Richard Seeborg entered orders approving of GSLLP’s regular 2018 billing rates
8 as “reasonable” and as “commensurate with those charged by attorneys with similar experience
9 who appear in this Court.”

10 35. On March 16, 2018, Judge Winifred Smith of the Alameda County Superior Court
11 entered an order approving of GSLLP’s regular 2017 hourly billing rates as “on par with those of
12 other attorneys of [GSLLP’s] skill and experience in the San Francisco Bay Area” in *Kumar v.*
13 *Safeway, Inc.*, Case No. RG 14726707.

14 36. GSLLP’s regular 2017 hourly billing rates were also approved on July 7, 2017 by
15 Judge Gonzales Rogers in *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411 (N.D.Cal.)
16 (ECF No. 173) and on December 5, 2017, this Court in *Rainbow Business Solutions v. MBF Leas-*
17 *ing*, Case No. 10-cv-1993 (N.D.Cal.) (ECF No. 729).

18 37. On February 24, 2016, Judge Peter Kirwan of the Santa Clara County Superior Court
19 approved rates GSLLP’s 2015 rates of \$825 for Adam Gutride and \$800 for me in *Mackinnon v.*
20 *IMVU, Inc.*, Case No. 111 CV 193767.

21 38. On February 20, 2015, Judge Laurel Beeler entered an order approving of GSLLP’s
22 2014 rates as reasonable in *Miller, et al. v. Ghirardelli Chocolate Company*, Case No. 12-cv-04936-
23 LB (N.D. Cal. Feb. 20, 2015) (ECF No. 170).

24 39. Each of the lawyers who did substantive work on the case graduated from top law
25 schools; and the key players have over 20 years of litigation experience. I am a 1998 graduate
26 from Harvard Law School. Mr. Gutride is a 1994 graduate from Yale Law School. Ms. McCrary
27 is a 2008 graduate from New York University Law School. Anthony Patek is a 2003 graduate
28 from University of California, Berkeley School of Law. The background and qualifications of

1 each of the other GSLLP attorneys who did substantive work on the case is provided in the firm
2 resume attached as Exhibit 1.

3 40. Mr. Gutride and I were previously attorneys at the law firm of Orrick Herrington &
4 Sutcliffe. It is my understanding that attorneys at that firm in the litigation departments, with the
5 same number of years of experience as myself and Mr. Gutride are currently billing at hourly rates
6 in excess of \$1,200 for law school graduates from 1994 and 1998. Similarly, the billing rates of
7 Mr. McCrary, Ms. McCrary, Mr. Patek, Ms. Reynolds, and Mr. Thairani would all be higher had
8 they remained at their prior firms, which include Baker & McKenzie, Quinn Emanuel, Dorsey &
9 Whitney, Cooley LLP, O'Melveny & Myers, and Latham & Watkins. I believe that my firm's
10 hourly rates are equal to or below market for attorneys with similar backgrounds and experience.

11 41. Expenses are accounted for and billed separately and are not duplicated in GSLLP's
12 professional billing rate. GSLLP has not received reimbursement for expenses incurred in connec-
13 tion with this litigation. At the time of filing the Plaintiffs' Motion for Attorneys' Fees, Costs and
14 Incentive Awards has incurred a total of \$3732.66 in unreimbursed third-party expenses in connec-
15 tion with the prosecution of this Action. The expenses incurred in the prosecution of these cases
16 are reflected on the computerized accounting records of my firm prepared by bookkeeping staff,
17 based on receipts and check records, and accurately reflect all expenses incurred. We anticipate
18 additional expenses not yet invoiced or paid, including expenses for additional travel, further re-
19 search, and additional postage. An accounting of all expenses is attached as **Exhibit 2**.

20 **D. Incentive Awards to Plaintiffs**

21 42. Plaintiffs are requesting Incentive Awards of \$5,000.00 for each named Plaintiff.
22 Plaintiffs took on substantial risk, most importantly the risk of publicity and notoriety and the risk
23 of bearing Defendant's costs should the litigation have been ultimately unsuccessful. Indeed, this
24 case received significant media attention from media outlets including ABC News, NBC News,
25 Today, The Independent, Food & Wine, Delish, Eating Well, and several local news agencies.

26 43. Plaintiffs stayed in contact and worked with GSLLP throughout over a year of liti-
27 gation during which they provided assistance that enabled GSLLP to successfully prosecute this
28 litigation and reach a settlement, including locating and forwarding responsive documents and

1 information. Plaintiffs participated and helped obtain relief for the entire Class even though their
2 individual damages were relatively modest and they had little to gain. In my opinion, Plaintiffs'
3 participation in this litigation has been exemplary.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true of my own personal knowledge.

6 Executed at San Francisco, California, this 12th day of August 2025.

7 

8 Seth A. Safier (Aug 12, 2025 15:53:25 PDT)

9 Seth A. Safier, Esq.

GUTRIDE SAFIER LLP RESUME

Gutride Safier LLP represents investors, small businesses, consumers and employees in a wide-array of class action litigation throughout the country. The attorneys of GSLLP are skilled litigators with years of experience at all levels of federal and state court. GSLLP is based in San Francisco, California, and has office addresses in Seattle, Washington and Boulder, Colorado. Members of the firm are licensed to practice in California, Texas, Colorado, New York, Massachusetts, Oregon, Washington, and the District of Columbia.

As described in detail below, GSLLP attorneys have represented consumers and small businesses in appeals to the Ninth Circuit (Section A), have obtained important victories on legal issues at the district court level (Section B), achieved settlements in class action cases to make available to class members over \$500 million in cash and other settlement benefits (Section C), and have won praise from numerous judges (Section D). As shown in the individual attorney biographies, GSLLP attorneys have strong academic credentials and extensive experience litigating complex cases (Section E). GSLLP has been appointed as class counsel in over a dozen cases (Appendix A) and is currently counsel for plaintiffs in many other cases asserting class claims that have not yet been certified in both federal and state court (Appendix B).

A. Key Appellate Cases

- ***Briskin v. Shopify Inc. et al.*, Case No. 22-15815 (9th Cir. April 21, 2025)** The Ninth Circuit *en banc* panel held that knowingly and intentionally placing internet tracking cookies on a website user's device was sufficient to subject the company to personal jurisdiction in the forum where the website user resides.
- ***Davidson, et al. v. Sprout Foods Inc.*, Case No. 22-16656 (9th Cir. June 28, 2024) (certiorari denied April 22, 2025)** The Ninth Circuit ruled in favor of our client, reversing the district court. It held that federal law **did not preempt private enforcement** of the Sherman Law's labeling requirements.
- ***McArdle v. AT&T Mobility LLC, et al.*, 772 F. App'x 575, No. 17-17246 (9th Cir. June 28, 2019) (certiorari denied June 1, 2020)** The Ninth Circuit ruled in favor of our client, affirming the district court order that invalidated AT&T's arbitration agreement, pursuant to *McGill v. Citibank, N.A.*, 2 Cal. 5th 945 (2017), because the provision contained a public injunctive relief waiver. The Ninth Circuit held that **the Federal Arbitration Act did not preempt California's McGill rule** and that AT&T's arbitration agreement was null and void in its entirety.
- ***Davidson v. Kimberly-Clark Corp.*, 873 F.3d 1103 (9th Cir. 2017)** The Ninth Circuit ruled in favor of our client, reversing the district court. It held that our client had **Article III standing to seek injunctive relief** regarding the false labeling of "flushable wipes," even though she was already on notice of the misrepresentation. This ruling resolved a split among the district courts. The *en banc* petition was denied.
- ***Just Film, Inc. v. Buono*, 847 F.3d 1108 (9th Cir. 2017)** The Ninth Circuit ruled in favor of our client, affirming the district court order certifying two nationwide classes of small business owners defrauded in a scheme that involved equipment leases and credit card processing services. The Ninth Circuit **upheld certification despite differences** between claims of named plaintiffs and certain absent class members and even though assessment of damages would require individual inquiry.
- ***Just Film, Inc. v. Merch. Servs., Inc.*, 474 F. App'x 493 (9th Cir. 2012)** The Ninth Circuit ruled in favor of our client, affirming a district court's order issuing a **preliminary injunction prior to class certification**, to prevent further collection activities

in connection with equipment leases. The Ninth Circuit held that the district court “did not abuse its discretion by finding sufficient evidence to support its preliminary injunction, which was carefully tailored to maintain the status quo where class certification is pending and the plaintiff has shown that a class-wide injunction is necessary to remedy the alleged class-wide harm.”

- ***Stearns v. Ticketmaster Corp.*, 655 F.3d 1013 (9th Cir. 2011)**
The Ninth Circuit ruled in favor of our clients, reversing district court orders that had dismissed certain claims and denied class certification on other claims. The Ninth Circuit held that our clients had pled viable claims that they were deceived into registering for a coupon program with a paid monthly subscription by a website “click through” and that the defendant was liable to all consumers, even those who may have wanted to enroll. The Court held that a showing of class-wide reliance was not required for certification of a UCL claim and established the standard that “California has created what amounts to a conclusive presumption that **when a defendant puts out tainted bait and a person sees it and bites, the defendant has caused an injury**; restitution is the remedy.”
- ***Chavez v. Blue Sky Nat. Bev. Co.*, 340 F. App’x 359 (9th Cir. 2009)**
The Ninth Circuit ruled in favor of our client, reversing a district court order that had dismissed a case involving soda labeling. The Ninth Circuit **recognized the “benefit of the bargain” theory for standing in consumer class actions** and held that plaintiff stated a claim based on his allegations that “he purchased beverages that he otherwise would not have purchased in absence of the alleged misrepresentations [and] lost the purchase price, or part thereof, that he paid for those beverages.” After the case was remanded, it was eventually certified and became one of the first food and beverage labeling cases certified in the Northern District of California. *Chavez v. Blue Sky Natural Beverage Co.*, 268 F.R.D. 365 (N.D.Cal. 2010) (certifying nationwide class).

B. Selection of Important District Court Cases

- **Dismissal of Anticompetitive Claims Against Small Business Owners.**
GSLLP represented Veronica Foods, a small local distributor of “Ultra-Premium” olive oils, in a lawsuit filed by the North American Olive Oil Association, representing large olive oil producers, accusing Veronica Foods and its retailers of defaming the NAOOA and its members in *North American Olive Oil Association v. D’Avolio et al.*, No. 16-cv-06986 (E.D.N.Y. Dec. 19, 2016). The district court agreed with Defendants’ arguments that Veronica Foods’ “UP” mark was not misleading, and that the NAOOA had failed to state any facts supporting its contention that Veronica Foods’ advertisements disparaged the NAOOA or its members. Judge Feuerstein granted Veronica’s motion to dismiss with prejudice and without leave to amend. (Dkt. #70).
- **Denial of Motions for Summary Judgment by Peter Thomas Roth.**
GSLLP represented consumers in a case for fraud, false advertising, and unfair competition against prestige cosmetic company Peter Thomas Roth, based on false claims in its advertising for its Water Drench and Rose Stem Cell product lines in *Kari Miller and Samantha Paulson v. Peter Thomas Roth LLC and Peter Thomas Roth Labs LLC*, No. 19-cv-00698 (N.D. Cal. Dec. 19, 2016). Noting the “helpful” expert reports submitted by plaintiffs’ expert Michael Pirrung, Ph.D., the district court held that plaintiffs had presented sufficient evidence of a proper jury question as to (i) whether hyaluronic acid absorbs 1,000 times its weight in water and (ii) whether the rose stem cell products help regenerate and repair human skin. Judge Alsup denied in relevant part both PTR’s motions for summary judgment. *Miller v. Peter Thomas Roth*, No. 19-cv-0698 (Dkt. #104).

- **Certification of Nationwide Settlement Class.**

GSLLP represented consumers in the first, or nearly the first, case to propose a methodology for establishing predominance in a nationwide class settlement after the Ninth Circuit's decision in *In re Hyundai and Kia Fuel Economy Litig.*, No. 15-65014 (9th Cir. Jan. 23, 2018). The district court accepted the methodology and certified a nationwide class where the class representatives were from a variety of states that collectively represented the variations among the laws of all states. Judge Seeborg granted final approval of the settlement. *Koller v. Med Foods, Inc.*, No. 14-cv-02400-RS (Dkt. #169).

- **Arbitration and Public Injunctive Relief.**

GSLLP represented consumers in the first, or nearly the first, case to apply *McGill v. Citibank*, N.A., 2 Cal. 5th 945 (2017) to invalidate an arbitration agreement that contained a waiver of public injunctive relief. *McArdle v. AT&T Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal) (Dkt. #287). This was also the first case to rule that AT&T's arbitration provision was invalid, after the U.S. Supreme Court had upheld the enforceability of that exact provision, on other grounds, in an earlier case. *AT&T Mobility LLC v. Concepcion*, 563 U.S. 333 (2011) (examining class action waiver). The district court held in *McArdle* that, despite *Concepcion*, the *McGill* ruling was not preempted by the Federal Arbitration Act, and it invalidated the arbitration agreement which purported to waive public injunctive relief in all forums.

- **Pleading and Certification of Claims Where Product Quality Varies.**

GSLLP represented consumers in two cases that were the first (or among the first) in the Northern District of California in which courts found that the named plaintiffs had standing, and then later, met the requirements for class certification, where the plaintiffs had alleged that some, but not necessarily all, of the products (olive oil) failed to meet the represented grade (extra virgin). In *Koller v. Med Foods, et al.*, 3:14-cv-02400-RS (N.D. Cal. Jan. 6, 2015) (Dkt. #49), the defendant moved to dismiss based on its argument that the plaintiff lacked standing because he did not allege he tested the quality of the olive oil that he purchased and it was theoretically possible that the oil he purchased met the standard for extra virgin. The court rejected the argument, finding that "[i]n the event [plaintiff] is able to prove his allegations that the oil generally does not warrant that label because of its quality when first bottled and/or because of [defendant's] packaging and handling practices, it would hardly be a defense that some bottles may nevertheless meet the minimum standards when purchased." *Id.* at 6; *see also Kumar v. Salov N. Am. Corp.*, No. 14-CV-2411-YGR, 2015 U.S. Dist. LEXIS 12790, at *13 (N.D. Cal. Feb. 3, 2015) (denying dismissal based on standing and holding that "[w]hether some bottle of olive oil might not have degraded, despite the mixing, packaging, and shipping defects alleged, does not defeat the claim."). The defendant in one of the cases raised similar unsuccessful arguments in opposition to certification. *Koller v. Med Foods, Inc.*, No. 14-cv-02400-RS, 2017 U.S. Dist. LEXIS 141025, at *6 (N.D. Cal. Aug. 24, 2017) (finding common questions predominate and rejecting defendant's argument that "putative class member only has claims if the specific bottle he or she purchased no longer met EVOO standards, and as a result, the liability inquiry is inherently individual and not subject to class-wide resolution").

C. Examples of Class Settlements Obtained by GSLLP

- *Miller, et al. v. Travel Guard Group, Inc., et al.*, Case No. 3:21-cv-09751 (N.D. Cal.) (Dkt. No. 209) (plaintiffs allege violations of consumer protection laws regarding hidden fees associated with travel insurance and assistance related to the travel insurance service)
- *Elgindy, et al. v. AGA Service Co. et al.*, Case No. 4:20-cv-06304 (N.D. Cal.) (Dkt. No. 152) (plaintiffs alleged that defendants engaged in deceptive, unfair, and unlawful acts and

practices in charging consumers hidden fees in connection with travel insurance and event ticket insurance)

- *Marek v. Molson Coors Beverage Company et al.*, Case No. 3:2021-cv-07174 (Dkt. No. 77) (plaintiff alleged that Vizzy brand hard seltzer beverages were unlawfully and misleadingly labeled as “with antioxidant vitamin C from acerola superfruit.”)
- *Taylor v. Shutterfly Inc.*, Case No. 5:18-cv-00266 (N.D. Cal.) (Dkt. No. 106) (plaintiff alleged violations of consumer protection laws related to defendants’ deceptive, unfair, and unlawful acts and practices in selling Groupon deals for the purchase of photo products)
- *In re The Hertz Corporation, et al.*, Case No. 20-bk-11247-MFW (Del.) (Dkt. No. 179) (plaintiff alleges violations of consumer protection laws related to Hertz, Dollar, Thrifty and Firefly brand rental cars advertising in rates in U.S. dollars during the online reservation process and advertising insurance as “optional,” but converting the cost to pesos at an inflated exchange rate and charging a mandatory insurance fee when consumers pick up the cars in Mexico)
- *McArdle v. AT&T Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal.) (Dkt. #409) (international roaming rates) (current customers choice of automatic free day of international roaming or up to \$50 account credit and former customers up to \$50 cash refund)
- *Carlotti v. ASUS Computer International, et al.*, Case No. 4:18-cv-03369-DMR (N.D. Cal. June 22, 2020) (Dkt. #86) (gaming laptops) (choice of \$210 credit certificate or \$110 cash (or choice of \$105 credit or \$55 cash without certain proof of purchase) for claimants who experienced relevant issues with their laptops)
- *Fitzhenry-Russell v. The Coca-Cola Company*, Case No. 5:17-cv-00603-EJD (N.D. Cal. Oct. 3, 2019) (Dkt. #95) (ginger ale) (\$2.45 million non-reverting common fund: \$0.80 per unit purchased with a guaranteed minimum of \$4.00 per household-claimant)
- *In re Arctic Sentinel, Inc. (Miller v. Fuhu, Inc.)*, Case No. 15-bk-12465 (Bankr. D. Del. May 7, 2019) (Dkt. #1301) (electronic tablets) (up to \$30 per defective tablet purchased and up to \$10 per other tablet purchased)
- *Fitzhenry-Russell, et al. v. Keurig Dr Pepper Inc., et al.*, Case No. 17-cv-00564-NC (N.D. Cal. Apr. 10, 2019) (Dkt. #350) (ginger ale) (\$0.40 per unit purchased with a guaranteed minimum of \$2.00 per claimant)
- *Pettit v. Procter & Gamble Company*, Case No. 15-cv-02150-RS (N.D. Cal. Mar. 29, 2019) (Dkt. #135) (flushable wipes) (\$0.60 per package purchased)
- *Koller v. Med Foods Inc., et al.*, Case No. 3:14-cv-02400 (N.D. Cal. Aug. 29, 2018) (Dkt. #169) (olive oil) (\$7 million non-reverting common fund)
- *Kumar v. Safeway Inc.*, Case No. RG 14726707 (Alameda County Super. Ct. Mar. 16, 2018) (olive oil) (\$0.50 in cash or \$1.50 in vouchers per bottle purchased)
- *Rainbow Business Solutions, Inc., et al. v. MBF Leasing LLC, et al.*, Case No. 10-cv-01993-CW (N.D. Cal. Dec. 5, 2017) (Dkt. #730) (credit card terminal leases) (refunds of overcharged property taxes and improper debits up to \$9.2 million)

- *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411-YGR (N.D. Cal. July 7, 2017) (Dkt. #173) (olive oil) (per-purchase payments of \$0.50 per bottle on a claims-made basis up to \$5 million) (settlement upheld on appeal)
- *Machlan v. Nehemiah Manufacturing Co., et al.*, Case No. CGC-14-538168 (San Francisco Super. Ct. June 5, 2017) (flushable wipes) (\$1 per package purchased)
- *Mackinnon v. IMVU, Inc.*, Case No. 111-cv-193767 (Santa Clara Super. Ct. Feb. 24, 2016) (online music purchases) (automatic 60% refund of amounts paid)
- *Miller, et al. v. Ghirardelli Chocolate Company*, Case No. 12-cv-04936-LB (N.D. Cal. Feb. 20, 2015) (Dkt. #170) (white chocolate) (\$5.25 million non-reverting common fund)
- *Rainbow Business Solutions, Inc., et al. v. Merchant Services, Inc., et al.*, Case No. 10-cv-01993-CW (N.D. Cal. Dec. 11, 2013) (Dkt. # 578) (credit card processing services) (\$350 per claimant)
- *Mancini, et al v Ticketmaster, et al.*, Case No. 07-cv-01459-DSF-JTL (C.D. Cal. Aug. 2, 2013) (Dkt. #510) (monthly coupon subscription service) (\$23 million reverting common fund)
- *Chavez v. Blue Sky Natural Beverage Co., et al.*, Case No. 3:06-cv-06609-JSW (N.D. Cal. June 1, 2012) (Dkt. #318) (soda) (50% refund of purchase price up to maximum of \$100 per claimant)
- *Embry v. Acer America Corp.*, Case No. 09–01808 JW (N.D. Cal. Feb. 4, 2012) (Dkt. #218) (computer operating system software) (cash refunds up to \$50, new operating software, and/or repairs at defendant expense, to claimants)
- *Witthoff v. Honest Tea, Inc.*, Case No. CGC-10-504987 (San Francisco Super. Ct. Jan. 10, 2012) (kombucha) (100% cash refunds to class members with proof of purchase; up to \$6 in coupons to those without proof of purchase)
- *Gauss v. Millennium Products, Inc.*, Case No. CGC-10-503347 (San Francisco Super. Ct. Nov. 22, 2011) (kombucha) (same as *Witthoff*)
- *Cho v. Seagate Technology (US) Holdings, Inc.*, Case No. CGC-06-453195 (San Francisco Super. Ct. June 22, 2010) (hard disk capacity) (refunds to claimants of 5% of purchase price or drive management software valued at \$40)
- *Deaton, et al. v. Hotwire*, Case No. CGC-05-437631 (San Francisco Super. Ct., December 24, 2009) (online hotel reservation taxes and fees) (refunds on claims-made basis up to \$5,490,000)
- *Nelsen v. PeoplePC*, Case No. CGC-07-460240 (San Francisco Super. Ct. Aug. 8, 2008) (subscription to dial-up Internet) (refunds up to \$30 per claimant)
- *Siemers v. Wells Fargo & Co. et al.*, Case No. c05-cv-04518 (N.D. Cal. Feb. 5, 2008) (Dkt. # 408) (securities fraud regarding mutual fund fees) (common fund of \$1,098,500)
- *Vroegh v. Eastman Kodak Co. et al.*, Case No. CGC-04-428953 (San Francisco Super. Ct. Nov. 20, 2006) (flash memory capacity) (cash refunds to claimants of 5% of purchase price or 10% discount off future purchases)

- *Chavez v. Netflix, Inc.*, Case No. CGC-04-434884 (San Francisco Super. Ct. April 28, 2006) (DVD rental subscriptions) (free month of membership for former subscribers (retail value up to \$17.99) and free month subscription upgrade for current subscribers (retail price \$6.00))
- *Safier v Western Digital*, Case No. 3:05-cv-03353-BZ (N.D. Cal June 15, 2006) (Dkt. #45) (hard disk capacity) (hard drive management software valued at \$30)

D. Selected Praise for GSLLP's Work

Many judges have commended GSLLP's work as class counsel. *See, e.g., Taylor v. Shutterfly, Inc., et al.*, No. 5:18-cv-00266-BLF (N.D. Cal. Dec. 17, 2021) (Dkt. #106) (finding "Class Counsel has vigorously prosecuted this action through discovery and formal mediation" and that "Class Counsel did not compromise the claims of the Class in exchange for higher fees"); *Fitzhenry-Russell v. The Coca-Cola Company*, 5:17-cv-00603-EJD (N.D. Cal. Oct. 3, 2019) (Dkt. #95) (finding "Class Counsel has vigorously prosecuted this action through dispositive motion practice, extensive discovery, and formal mediation" and that "counsel represented their clients with skill and diligence and obtained an excellent result for the class"); *Fitzhenry-Russell, et al. v. Keurig Dr. Pepper, Inc., et al.*, Case No. 17-cv-00564-NC (N.D. Cal. April 10, 2019) (Cousins, J.) (finding that GSLLP "achieved a strong result through skillful litigation and settlement negotiation"); *Pettit v. Procter & Gamble Company*, Case No. 15-cv-02150-RS (N.D. Cal. Mar. 29, 2019) (Dkt. #135) (Seeborg, J.) (finding that GSLLP "represented their clients with skill and diligence and obtained an excellent result for the class"); *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411-YGR (N.D. Cal. July 7, 2017) (Dkt. # 173) (Gonzales-Rogers, J.) (same); *Koller v. Med Foods Inc., et al.*, Case No. 3:14-cv-02400 (N.D. Cal. Aug. 29, 2018) (Dkt. #169) (Seeborg, J.) (finding that GSLLP were "highly qualified counsel who, throughout this case, vigorously and adequately represented their [clients'] interests"); *Kumar v. Safeway Inc.*, Case No. RG 14726707 (Alameda County Super. Ct. March 16, 2018) (Smith, J.) (same); *Rainbow Business Solutions, Inc., et al. v. MBF Leasing LLC, et al.*, Case No. 10-cv-01993-CW (N.D. Cal., Dec. 5, 2017) (Dkt. #730) (Wilken, J.) (same); *Mackinnon v. IMVU, Inc.*, Case No 111-cv-193767 (Santa Clara Super. Ct. Feb. 24, 2016) (Kirwan, J.); *Chavez v. Blue Sky Natural Beverage Co., et al.*, 3:06-cv-06609-JSW (N.D. Cal., June 1, 2012) (Dkt. #318) (White, J.); *Embry v. Acer America Corporation*, Case No. 09-cv-01808-JW (N.D. Cal. Feb. 4, 2012) (Dkt. #218) (Ware, J.) (same); *Mancini, et al. v Ticketmaster, et al.*, Case No. 07-cv-01459-DSF-JTL (C.D. Cal. August 2, 2013) (Dkt. #510) (Fischer, J.) (similar).

E. The Lawyers of Gutride Safier LLP

Adam J. Gutride

Mr. Gutride is a founding partner of Gutride Safier LLP and has served as co-lead counsel in each of the cases litigated by the firm.

Mr. Gutride has successfully argued several of the seminal consumer class action cases in the United States Court of Appeals for the Ninth Circuit. These include *Just Film v. Buono*, 847 F.3d 1108 (2017), which established that a class could be certified to pursue claims under the federal Racketeering and Corrupt Practices Act even though class members suffered different injuries; *Stearns v. Ticketmaster*, 655 F.3d 1015 (2011), which established that a class can be certified even without proof that all persons in the class were misled; and *Chavez v. Blue Sky*, 340 Fed. Appx. 359 (2009), apparently the first food labeling case decided in the Ninth Circuit, which affirmed that deceptive statements on a soda can were actionable if they motivated the purchase.

Mr. Gutride also has defeated motions to dismiss and obtained class certification and in most cases multimillion-dollar settlements in numerous other nationwide and multistate class actions involving product mislabeling, false advertising and unfair practices. His cases have

involved olive oil, white chocolate, ginger ale, flushable wipes, flash memory, hard disk drives, computer operating systems, and video rentals by mail. Mr. Gutride was appointed to the Plaintiffs' Steering Committee in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litig.*, Case No. 19-md-02913-WHO (N.D. Cal.). Mr. Gutride spoke at the 2013 National Institute on Class Actions regarding food mislabeling.

Previously, Mr. Gutride litigated at the San Francisco based law firms of Keker & Van Ness and Orrick Herrington & Sutcliffe. During that period, Mr. Gutride represented the governor of California before the California Supreme Court and handled a nationwide securities class action against Merrill Lynch. Mr. Gutride also has served as an Instructor in Legal Research and Writing at the Hastings Law School of the University of California.

Mr. Gutride is a member of the state bar of California and several federal courts. Mr. Gutride received his juris doctorate from Yale Law School and his bachelor of arts from the University of Chicago.

Seth A. Safier

Mr. Safier is a founding partner of Gutride Safier LLP and has served as co-lead counsel in each of the cases listed above. Prior to founding Gutride Safier with Mr. Gutride, Mr. Safier was general counsel at an internet company and also worked as a litigator at Orrick Herrington & Sutcliffe. Mr. Safier also has served as an Instructor of Legal Research and Writing at the Hastings Law School of the University of California.

Mr. Safier is a member of the California State Bar and numerous federal courts. Mr. Safier received his juris doctorate from Harvard Law School and his bachelor of arts from Brandeis University.

Marie A. McCrary

Marie McCrary is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Ms. McCrary worked on complex litigation at Bell Nunnally & Martin LLP in Dallas and Carroll Burdick & McDonough, LLP in San Francisco. Prior to that, Ms. McCrary was an attorney at Quinn Emanuel Urquhart & Sullivan, LLP. Ms. McCrary has experience in complex matters involving contract disputes and business torts, patent and trade dress litigation, class actions, and creditors' rights issues.

Ms. McCrary is a member of the California, Texas, Massachusetts, and Colorado bars. She is admitted to practice in the United States District Court in each of the following districts: the Northern District of California, the Central District of California, the Eastern District of California, the Northern District of Texas, the Southern District of Texas, the Eastern District of Texas, and the District of Massachusetts. Ms. McCrary received her juris doctorate from New York University and her bachelor of science degree from Truman State University. Ms. McCrary was the 2004 and 2005 national champion in parliamentary debate (NPDA, NPTE).

Matthew T. McCrary

Mr. McCrary is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. McCrary conducted complex litigation for McDermott, Will, and Emery, LLP and Baker & McKenzie, LLP. Mr. McCrary has experience litigating complex matters involving contract disputes and business torts, white collar crime, class actions, securities and antitrust issues.

Mr. McCrary is licensed to practice law in Massachusetts, Texas, and Colorado. He is admitted to practice in the United States District Court in each of the following districts: the Northern District of Texas, the Eastern District of Texas, the District of Massachusetts, and the

District of Colorado. Mr. McCrary received his juris doctorate from the University of Texas at Austin School of Law and his bachelor of arts degree from the University of North Texas. Following law school, Mr. McCrary clerked for the Ninth Circuit Court of Appeals, the Honorable Carlos T. Bea.

Mr. McCrary successfully argued the seminal consumer class action case, *Davidson et al. v. Kimberly-Clark Corporation, et al.*, 873 F.3d 1103, in the United States Court of Appeals for the Ninth Circuit, which established that a putative class representative had Article III standing to pursue injunctive relief even though she was already on notice of the misrepresentation.

Hayley Reynolds

Hayley Reynolds is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Ms. Reynolds advised departments within Santa Clara County government as a deputy county counsel. Before that, Ms. Reynolds was a litigation associate at O'Melveny & Myers LLP, where she litigated complex matters involving employment, anti-trust, and intellectual property.

Ms. Reynolds also served as an adjunct faculty member at U.C. Hastings, teaching a moot court course for first year law students. Prior to law school, Hayley worked as a Legal Coordinator for the Center for Science in the Public Interest principally focused on advocating for food labeling reform.

Ms. Reynolds is a member of the California State Bar. She received her juris doctorate from U.C. Hastings. Before joining the office, Hayley completed a clerkship for Magistrate Judge Susan van Kuelen of the United States District Court for the Northern District of California.

Stephen M. Raab

Mr. Raab is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Raab represented large corporations in complex litigation and insurance matters in the New York office of Dorsey & Whitney LLP, and then handled complex insurance matters at Forsberg & Umlauf, P.S. and at Gordon & Polscer, L.L.C. Mr. Raab has litigated both on behalf of and against sophisticated companies, including in class actions, environmental investigations and cleanups, product liability claims, medical malpractice claims, food contamination claims, software disputes, and potential bad faith liability. Mr. Raab has obtained class certification in a case concerning travel insurance pricing, has obtained approval of class settlements, and has represented plaintiffs in class cases involving hidden and unlawful charges, bait-and-switch tactics, food labeling, and product labeling and warranties.

Mr. Raab is licensed in New York, Oregon, and Washington and practices in federal and state courts. He received his juris doctorate from New York University and his bachelor of arts degree from Amherst College.

Kali Backer

Ms. Backer is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Ms. Backer represented Fortune 500 companies at Shook, Hardy & Bacon LLP in federal and state courts nationwide. While at Shook, she litigated complex matters involving catastrophic personal injuries, product liability, trademarks, and consumer privacy class actions. Ms. Backer's litigation experience extends from obtaining complete pre-trial victories for her clients to developing appellate strategies on fundamental issues impacting cases across the country.

Ms. Backer is an active member of the Colorado and California State Bars. She received her juris doctorate from Vanderbilt University Law School where she was awarded the Dean's Scholarship and was a staff editor on the Vanderbilt Journal of Transnational Law. During law

school, Ms. Backer interned for Google's litigation department. She obtained her bachelor of arts from the University of Pennsylvania in art history.

Todd Kennedy

Mr. Kennedy is of counsel at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Kennedy conducted complex litigation for Quinn Emanuel Urquhart & Sullivan, LLP. At Quinn, Todd successfully litigated some of the world's largest patent cases, for both plaintiffs and defendants. He helped achieve complete defense jury verdicts for Google in the company's only two patent trials—both of which were in the Eastern District of Texas, the favored venue for plaintiffs. On the plaintiffs' side, Mr. Kennedy successfully represented Sony Electronics in enforcing ten digital television patents in a series of lawsuits spanning five jurisdictions.

Mr. Kennedy clerked for one year on the Eighth Circuit U.S. Court of Appeals, and two years on the U.S. District Court for the Western District of Missouri.

Mr. Kennedy is a member of the California State Bar, the Washington State Bar, and numerous federal courts. He received his juris doctorate from the Yale Law School. He received his bachelor of arts from University of Missouri.

Anthony J. Patek

Mr. Patek is an attorney at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Patek conducted complex litigation for Cooley, LLP and HelixIP LLP. At Cooley and HelixIP, Anthony represented Ronald A. Katz Technology Licensing, Inc. and Zenith Electronics in their efforts to enforce their patent portfolios against numerous infringers. Representing patent owner Evolutionary Intelligence, he defeated seven petitions for inter partes reviews, and won an eighth petition on the merits at trial before the Patent Trial and Appeal Board. He has also represented major pharmaceutical and software companies and prestigious research universities in multimillion-dollar lawsuits. He has also handled significant pro bono litigation and was the lead attorney for the petitioner in *Mengstu. v. Holder*, 560 F.3d 1055 (9th Cir. 2009), a decision establishing that victims of ethnicity-based civil wars are eligible for asylum.

Mr. Patek clerked for the United States District Court for the District of Nevada, the Hon. Edward C. Reed. Anthony is a former Co-Chair of the American Bar Association's Sub-Committees on Patent Infringement and Non-Practicing Entity Litigation.

Mr. Patek is a member of the California State Bar and numerous federal courts. He received his juris doctorate from the University of California, Berkeley, Boalt Hall School of Law. He received a master of science from Stanford University and his bachelor of science from University of Michigan.

Rajiv Thairani

Mr. Thairani is an attorney at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Thairani was a litigation associate at Latham & Watkins LLP. Mr. Thairani has experience litigating complex matters involving human trafficking, white collar crime, SEC violations and consumer class actions.

While at Latham & Watkins, Mr. Thairani helped represent 47 plaintiffs in the largest human trafficking civil action in United States history. The clients were among more than 500 Indian laborers whom Signal International illegally recruited to conduct post-Hurricane Katrina repair work in the Gulf of Mexico. After Signal International won the initial class certification battle, Latham & Watkins joined a team of firms coordinated by the Southern Poverty Law Center

that filed individual suits on behalf of the plaintiffs. The action resulted in a \$20 million settlement for the victims.

Mr. Thairani is a member of the California and New York State Bars. He received his juris doctorate from Duke University School of Law where he was awarded the Frank Warren Snapp Jr. Scholarship and was a staff editor on the Duke Journal of Constitutional Law and Public Policy. He obtained his bachelor of arts from the University of California, Los Angeles in political science.

Francisco Rolon

Mr. Rolon is a lawyer at Gutride Safier LLP. Prior to working at Gutride Safier LLP, Mr. Rolon was a litigation associate at Squire Patton Boggs (US) LLP. Mr. Rolon has worked on complex matters which include antitrust, intellectual property, and class actions. He also has experience across federal and state courts nationwide.

Mr. Rolon is a member of the Georgia and Ohio State Bars. He received his juris doctorate from Georgetown University Law Center and undergraduate degree at Florida International University. Before joining the firm, Francisco completed a clerkship with Magistrate Judge Keith F. Giblin of the United States District Court for the Eastern District of Texas.

Patrick Branson

Mr. Branson is a lawyer at Gutride Safier LLP. Prior to working at Gutride Safier LLP, Mr. Branson worked as a litigation associate at Weil, Gotshal & Manges LLP and Morvillo, Grand, Iason & Anello PC. Mr. Branson has worked on complex matters including securities class actions, commercial disputes, and white collar investigations. Prior to joining the firm, Mr. Branson also worked as a law clerk to the Honorable William H. Pauley III in the Southern District of New York and for the Honorable Gregory H. Woods III in the Southern District of New York.

Mr. Branson received his juris doctorate, *cum laude*, from the University of Michigan Law School, where he served as the Managing Development Editor for the Michigan Journal of Law Reform, and received his undergraduate degree from Loras College. He is a member of the New York Bar and Illinois Bar.

Andreas E. Moffett

Mr. Moffett is an attorney at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Moffett represented international corporations in complex litigation and products liability matters in the Washington, D.C. office of Arnold & Porter LLP. Mr. Moffett has litigated both on behalf of and against sophisticated companies, including in class actions, environmental litigation and cleanups, multidistrict product liability litigation, contract disputes, and potential bad faith liability. Mr. Moffett has tried multiple cases, and helped achieve a historic US \$14 million verdict for social justice protestors in a civil rights case. *Epps et al. v. City and County of Denver* 1:20-cv-01878 (D. Colo.).

Mr. Moffett is licensed in Washington, D.C., and practices in federal and state courts. He earned his juris doctorate from the New York University School of Law, where he was an Executive Editor and the Alumni Chair of the NYU Law Review. Mr. Moffett has worked for the Civil Division of the U.S. Attorney's Office for the Southern District of New York, and externed for the Honorable Amit P. Mehta of the United States District Court for the District of Columbia. Mr. Moffett earned his bachelor's degree *summa cum laude* from The College of William and Mary. Prior to law school, Mr. Moffett was a professional opera singer, and performed with the Baltimore Symphony Orchestra, the Peabody Opera, Lyric Opera Baltimore, the Maryland Lyric Opera, and the Charlottesville Opera.

Madeleine Wykstra

Ms. Wykstra is a lawyer at Gutride Safier LLP. Prior to joining Gutride Safier LLP, Ms. Wykstra worked as a litigation associate at Davis Polk & Wardwell. Ms. Wykstra has worked on complex matters including antitrust, securities and financial disputes, complex commercial litigation, and white collar investigations. Prior to joining the firm, Ms. Wykstra also worked as a law clerk to the Honorable Joshua D. Wolson in the Eastern District of Pennsylvania, and as a Staff Attorney for the Youth Law Center. In her spare time, Ms. Wykstra represents Special Immigrant Juvenile Status petitioners in partnership with the New Mexico Immigrant Law Center.

Ms. Wykstra received her juris doctorate from the University of California, Berkeley, School of Law, where she served as Director of the Appellate Team and won awards for her performance in the international rounds of the Jessup International Moot Court Competition (2018). She received her undergraduate degree *summa cum laude* from SUNY Purchase, and a masters' degree in International Politics from New York University. She is a member of the New York Bar.

F. Selected Trial Experience of Gutride Safier LLP Attorneys

This section summarizes the trial experience in class and complex litigation of the attorneys in GSLLP.

In March 2020, GSLLP attorneys Mr. Gutride, Mr. Safier, Ms. McCrary, and Mr. McCrary tried to the bench the case of *Saliani, et al. v. Bay Area Toll Authority, et al.*, Case Nos. CGC-14-540384; CGC-15-549048; CGC-16-550947 (San Francisco County Superior Court). Plaintiffs alleged violations of the California Due Process Clause and California's consumer protection law related to unlawful penalties charged for toll invoices that were not received and the denial of administrative review.

While Mr. Gutride was a student at Yale Law School, he was a member of the trial team in a class action against the U.S. Government on behalf of Haitian refugees intercepted at sea and detained at the U.S. Naval Base in Guantanamo Bay, Cuba. That case, *Haitian Centers Council, et al. v. Sale*, 823 F. Supp. 1028 (E.D.N.Y. 1993), included an 11-day bench trial. Although Mr. Gutride was a junior member of the trial team, he conducted the direct examination of a U.S. Government contractor regarding the conditions at Guantanamo and objected to the cross-examination by the Assistant U.S. Attorney. Mr. Gutride also assisted in setting trial strategy and in drafting motions in limine and proposed findings of fact. Mr. Gutride travelled to Guantanamo to interview the clients and to negotiate with U.S. Government officials about conditions.

More recently, Mr. Gutride assisted in the jury trial in the case of *Western MacArthur Co., et al. v. USF&G, Inc.*, Alameda County Super. Ct. Case No. 721595, an insurance coverage case that involved underlying claims by tens of thousands of injured persons. Mr. Gutride supervised the drafting of and argued all or substantially all the motions in limine. Mr. Gutride also supervised the culling and introduction into evidence of deposition testimony from dozens of witnesses, both by way of video recordings and live readings, as well as the evidentiary objections pertaining thereto. Mr. Gutride was present at trial each day and was involved in strategy regarding jury selection, expert testimony, and other issues. The trial, before Judge Bonnie Sabraw, lasted for six weeks before the case settled for more than \$900 million.

In June 2016, Mr. Gutride and Mr. Safier tried to an arbitrator the case of *McArdle v. AT&T, Inc.*, a case alleging that AT&T violated California's consumer protection statutes concerning the international roaming fees imposed on mobile phone subscribers for incoming calls that were not answered. The case was pled as a class action, and a motion for class certification was briefed, but

Judge Claudia Wilken denied the motion without prejudice, ordered that the plaintiff arbitrate his individual claims and stayed the litigation pending arbitration.

Mr. Kennedy served on the trial teams on behalf of Google in *Bright Response v. Google Inc., et al.*, Case No. 2:07-cv-00279 (E.D. Tex.) and *Function Media, L.L.C. v. Google, Inc., et al.*, Case No. 2:07-cv-00371 (E.D. Tex.), which involved highly technical cases of patent infringement. In both cases, he and his team achieved complete jury verdicts of invalidity and non-infringement for Google. Mr. Kennedy prepared the expert and fact witnesses for direct and cross-examination, drafted the cross-examination of the inventor, drafted motions in limine and responses and objections to exhibits, made deposition designations, and drafted and assisted in the preparation of the closing statement.

Ms. McCrary was second-chair on the trial team in *Freight Train Advertising, LLC v. Chicago Rail Link, L.L.C.*, Case No. 11-cv-2803 (N.D. Ill.), a contract and false representations case, in which both parties alleged breach of a multimillion-dollar contract involving outdoor advertising. The case proceeded to a bench trial at which Ms. McCrary conducted cross-examination and argued to the court.

Mr. McCrary served on the trial team in *Adams v. Pilgrim's Pride Corp.*, No. 2:09-CV-397 (E.D. Tex.), a mass action involving thousands of poultry growers who brought federal antitrust claims under the Packer's and Stockyard's Act against Pilgrim's Pride Corporation, as well as claims under various state deceptive trade practices acts. The case proceeded in three separate trials, all to the bench. At the trials, Mr. McCrary cross-examined multiple adverse witnesses, made objections to opposing counsel's direct examinations, prepared motions for judgment as a matter of law, responded to a motion to strike the economics expert, and prepared trial briefs on various legal issues.

APPENDIX A

Gutride Safier LLP was appointed class counsel to represent consumers, small businesses, employees and investors in each of the following cases:

Food and Beverage Labeling

- *McKay v. Sazerac Company, Inc.*, Case No. 3:23-cv-05822 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for the unlawful and misleading advertising of Fireball mini-bottles' alcohol content)
- *Swartz v. Dave's Killer Bread, et al.*, Case No. 4:21-cv-10053 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for falsely advertising the amount of protein in bread products)
- *Marek v. Molson Coors Beverage Company et al.*, Case No. 3:2021-cv-07174 (N.D. Cal.) (plaintiff alleged that Vizzy brand hard seltzer beverages were unlawfully and misleadingly labeled as "with antioxidant vitamin C from acerola superfruit")
- *Fitzhenry-Russell v. The Coca-Cola Company*, Case No. 5:17-cv-00603-EJD (N.D. Cal.) (plaintiffs alleged violation of California's consumer protection laws for the false advertising of Seagram's ginger ale as "made with real ginger")
- *Fitzhenry-Russell, et al. v. Dr. Pepper Snapple Group, Inc., et al.*, Case No. 4:17-cv-00564-NC (N.D. Cal.) (plaintiffs alleged violation of California's consumer protection laws for the false advertising of Canada Dry ginger ale as "made from real ginger")
- *Gauss v. Millennium Products, Inc.*, Case No. CGC-10-503347 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws for the false advertising of the "GT's Kombucha" and "Synergy" brands of kombucha beverages, fermented tea drinks, as a non-alcoholic beverage despite the fact that the beverages continued to ferment after leaving the factory, allowing the alcohol content of the beverage to be as high as 3%)
- *Koller v. Med Foods Inc., et al.*, Case No. 3:14-cv-02400 (N.D. Cal.) (plaintiff alleged violation of California's consumer protection laws for the false advertising of the Bertolli and Carapelli brand olive oils as "extra virgin" and "imported from Italy" when the olive oils do not originate from Italy and do not meet the requirements for "extra virgin" olive oil)
- *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411-YGR (N.D. Cal.) (plaintiff alleged violation of California's consumer protection laws for the false advertising of the Filippo Berio brand olive oils as "imported from Italy" when the olive oils do not originate from Italy)
- *Kumar v. Safeway Inc.*, Case No. RG 14726707 (Alameda County Superior Court) (plaintiff alleged violation of California's consumer protection laws for the false advertising of Safeway Select brand olive oils as "extra virgin" and "imported from Italy" when the olive oils do not originate from Italy and do not meet the requirements for "extra virgin" olive oil)
- *Miller, et al. v. Ghirardelli Chocolate Company*, Case No. 12-cv-04936-LB (N.D. Cal.) (plaintiffs alleged violation of California's consumer protection laws for the false advertising of baking chips as containing white chocolate even though they did not, and

falsely labeling some products as “all natural” though they were made with non-natural ingredients)

- *Witthoff v. Honest Tea, Inc.*, Case No. CGC-10-504987 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws for the false advertising of the kombucha beverages, a fermented tea drink, as a non-alcoholic beverage despite the fact that the beverage continued to ferment after leaving the factory, allowing the alcohol content of the beverage to be as high as 3%)
- *Chavez v. Blue Sky Natural Beverage Co., et al.*, Case No. 3:06-cv-06609-JSW (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws for the false advertising of the Blue Sky beverages as made in and/or originated from Santa Fe, New Mexico when the beverages were not manufactured in Santa Fe or New Mexico)

Product Labeling

- *Carlotti v. ASUS Computer International, et al.*, Case No. 4:18-cv-03369 (N.D. Cal.) (plaintiff alleged breaches of warranties and violations of California’s consumer protection laws related to deceptive marketing of ASUS gaming laptops and related to manufacturing and design defects in the laptops)
- *Cho v. Seagate Technology (US) Holdings, Inc.*, Case No. CGC-06-453195 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws related to Seagate overstating the storage capacity of its computer hard drives by approximately 7 percent)
- *Embry v. Acer America Corporation*, Case No. 09-cv-01808 (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws for false advertising of its computers as including a specified version of Microsoft Windows despite the computers not including the software, which resulted in users typically losing their user-installed applications and user files if the computer’s hard drive failed)
- *In re Arctic Sentinel, Inc. (Miller v. Fuhu, Inc.)*, Case No. 15-bk-12465 (Bankr. D. Del.) (plaintiff alleged violation of California’s consumer protection laws related to the Nabi tablets, which were sold with defective power adapters that did not recharge the tablets)
- *Machlan v. Nehemiah Manufacturing Co., et al.*, Case No. CGC-14-538168 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws for false advertising of Kandoo flushable wipes advertising as being “flushable” when the wipes are not suitable for flushing and clog household plumbing and city sewers)
- *Pettit v. Procter & Gamble Company*, Case No. 15-cv-02150 (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws for false advertising of the Charmin Freshmates flushable wipes as being “flushable” when the wipes are not suitable for flushing and clog household plumbing and city sewers)
- *Safier v Western Digital*, Case No. 3:05-cv-03353 (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws related to Western Digital overstating the storage capacity of hard disk drives by approximately 4 percent)
- *Vroegh v. Eastman Kodak Co., et al.*, Case No. CGC-04-428953 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws related to Eastman Kodak Co. overstating the storage capacity of flash memory drives by approximately 4 percent)

Billing, Subscriptions and Online Purchasing Fraud

- *Chavez v. Netflix, Inc.*, Case No. CGC-04-434884 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to Netflix advertising its online video rental service)
- *Deaton v. Hotwire, Inc.*, Case No. CGC-05-437631 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to Hotwire's added "service fees" to each hotel reservation made on its website for "taxes and fees" that were actually variable amounts designed to disguise the true cost of the room)
- *Mackinnon v. IMVU, Inc.*, Case No. 1-11-cv-193767 (Santa Clara County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to the limited playback of audio products that consumers purchased for real money to play in the IMVU virtual universe)
- *Mancini, et al. v. Ticketmaster et al.*, Case No. 2:07-cv-01459 (C.D. Cal.), (plaintiff alleged violation of the federal Electronic Funds Transfer Act and consumer protection laws related to Defendants failure to disclose to customers on Ticketmaster's website that they would be enrolled in an online coupon service with reoccurring charges)
- *McArdle v. AT&T Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal) (plaintiff alleged violation of California's consumer protection laws related to international roaming rates)
- *Moretti v. The Hertz Corporation, et al.*, Case No. 1:14-cv-00469 (Del.) (plaintiff alleged violations of consumer protection laws related to Hertz, Dollar, Thrifty and Firefly brand rental cars advertising in rates in U.S. dollars during the online reservation process and advertising insurance as "optional," but converting the cost to pesos at an inflated exchange rate and charging a mandatory insurance fee when consumers pick up the cars in Mexico)
- *Nelsen v. PeoplePC, Inc.*, Case No. CGC-07-460240 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to PeoplePC's practice of continuing to charge customers for its dialup Internet service even when they requested cancellation)
- *Taylor v. Shutterfly Inc.*, Case No. 5:18-cv-00266 (N.D. Cal.) (plaintiff alleged violations of consumer protection laws related to defendants' deceptive, unfair, and unlawful acts and practices in selling Groupon deals for the purchase of photo products)
- *Rainbow Business Solutions, Inc., et al. v. MBF Leasing LLC, et al.*, Case No. 10-cv-01993-CW (N.D. Cal.) (plaintiffs alleged violation of state and federal laws including violations of the Racketeer Influenced and Corrupt Organizations Act and Fair Credit Reporting Act relating to the illegal collection of taxes on leased equipment, resulting in small businesses being overcharged)

Insurance

- *Elgindy, et al. v. AGA Service Co. et al.*, Case No. 4:20-cv-06304 (N.D. Cal.) (plaintiffs alleged violations of consumer protection laws related to defendants' deceptive, unfair, and unlawful acts and practices in charging consumers hidden fees in connection with travel insurance and event ticket insurance)

- *Miller, et al. v. Travel Guard Group, Inc., et al.*, Case No. 3:21-cv-09751 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws regarding hidden fees associated with travel insurance and assistance related to the travel insurance service)

Securities

- *Siemers v. Wells Fargo & Co. et al.*, Case No. 05-4518 (N.D. Cal.) (plaintiff alleged violation of §12(a)(2) of the Securities Act of 1933 and §10(b) of the Securities Exchange Act of 1934 related to an undisclosed kickback scheme)

Employment

- *Haven v. Betz & Sons*, Case No. CGC-05-438719 (San Francisco County Superior Court) (plaintiff alleged violation of California's wage and hour laws)

Toll Processing/Government

- *Saliani, et al. v. Bay Area Toll Authority, et al.*, Case Nos. CGC-14-540384; CGC-15-549048; CGC-16-550947 (San Francisco County Superior Court) (plaintiffs alleged violation of the California Due Process Clause and California's consumer protection law related to unlawful penalties charged for toll invoices that were not received and the denial of administrative review)

APPENDIX B

In addition, Gutride Safier LLP is currently serving as plaintiffs' counsel of record in class actions pending in federal and state court in which a class has not yet been certified, including in each of the following cases:

Food, Beverage and Supplement Labeling

- *Campos v. Alacer Corp, et al.*, Case No. 4:24-cv-08057 (N.D. Cal.) (plaintiff alleges that EmergenC brand Vitamin C gummies are deceptively, unlawfully and unfairly labeled and marketed as containing a certain amount of Vitamin C)
- *Davidson, et al. v. Sprout Foods Inc.*, Case No. 4:22-cv-01050 (N.D. Cal.) and *Davidson, et al. v. Sprout Foods Inc.*, Case No. 22-16656 (9th Cir.) (plaintiffs allege violations of consumer protection laws for making nutrient claims on food products intended for children under the age of two)
- *Howard, et al. v. Hain Celestial Group, Inc.*, Case No. 3:22-cv-00527 (N.D. Cal.) and *Howard, et al. v. Hain Celestial Group, Inc.*, Case No. 25-1919 (9th Cir) (plaintiffs alleges violations of consumer protection laws for making nutrient claims on food products intended for children under the age of two)
- *In re VNGR Beverage LLC*, Case No. 4:24-cv-03229 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws for claiming soda has gut health benefits)
- *Robles, et al. v. Century Snacks, LLC, et al.*, Case No. 4:25-cv-03166 (N.D. Cal.) (plaintiffs allege violation of consumer protection laws for making false protein content claims on snack food products)
- *Sanchez v. Nurture, Inc.*, Case No. 5:21-cv-08566 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for making nutrient claims on food products intended for children under the age of two)
- *Swartz v. Dave's Killer Bread, et al.*, Case No. 4:21-cv-10053 (N.D. Cal.) and *Taylor v. Dave's Killer Bread, et al.*, Case No. 1:23-cv-16439 (N.D. IL) (plaintiffs allege violations of consumer protection laws for false advertising regarding the amount of protein in bread products)
- *Vila, et al. v. Taylor Farms Retail, Inc.*, Case No. 4:25-cv-06255 (N.D. Cal.) plaintiffs allege violations of consumer protection laws for false advertising regarding the amount of protein in salad products)

Product Labeling

- *Davis, et al. v. Beiersdorf, Inc.*, Case No. 1:25-cv-03661 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws for falsely advertisement of skin care products as containing "natural origin ingredients" or "naturally-derived" ingredients)
- *Gershzon et al. v. Colgate-Palmolive Company*, Case No. 3:23-cv-04086 (N.D. Cal.) (plaintiffs allege false and misleading advertising of toothpaste tubes as recyclable)
- *Kent, et al. v. Unilever United States, Inc., et al*, Case No. 3:25-cv-03660 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws for falsely advertising personal care products as containing "naturally-derived" ingredients)

- *McWhorter, et al. v. The Procter & Gamble Company*, Case No. 3:24-cv-00806 (N.D. Cal.) and *McWhorter, et al. v. The Procter & Gamble Company*, Case No. 25-3161 (9th Cir.) (plaintiffs allege violations of consumer protection laws for falsely advertising shampoo and conditioner products as containing “natural-origin” or “naturally-derived” ingredients)
- *Slaten v. Christian Dior Perfumes, LLC*, Case No. 3:23-cv-00409 (N.D. Cal.) and *Slaten v. Christian Dior Perfumes, LLC*, Case No. 24-2825 (9th Cir.) (plaintiff alleges violations of consumer protection laws for making misleading “24HR” SPF claims on the cosmetic products; case is currently on appeal)

Privacy Cases

- *Bloom v. Zuffa, LLC*, Case No. 2:22-cv-00412 (D. Nev.) (plaintiff alleges violations of the Video Privacy Protection Act in connection with UFC Fight Pass subscriptions)

Other Deceptive Practices

- *Koller, et al. v Monsanto Company, et al.*, Case No. 3:22-cv-04260 (N.D. Cal.) and *Koller, et al. v. Monsanto Company, et al.*, Case No. 24-00043 (9th Cir.) (plaintiffs allege violations of consumer protection laws associated with the manufacturing, marketing, and sale of glyphosate-based herbicides sold under the brand name “Roundup”; case is currently on appeal)
- *Mongalo, et al. v. Crocs, Inc.*, Case No. 3:24-cv-09037 (N.D. Cal.) (plaintiffs allege fraud, deceit, and/or misrepresentations related to the Crocs shoes which shrink upon exposure to ordinary heat, direct sunlight, and/or water)
- *Valentine, et al. v. Crocs, Inc.*, Case No. 3:22-cv-07463 (N.D. Cal.) and *Avino, et al. v. Crocs, Inc.*, Case No. 25-3718 (9th Cir.) (plaintiffs allege fraud, deceit, and/or misrepresentations related to the Crocs shoes which shrink upon exposure to ordinary heat, direct sunlight, and/or water)
- *Williams v. Affinity Insurance Services, Inc., et al.*, Case No. 4:23-cv-06347 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws regarding hidden fees associated with travel insurance and assistance related to the travel insurance service)

| Category | Amount |
|-------------------------------|------------------|
| Printing and Copying (E101) | \$0.00 |
| Outside Printing (E102) | \$8.03 |
| Online Research (E106) | \$262.45 |
| Delivery Svcs & Msgs (E107) | \$238.69 |
| Postage (E108) | \$24.21 |
| Local Travel (E109) | \$35.25 |
| Out-of-Town Travel (E110) | \$2,339.74 |
| Meals (E111) | \$343.50 |
| Court Fees (E112) | \$405.00 |
| Deposition Transcripts (E115) | \$0.00 |
| Court Transcripts (E116) | \$0.00 |
| Litigation Sup Vendors (E118) | \$0.00 |
| Experts (E119) | \$0.00 |
| Arbitrators/Mediators (E121) | \$0.00 |
| Other (E124) | \$75.79 |
| Total | \$3732.66 |

1 Laurence D. King (SBN 206423)
2 Matthew B. George (SBN 239322)
3 Blair E. Reed (SBN 316791)
4 Clarissa R. Olivares (SBN 343455)
5 **KAPLAN FOX & KILSHEIMER LLP**
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14 *Attorneys for Plaintiff Megan Wheeler*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re VNGR BEVERAGE, LLC
LITIGATION

Case No. 4:24-cv-03229-HSG

**DECLARATION OF LAURENCE D.
KING IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES AND
MOTION FOR INCENTIVE PAYMENTS**

DATE: November 20, 2025
TIME: 2:00 p.m.
JUDGE: Hon. Haywood S. Gilliam, Jr.
CTRM: 2, 4th Floor

Case No. 4:24-cv-03229-HSG

DECLARATION OF LAURENCE D. KING IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES AND MOTION FOR INCENTIVE PAYMENTS

1 I, Laurence D. King, declare and state as follows:

2 1. I am a partner with the law firm of Kaplan Fox & Kilsheimer LLP (“Kaplan Fox”)
3 and I represent Plaintiff Megan Wheeler in this matter. I submit this Declaration in support of
4 Plaintiffs’ Motion for Attorneys’ Fees and Motion for Incentive Payments. I have personal
5 knowledge of the facts stated in this Declaration and, if called as a witness, I could and would testify
6 competently thereto.

7 2. My firm was engaged by Plaintiff Megan Wheeler to investigate and litigate potential
8 claims arising from deceptive marketing and advertising regarding Defendant VNGR Beverage,
9 LLC’s “Poppi” branded sodas. After research and investigation, Plaintiff Wheeler filed a putative
10 class action in this District on July 19, 2024, No. 24-cv-04396-HSG, ECF No. 1 (“*Wheeler* Action”),
11 alleging consumer protection and related claims.

12 3. Since the filing of the *Wheeler* Action, Kaplan Fox has worked cooperatively with
13 Plaintiffs and Defendant to further investigate the claims at issue and efficiently coordinate the
14 litigation. As part of those efforts, Plaintiffs in related matters consolidated their claims, briefed a
15 motion to dismiss and began settlement discussions that culminated in the Settlement now before the
16 Court.

17 **Service Payments**

18 4. Plaintiff Wheeler has been very committed to the diligent prosecution of this
19 litigation, regularly checking in with counsel on the status of the case and the settlement. Plaintiff
20 Wheeler has been a dedicated and active participant on behalf of the class and will continue to be
21 until this matter is resolved. Among other things, Plaintiff Wheeler assisted counsel with our
22 investigation of the matter, reviewed and approved the initial and subsequent complaints, kept in
23 close contact with counsel to monitor the progress of the litigation, and reviewed and communicated
24 with counsel regarding the Settlement. In view of these efforts, I support the award of Service
25 Payments in the amount of \$5,000 for Plaintiff Wheeler.
26
27
28

Attorneys' Fees and Expenses

5. My firm keeps contemporaneous records of all work performed, billed to the one-tenth of the hour, as well as expenses incurred in the litigation. Prior to filing this declaration, I personally reviewed all of the time records kept in this case by my firm for accuracy, to ensure all billing was efficient, and to eliminate or reduce any redundant or unnecessary time spent on the case. This case was litigated on a contingency fee basis, and our firm advanced all attorneys' fees and expenses regardless of the potential outcome. To date, we have received no compensation for this case. Although this matter was settled relatively early, we were committed to litigating the case fully as we often do with other matters through discovery, class certification, and trial.

6. To date, Kaplan Fox has incurred \$118,150 in attorneys' fees. A chart with information containing the timekeeper, their position, their hourly rate, their total hours expended on the case, and the total lodestar is indicated below:

| Timekeeper | Hours | Rate | Amount |
|----------------------------------|---------------|------------|---------------------|
| Laurence D. King (Partner) | 13.30 | \$1,600.00 | \$21,280.00 |
| Matthew B. George (Partner) | 26.00 | \$1,375.00 | \$35,750.00 |
| Blair E. Reed (Associate) | 58.30 | \$800.00 | \$46,640.00 |
| Clarissa R. Olivares (Associate) | 2.10 | \$565.00 | \$1,186.50 |
| Sophia Pintar (Law Clerk) | 44.00 | \$230.00 | \$10,120.00 |
| Kevin Cosgrove (Investigator) | 3.70 | \$500.00 | \$1,850.00 |
| Suzanne Powley (Paralegal) | 2.80 | \$420.00 | \$1,176.00 |
| Nikki Lee (Paralegal) | 0.50 | \$295.00 | \$147.50 |
| TOTALS | 150.70 | | \$118,150.00 |

Detailed time records describing the work performed can also be provided for *in camera* review if the Court requests such.

7. Kaplan Fox has also incurred necessary expenses in the amount of \$1,531.04 in the course of prosecuting this case that have been paid out-of-pocket and have not been reimbursed. A breakdown of costs by category for which Kaplan Fox seeks reimbursement is provided below and

detailed back up information, including invoices and receipts are on file and can be provided to the Court for *in camera* review if necessary:

| Category | Expenses |
|------------------------------------|-------------------|
| Legal Research | \$778.84 |
| Court/Filing Fees | \$405.00 |
| Postage/Messenger/Express Delivery | \$41.20 |
| Service of Process | \$306.00 |
| TOTALS | \$1,531.04 |

8. Kaplan Fox’s hourly rates identified above conform to the professional rates set by my firm and have been regularly approved by Courts in the Northern District of California, including in other complex consumer and investor class actions such as *In re Robinhood Outage Litig.*, No. 3:20-CV-01626-JD, 2023 WL 5321525 (N.D. Cal. July 28, 2023) (“Plaintiffs’ counsel applied their customary professional rates. The Court finds that the rates billed are consistent with rates that have been awarded in this District.”); *In re Apple Inc. Device Performance Litig.*, No. 5:18-MD-02827-EJD, 2023 WL 2090981 (N.D. Cal. Feb. 17, 2023) (“The Court reviewed the underlying records and is satisfied that the revised lodestar is supported. Class Counsel applied their customary professional rates. [citation omitted] Those rates are consistent with rates that have been awarded in this District.” (collecting cases)).

Kaplan Fox’s Experience and Notable Results

9. Kaplan Fox is highly experienced in complex class actions and multidistrict litigations across the spectrum of cases involving antitrust, securities, consumer protection, and information privacy laws. Founded in 1954, Kaplan Fox is one of the most established plaintiffs’ litigation practices in the country, and the firm’s early commitment to high-stakes litigation continues to the present day. The firm, which has 33 lawyers and offices in New York, Los Angeles, Oakland, and Chicago, has to date recovered more than \$5 billion for the clients and classes it has represented. A copy of the firm biography is attached as **Exhibit 1**.

10. Kaplan Fox has been dedicated to the prosecution of this action and will remain so through final approval and any appeals, if necessary. To date, we have identified and investigated the claims in this lawsuit and the underlying facts, and quickly coordinated with the other pending actions to avoid duplication of labor and efficiently manage the case. Although the case settled relatively early, our knowledge of facts of this case and of the practice area regarding deceptive labeling informed our view of the strengths and weaknesses of the case and the decision to recommend that the Court grant preliminary approval to the Settlement. Given my experience in other similar cases, I fully endorse the Settlement as fair, reasonable, and adequate to the Class, and do so without reservation.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed this 12th day of August 2025, at Oakland, California.



Laurence D. King (Aug 12, 2025 16:04:27 PDT)
Laurence D. King

Exhibit 1



KAPLAN FOX

Service. Driven. Results.

KAPLAN FOX & KILSHEIMER LLP

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LOS ANGELES, CA

OAKLAND, CA

MORRISTOWN, NJ

CHICAGO, IL

History of Kaplan Fox & Kilsheimer LLP

Leo Kaplan and James Kilsheimer founded “Kaplan & Kilsheimer” in 1954, making the firm one of the most established litigation practices in the country. James Kilsheimer was a celebrated federal prosecutor in the late 1940s and early 1950s in New York who not only successfully tried some of the highest profile cases in the country, but also handled the U.S. Attorney’s Office’s criminal appeals to the Second Circuit.

Now known as “Kaplan Fox & Kilsheimer LLP,” the early commitment to high-stakes litigation continues to define the firm to the present day. In 2009, Portfolio Media’s *Law360* ranked Kaplan Fox’s securities litigation practice as one of the top 5 in the country (plaintiff side), and again in July 2014, the Legal 500 ranked Kaplan Fox as one of the top eight plaintiff’s firms for securities litigation. In March 2013, the *National Law Journal* included Kaplan Fox on its list of the top 10 “hot” litigation boutiques, a list that includes both plaintiff and defense firms. To date, more than half of the firm’s partners – including attorneys on both coasts – were rated “Super Lawyers.”

The firm has three primary litigation practice areas (antitrust, securities, and consumer protection), and the firm is a leader in all three. To date, we have recovered more than **\$5 billion** for our clients and classes. In addition, the firm has expanded its consumer protection practice to include data privacy litigation, and few other firms can match Kaplan Fox’s recent leadership in this rapidly emerging field. The following describes Kaplan Fox’s major practice areas, its most significant recoveries and its attorneys.

Securities Litigation

Over the past 35 years, Kaplan Fox has been a leader in prosecuting corporate and securities fraud, ranging from cases concerning accounting fraud to those involving complicated and complex financial instruments. Since the passage of the Private Securities Litigation Reform Act in 1995, Kaplan Fox has emerged as one of the foremost securities litigation firms representing institutional investors of all sizes, including many of the world’s largest public pension funds.

Kaplan Fox’s selection by Portfolio Media’s Law360 as one of the five top securities litigation firms (plaintiff side) for 2009 was based, in part, on the representation of public pension funds in high profile and complex securities class actions, including *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*; *In re Bank of America Corp. Securities, ERISA & Derivative Litigation*; *In re Fannie Mae Securities Litigation*; and *In re Ambac Financial Group, Inc. Securities Litigation*. Some of the firm’s most significant securities recoveries include:

In re Bank of America Corp. Securities, Derivative, and ERISA Litig.,
09-md-2058 (S.D.N.Y.) (\$2.425 billion recovered)

Arkansas Teacher Retirement Sys. v. Allianz Global Investors US LLC,
No. 20-cv-5615 (S.D.N.Y.) (\$642 million recovered)

In re Merrill Lynch & Co., Inc. Securities Litigation,
Master File No. 07-CV-9633 (JSR) (S.D.N.Y.) (\$475 million recovered)

In re Fannie Mae 2008 Securities Litigation,
No. 08-cv-7831 (PAC) (S.D.N.Y.) (\$170 million recovered)

In re Sequenom, Inc. Securities Litigation,
No. 09-cv-921 (S.D. Cal.) (\$70 million recovered)

Barry Van Roden, et al. v. Genzyme Corp., et al.,
No. 03-CV-4014-LLS (S.D.N.Y.) (\$64 million recovered)

In re Elan Corporation Securities Litigation,
No. 02-CV-0865-RMB (S.D.N.Y.) (\$75 million recovered)

In re MicroStrategy Securities Litigation,
No. CV-00-473-A (E.D. Va.) (\$155 million recovered)

AOL Time Warner Cases I & II (Opt-out)
Nos. 4322 & 4325 (Cal. Superior Court, LA County) (\$140 million recovered)

In re 3Com Securities Litigation,
No. C-97-21083-EAI (N.D. Cal.) (\$259 million recovered)

Antitrust Litigation

Kaplan Fox has been at the forefront of significant private antitrust actions, and we have been appointed by courts as lead counsel or members of an executive committee for plaintiffs in some of the largest antitrust cases throughout the United States. This commitment to leadership in the antitrust field goes back to at least 1967, when firm co-founder Leo Kaplan was appointed by the Southern District of New York to oversee the distribution of all ASCAP royalties under the 1950 antitrust consent decree in **United States v. American Society of Composers, Authors and Publishers**, No. 41-CV-1395 (S.D.N.Y.), a role he held for 28 years until his death in 1995. To this day, ASCAP awards the “Leo Kaplan Award” to an outstanding young composer in honor of Leo’s 28 years of service to ASCAP.

Members of the firm have also argued before the U.S. Courts of Appeals some of the most significant decisions in the antitrust field in recent years. For example, Robert Kaplan argued the appeal in **In re Flat Glass Antitrust Litigation**, 385 F.3d 350 (3d Cir. 2004), and Greg Arenson argued the appeal in **In re High Fructose Corn Syrup Antitrust Litigation**, 295 F.3d 651 (7th Cir. 2002). In a relatively recent survey of defense counsel, in-house

attorneys, and individuals involved in the civil justice reform movement, both were named among the 75 best plaintiffs' lawyers in the country based on their expertise and influence.

Over the years, Kaplan Fox has recovered over **\$2 billion** for our clients in antitrust cases. Some of the larger antitrust recoveries include:

In re Air Cargo Shipping Services Antitrust Litigation,

MDL 1775 (E.D.N.Y.) (settled during trial preparation, for total settlement of more than \$1.25 billion)

In re Plastics Additives Antitrust Litigation,

03-CV-1898 (E.D. Pa.) (\$46.8 million recovered)

In re Neurontin Antitrust Litigation,

MDL No. 1479, Master File No. 02-1390 (D.N.J.) (\$190 million recovered)

In re High Fructose Corn Syrup Antitrust Litigation,

MDL No. 1087, Master File No. 95-1477 (C.D. Ill.) (\$531 million recovered)

In re Medical X-Ray Film Antitrust Litigation,

CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered)

In re Brand Name Prescription Drugs Antitrust Litigation,

MDL 997 (N.D. Ill.) (\$720 plus million recovered)

In re Infant Formula Antitrust Litigation,

MDL 878 (N.D. Fla.) (\$126 million recovered)

In re Flat Glass Antitrust Litigation,

MDL 1200 (W.D. Pa.) (\$122 plus million recovered)

In re Hydrogen Peroxide Antitrust Litigation,

MDL 1682 (E.D. Pa.) (\$97 million recovered)

In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation,

14-MD-2542 (S.D.N.Y.) (\$31 million recovered)

Consumer Protection and Data Privacy Litigation

The consumer protection practice is headquartered in Kaplan Fox's Bay Area office, which opened in 2000, and is led by Laurence King, an experienced trial lawyer and former prosecutor. Mr. King has also served as a Vice-Chair, and then Co-Chair, of the American Association for Justice's Class Action Litigation Group.

Mr. King and our other effective and experienced consumer protection litigators regularly champion the interests of consumers under a variety of state and federal consumer protection laws. Most frequently, these cases are brought as class actions, though under certain circumstances an individual action may be appropriate.

Kaplan Fox's consumer protection attorneys have represented victims of a broad array of misconduct in the manufacturing, testing, marketing, and sale of a variety of products and services and have regularly been appointed as lead or co-lead counsel or as a member of a committee of plaintiffs' counsel in consumer protection actions by courts throughout the nation. Among our significant achievements are highly recognized cases including **In re: Apple Inc. Device Performance Litig.**, No. 5:18-MD-2827-EJD (N.D. Cal.) (a global consumer protection and computer intrusion class action in which a \$310 million class settlement was achieved); **In re Baycol Products Litigation**, MDL 1431-MJD/JGL (D. Minn.) (victims recovered more than \$350 million); **In re Providian Financial Corp. Credit Card Terms Litigation**, MDL No. 1301-WY (E.D. Pa.) (\$105 million recovered); **In re Thomas and Friends Wooden Railway Toys Litig.**, No. 07-cv-3514 (N.D. Ill.) (\$30 million settlement obtained for purchasers of recalled "Thomas Train" toys painted with lead paint); **In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation**, No. 4:09-md-2086 (W.D. Mo.) (settlements obtained where consumers will receive substantially in excess of actual damages and significant injunctive relief); **Berry v. Mega Brands Inc.**, No. 08-CV-1750 (D.N.J.) (class-wide settlement obtained where consumers will receive full refunds for defective products), and **David Wolf, et al. v. Red Bull GmbH, et al.**, No. 1:13-cv-08008 (S.D.N.Y.) (\$13 million settlement fund obtained for purchasers of Red Bull energy drink); and **Schneider v. Chipotle Mexican Grill, Inc.**, No. 16-cv-02200 (N.D. Cal.) (a Non-GMO class action with a settlement approval of \$6.5 million).

Data privacy is a fairly new area of law and broadly encompasses two scenarios. In a data breach case, a defendant has lawful custody of data but fails to safeguard it or use it in an appropriate manner. In a tracking case, the defendant intercepts or otherwise gathers digital data to which it is not entitled in the first place.

Kaplan Fox is an emerging leader in both types of data privacy litigation. For example, Mr. King filed and successfully prosecuted one of very first online data breach cases, **Syran v. LexisNexis Group**, No. 05-cv-0909 (S.D. Cal.), and was court-appointed liaison counsel in a recently successfully concluded data breach case against LinkedIn. See **In re: LinkedIn User Privacy Litigation**, No. 12-cv-3088-EJD (N.D. Cal.). The firm also settled a data privacy case against Universal Property & Casualty Insurance

Company related to the public exposure of sensitive customer data. See **Rodriguez v. Universal Property & Cas. Ins. Co.**, No. 16-cv-60442-JK (S.D. Fla.).

In the past five years alone, we have led or otherwise had court-appointed roles in at least 10 national digital privacy class actions, including high-profile cases against defendants Google, Yahoo, and LinkedIn; two insurance companies; and one data analytics company. Other recent data privacy cases include **In re Horizon Healthcare Services, Inc. Data Breach Litigation**, No. 13-cv-07418-CCC-MF (D.N.J.) where Kaplan Fox represents a group of individuals in a class action asserting willful and negligent violations of the Fair Credit Reporting Act, as well as violations of state law, based on Horizon's failure to adequately protect the Plaintiffs' personal information. Kaplan Fox represents a group of seven credit unions and has been appointed by the court as a member of the Steering Committee for the Financial Institution plaintiffs in a data breach class action against The Home Depot, Inc. See **In re: The Home Depot, Inc., Customer Data Security Breach Litigation**, 1:14-md-02583-TWT (N.D. Ga.). Kaplan Fox was also appointed co-lead class counsel for plaintiffs in **Doe v. Caremark, LLC, 2:18 -cv-00488 -EAS-CMV (S.D. Oh.)**, a class action concerning allegations of the violation of medical privacy of approximately 4,500 class members. The Court approved a \$4.4 million settlement of the action on January 30, 2020. Kaplan Fox and firm Partner Joel Strauss were also recently appointed to the Plaintiffs' Steering Committee in **In Re: HealthEC LLC Data Breach Litig.**, 2:24 -cv-26-JKS-ESK (D.N.J.).

The firm is also an industry leader in the even newer field of email and internet tracking litigation. Kaplan Fox was appointed Co-Lead Class Counsel in a digital privacy class action against Yahoo!, Inc., related to Yahoo's alleged practice of scanning emails for content, which was recently settled. See **In re: Yahoo Mail Litigation**, 5:13-cv-04980-LHK (N.D. Cal.). Other cases include **In re: Google Inc. Cookie Placement Consumer Privacy Litig.**, 12-MD-2358-SLR (D. Del.) (Kaplan Fox appointed to plaintiffs' steering committee).

FIRM ATTORNEYS

PARTNERS

ROBERT N. KAPLAN is widely recognized as a leading plaintiff's litigator and has led the prosecution of numerous class actions and shareholder derivative actions, recovering billions of dollars for the victims of corporate wrongdoing. He was recently listed by defense and corporate counsel as one of the top 75 plaintiffs' attorneys in the United States for all disciplines and has also been ranked as one of the top attorneys in the United States for securities litigation by Legal 500 in each of the last three years. Mr. Kaplan was recognized as Super Lawyer in the New York Metro Area. He was lead counsel for CalPERS in *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.), and was a lead in *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, *In re Escala Securities Litigation* and *In re Bank of America Corp. Securities Litigation*, in which a settlement in the amount of \$2.425 billion and corporate governance changes was approved by the Court.

In the antitrust arena, Mr. Kaplan earned a reputation as a leading litigator. He is a lead counsel in *In re Air Cargo Antitrust Litigation* (more than \$1.25 billion in settlements) and was recently appointed by Courts as lead counsel in the *DIPF Antitrust Litigation*, *In re Cast Iron Soil Pipe and Fittings Antitrust Litigation*, and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*.

He also represents clients in private antitrust actions, including: *Affiliated Foods, Inc.*, *Associated Grocers of New England, Inc.*, *URM Stores, Inc.*, *Western Family Foods, Inc.*, and *Associated Food Stores, Inc.* in individual cases against *Tri-Union Seafoods, LLC*, *d/b/a Chicken of the Sea*, *King Oscar, Inc.*, *Bumble Bee Foods, LLC f/k/a Bumble Bee Seafoods, LLC*, and *Starkist Co.*, No. 15-cv-4312, No. 15-cv-3815, No. 15-cv-4187, No. 15-cv-4667 (N.D. Cal.).

He previously served, as lead counsel or member of the Executive Committee in numerous plaintiff treble damage actions including *In re Neurontin Antitrust Litigation*, MDL No. 1479, Master File No. 02-1390 (D.N.J.) (\$190 million recovered); *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087, Master File No. 95-1477 (C.D. Ill.) (\$531 million recovered); *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.) (\$720 plus million recovered); *In re Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.) (\$126 million recovered); *In re Flat Glass Antitrust Litigation*, MDL 1200 (W.O. Pa.) (\$122 plus million recovered) (Mr. Kaplan successfully argued an appeal before the U.S. Court of Appeals for the Third Circuit, which issued a ground-breaking and often-cited summary judgment opinion. *In re Flat Glass Antitrust Litigation*, 385 F.3d 350 (3d ar. 2004); *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.) (\$97 million recovered); *In re Plastics Additives Antitrust Litigation*, 03-CV-1898 (E.D. Pa.) (\$46.8 million recovered); *In re Medical X-Ray Film Antitrust Litigation*, CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered); and *In re NBR Antitrust Litigation*, MDL 1684 (E.D. Pa.) (\$34.3 million recovered).

Mr. Kaplan has represented financial institutions across the country in data breach cases against Home Depot and was a member of the Plaintiffs' Steering Committee. He is currently representing a group of individuals in a class against Horizon Healthcare Services alleging willful and negligent violations of the Fair Credit Reporting Act, as well as violations of state law, based on Horizon's failure to adequately protect the Plaintiffs' personal information.

Mr. Kaplan honed his litigation skills as a trial attorney with the Antitrust Division of the U.S. Department of Justice. There, he gained significant experience litigating both civil and criminal actions. He also served as law clerk to the Hon. Sylvester J. Ryan, then chief judge of the U.S. District Court for the Southern District of New York and served as an acting judge of the City Court for the City of Rye, N.Y.

In addition to his litigation practice, he has also been active in bar and legal committees. For more than fifteen years, he has been a member of what is now known as the Eastern District of New York's Courts Committee on Civil Litigation.

Mr. Kaplan has also been actively involved in the Federal Bar Council, an organization of judges and attorneys in the Second circuit and is a member of the Program and Winter Planning Committees.

Recently, Mr. Kaplan was invited by the United States Judicial Center and participated in a multi-day seminar for federal judges about complex litigation.

In addition, Mr. Kaplan has served as a member of the Trade Regulation and Federal Courts Committees of the Association of the Bar of the City of New York.

Mr. Kaplan's published articles include: "Complaint and Discovery In Securities Cases," Trial, April 1987; "Franchise Statutes and Rules," Westchester Bar Topics, Winter 1983; "Roots Under Attack: Alexander v. Haley and Courlander v. Haley," Communications and the Law, July 1979.

Mr. Kaplan sits on the boards of several organizations, including the Columbia Law School Board of Visitors, Board of Directors of the Carver Center in Port Chester, N.Y., Member of the Dana Farber Visiting Committee, Thoracic Oncology in Boston, MA, and Member of Board of Trustees for the Rye Historical Society.

Education:

- B.A., Williams College
- J.D., Columbia University Law School

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- Bar of the District of Columbia
- U.S. Supreme Court

- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth, Tenth and Eleventh Circuits
- U.S. District Courts for the Southern, Eastern, and Northern Districts of New York, the Central District of Illinois, and the District of Arizona

Professional Affiliations:

- Committee to Support the Antitrust Laws (past President)
- National Association of Securities and Commercial Law Attorneys (past President)
- Advisory Group of the U.S. District Court for the Eastern District of New York
- American Bar Association
- Association of Trial Lawyers of America (Past Chairman, Commercial Litigation Section, 1985-86)
- Association of the Bar of the City of New York (served on the Trade Regulation Committee; Committee on Federal Courts)

Mr. Kaplan can be reached by email at: RKaplan@kaplanfox.com

FREDERIC S. FOX first associated with Kaplan Fox in 1984 and became a partner of the firm in 1991. For over 30 years, Mr. Fox has concentrated his practice in class action and individual securities litigation. He also prosecutes consumer protection and antitrust litigation.

He has been a lead counsel in many major securities class action cases, including as a senior member of the litigation and trial team in *In re Bank of America Corp., Securities, Derivative, and ERISA Litigation*, No. 09-MDL-2058 (S.D.N.Y.), a complex multi-district litigation that settled for \$2.425 billion plus significant corporate governance reforms, and stands as one of the largest securities class action settlements in history. In *In re Bank of America*, the firm represented Ohio PERS and STRS Ohio. Mr. Fox counsels the firm's many public pension fund clients on seeking redress in foreign jurisdictions or bringing an individual action in the U.S. to adequately protect and recover lost assets in cases involving foreign securities. For example, Mr. Fox settled claims in an opt-out action on behalf of Ohio PERS arising out of the fraud at Petrobras in Brazil. Other significant cases in which Mr. Fox served as lead counsel include *In re Merrill Lynch & Co., Inc., Sec., Derivative & ERISA Litig.* (S.D.N.Y.) (primary attorney responsible for negotiating the \$475 million settlement) and *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831 (S.D.N.Y.) (\$170 million settlement).

The cases Mr. Fox is currently handling or recently handled include: *In re Vale S.A. Sec. Litig.*, No. 19-cv-00526 (S.D.N.Y.), a securities class action, as court appointed lead counsel for the court-appointed lead plaintiff, CAAT Pension Plan, arising out of the January 2019 collapse of a tailings dam and Vale's false and misleading statements about the safety of its dams and commitment to the health and safety of its workers; *Arkansas Teacher Retirement Sys. v. Allianz Global Investors US LLC*, No. 20-cv-5615 (S.D.N.Y.),



an individual action, that alleged negligence and breach of contractual and fiduciary duties arising from misconduct and gross mismanagement of three investment funds, which reached a favorable recovery for ATRS in 2022; and *State Teachers Retirement System of Ohio v. Charles River Labs. Int'l Inc.*, Case No. 23-cv-11132 (D. Mass.), a securities class action, as court appointed lead counsel for the court-appointed lead plaintiff, STRS Ohio, involving allegations that during the Class Period Charles River made false and misleading statements and omitted material facts with respect to its importation of non-human primates. In these cases, Mr. Fox and the firm are counsel on behalf of public pension fund clients.

Mr. Fox has also handled derivative cases seeking corporate governance reform and other shareholder litigation on behalf of public pension funds asserting state law and foreign causes of action. Mr. Fox currently represents CalSTRS and the Firemen's Retirement System of St. Louis in a derivative action in Delaware arising out of Facebook's many years of improper data sharing with third parties, *Karen Sbriglio, Firemen's Retirement System of St. Louis and California State Teachers' Retirement System, derivatively on behalf of Nominal Defendant Facebook, Inc. vs. Mark Zuckerberg, et al.*, Case Number: 2018-0307-JRS (Del. Ch.).

Over the past decade, Mr. Fox has prosecuted a wide variety of consumer protection cases, including as co-lead in *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.), a global consumer protection and computer intrusion class action arising out of Apple's December 2017 admission that it had been secretly throttling iPhone performance for almost a year. Another notable case includes the non-GMO class action of *Schneider v. Chipotle Mexican Grill, Inc.*, No. 16-cv-02200 (N.D. Cal.) and *In re: Yahoo! Mail Litigation*, No. 13-cv-04980-LHK (N.D. Cal.). He served on the Plaintiffs' Steering Committee in the *Baycol Products Litigation* where there were more than \$350 million in settlements.

Within the area of consumer protection, Mr. Fox is also active in the firm's growing data privacy and cyberlaw practice. Mr. Fox and the firm have had court-appointed roles in national class actions against defendants Facebook, Google, Yahoo, and LinkedIn, as well as two insurance companies and one data analytics company. He served as co-lead counsel for plaintiffs in this digital privacy class action, challenging Yahoo's practice of "scanning" incoming and outgoing emails for content, to target advertising more effectively. On August 25, 2016, Judge Lucy Koh granted final approval of an innovative settlement in which Yahoo agreed to change its email delivery architecture to comply with California privacy law. See *In re Yahoo Mail Litig.*, 2016 WL 4474612, *10 (N.D. Cal., Aug. 26, 2016).

Mr. Fox is listed in the current editions of New York Super Lawyers and is recognized in Benchmark Litigation as a New York "Litigation Star." He is also a frequent speaker and panelist in both the U.S. and abroad on a variety of topics including securities litigation and corporate governance.

Mr. Fox is the author of “Current Issues and Strategies in Discovery in Securities Litigation,” ATLA, 1989 Reference Material; “Securities Litigation: Updates and Strategies,” ATLA, 1990 Reference Material; and “Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*,” *University of Bridgeport Law Review*, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the *University of Bridgeport Law Review*.

Education:

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1985)
- Bar of the District of Columbia (2013)
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, Fourth, Sixth, Ninth, and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- Federal Bar Council
- American Bar Association
- Association of the Bar of the City of New York
- District of Columbia Bar Association
- The Council of Institutional Investors - Markets Advisory Council Member (2022)
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: FFox@kaplanfox.com

GREGORY K. ARENSON is principally a plaintiffs’ antitrust lawyer with among other things, expertise in economics. He has worked with economic experts in, among others, *In re Air Cargo Shipping Servs. Antitrust Litig.*, Master File No. 06-MD-1175 (JG)(VVP), 2014 WL 7882100 (E.D.N.Y. Oct. 15, 2014), *adopted in its entirety*, 2015 WL 5093503 (E.D.N.Y. July 10, 2015); *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litig.*, 256 F.R.D. 82 (D. Conn. 2009); *In re Foundry Resins Antitrust Litig.*, 242 F.R.D. 393 (S.D. Ohio 2007); *In re Carbon Black Antitrust Litig.*, No. Civ. A. 03-10191-DPW, MDL No. 1543, 2005 WL 102966 (D. Mass. Jan. 18, 2005); *In re Microcrystalline Cellulose Antitrust Litig.*, 218 F.R.D. 79 (E.D. Pa. 2003); *Bearings Cases*, Case No. 12-00501, and *Wire Harness Cases*, Case No. 12-00101, part of *In re Automotive Parts Antitrust Litig.*, E.D. Mich., Master File No. 12-md-02311; *Affiliated Foods, Inc., et al. v.*

Tri-Union Seafoods, LLC d/b/a Chicken of the Sea Int'l, et al., part of *In re Packaged Seafood Prods. Antitrust Litig.*, S.D. Cal., Case No. 15-MD-2670 JLS (MDD); *In re Domestic Airline Travel Antitrust Litig.*, D.D.C., MDL Docket No. 2656, Misc. No. 15-1404 (CKK); *In re Dental Supplies Antitrust Litig.*, E.D.N.Y., Case No. 16-cv-696 (BMC)(GRB); *In re Ductile Iron Pipe Fittings ("DIPF") Direct Purchaser Antitrust Litig.*, D.N.J., Civ. No. 12-711 (AET)(LHG); *In re Cast Iron Soil Pipe & Fittings Antitrust Litig.*, E.D. Tenn., No. 1:14-md-2508; and *In re Pool Prods. Distribution Mkt. Antitrust Litig.*, E.D. La., MDL No. 2328. He also argued the appeals in *In re High Fructose Corn Syrup Antitrust Litig.*, 295 F.3d 651 (7th Cir. 2002), and *In re Hydrogen Peroxide Antitrust Litig.*, 552 F.3d 305 (3d Cir. 2009). He has been ranked as a Super Lawyer for several years. Among other matters, he argued the appeals in *In re High Fructose Corn Syrup Antitrust Litig.*, 295 F.3d 651 (7th Cir. 2002), and *In re Hydrogen Peroxide Antitrust Litig.*, 552 F.3d 305 (3d Cir. 2009). He has been ranked as a Super Lawyer for several years.

Mr. Arenson has been a partner in Kaplan Fox & Kilsheimer LLP since 1993. Prior to joining Kaplan Fox, he was a partner with Proskauer Rose LLP. Earlier in his career, he was a partner with Schwartz Klink & Schreiber and an associate with Rudnick & Wolfe (now DLA Piper).

Mr. Arenson is active in the New York State Bar Association. He has been a member of the House of Delegates for most of the last decade and has been a member of the Executive Committee of the New York State Bar Association since June 2022. He has been Vice Chair and a member of the Executive Committee of the Sections Caucus and a member of the New York State Bar Association Continuing Legal Education Committee. He was Chair of the Commercial and Federal Litigation Section from June 2013 through May 2014. He has been Co-Chair of the New York State Bar Association Task Force on the State of Our Courthouses, whose report was adopted by the House of Delegates on June 20, 2009; a member of the New York State Bar Association Special Committee on Standards for Pleadings in Federal Litigation, whose report was adopted by the House of Delegates on June 19, 2010; and a member of the New York State Bar Association Special Committee on Discovery and Case Management in Federal Litigation, whose report was adopted by the House of Delegates on June 23, 2012.

Mr. Arenson has written frequently on discovery issues and other issues. His published articles include: "Losing the Forest for the Trees: On the Loss of Economic Efficiency and Equity in Federal Price-Fixing Class Actions, 16 *Va L. & Bus. Rev.* 293 (Spring 2022); "Rule 68 Offers of Judgment and Mootness, Especially for Collective or Class Actions," 20 *NY LITIGATOR* 25 (2015); "Report on Proposed Amendments to Federal Rule of Civil Procedure 45," 17 *NY LITIGATOR* 21 (2012); "Rule 8 (a)(2) After *Twombly*: Has There Been a Plausible Change?" 14 *NY LITIGATOR* 23 (2009); "Report on Proposed Federal Rule of Evidence 502," 12 *NY LITIGATOR* 49 (2007); "Report: Treating the Federal Government Like Any Other Person: Toward a Consistent Application of Rule 45," 12 *NY LITIGATOR* 35 (2007); "Report of the Commercial and Federal Litigation Section on the Lawsuit Abuse Reduction Act of 2005," 11 *NY LITIGATOR* 26 (2006); "Report Seeking To Require Party Witnesses Located Out-Of-State Outside 100 Miles To Appear At Trial Is Not A Compelling Request," 11 *NY*

LITIGATOR 41 (2006); “Eliminating a Trap for the Unwary: A Proposed Revision of Federal Rule of Civil Procedure 50,” 9 NY LITIGATOR 67 (2004); “Committee Report on Rule 30(b)(6),” 9 NY LITIGATOR 72 (2004); “Who Should Bear the Burden of Producing Electronic Information?” 7 FEDERAL DISCOVERY NEWS, No. 5, at 3 (April 2001); “Work Product vs. Expert Disclosure – No One Wins,” 6 FEDERAL DISCOVERY NEWS, No. 9, at 3 (August 2000); “Practice Tip: Reviewing Deposition Transcripts,” 6 FEDERAL DISCOVERY NEWS, No. 5, at 13 (April 2000); “The Civil Procedure Rules: No More Fishing Expeditions,” 5 FEDERAL DISCOVERY NEWS, No. 9, at 3 (August 1999); “The Good, the Bad and the Unnecessary: Comments on the Proposed Changes to the Federal Civil Discovery Rules,” 4 NY LITIGATOR 30 (1998); and “The Search for Reliable Expertise: Comments on Proposed Amendments to the Federal Rules of Evidence,” 4 NY LITIGATOR 24 (1998). He was co-editor of FEDERAL RULES OF CIVIL PROCEDURE, 1993 AMENDMENTS, A PRACTICAL GUIDE, published by the New York State Bar Association; and a co-author of “Report on the Application of Statutes of Limitation in Federal Litigation,” 53 ALBANY LAW REVIEW 3 (1988).

Mr. Arenson serves as a mediator in the U.S. District Court for the Southern District of New York. In addition, he is an active alumnus of the Massachusetts Institute of Technology, having served as a member of the Corporation, a member of the Corporation Development Committee, vice president of the Association of Alumni/ae, and member of the Annual Fund Board (of which he was a past chair), secretary of his class, and 50th reunion gift committee co-chair.

Education:

- S.B., Massachusetts Institute of Technology (1971)
- J.D., University of Chicago (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- Bar of the State of New York (1978)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third and Seventh Circuits
- U.S. District Courts for the Northern and Central Districts of Illinois, Southern and Eastern Districts of New York, and Eastern District of Michigan
- U.S. Tax Court

Mr. Arenson can be reached by email at: GArenson@kaplanfox.com

LAURENCE KING first joined Kaplan Fox as an associate in 1994 and became a partner of the firm in 1998. While Mr. King initially joined the firm in New York, in 2000 he relocated to San Francisco to open the firm's first West Coast office. He is now the West Coast Managing Partner of Kaplan Fox, resident in our Oakland and Los Angeles offices.

Mr. King practices primarily in the areas of consumer protection litigation and

securities litigation, with an emphasis on institutional investor representation. He has also practiced in the area of employment litigation. Mr. King has played a substantial role in cases that have resulted in some of the largest recoveries ever obtained by Kaplan Fox, including: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.); *In re: Apple Inc. Device Performance Litig.* (N.D. Cal), *In re 3Com Securities Litigation* (N.D. Cal.), *In re Informix Securities Litigation* (N.D. Cal.), *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.) and *Providian Credit Card Cases* (Ca. Sup. Ct., S.F. Cty.).

An experienced trial lawyer, prior to joining Kaplan Fox Mr. King served as an assistant district attorney under the legendary Robert Morgenthau in the Manhattan (New York County) District Attorney's Office, where he tried numerous felony prosecutions to jury verdict. At Kaplan Fox, he was a member of the trial team for two securities class actions tried to verdict, *In re Biogen Securities Litigation* (D. Mass.) and *In re Health Management Securities Litigation* (E.D.N.Y.). Mr. King has also participated in trial preparation for numerous other cases in which favorable settlements were achieved for our clients on or near the eve of trial.

Mr. King has been selected for inclusion in Northern California *SuperLawyers* each year since 2012. He previously served as Vice-Chair, and then as Co-Chair, of the American Association for Justice's Class Action Litigation Group.

Education:

- B.S., Wharton School of the University of Pennsylvania (1985)
- J.D., Fordham University School of Law (1988)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1989)
- Bar of the State of California (2000)
- U.S. Court of Appeals for the Second and Ninth Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York, and the Northern, Central and Southern Districts of California

Professional Affiliations:

- Bar Association of San Francisco
- American Bar Association
- American Association for Justice

Mr. King can be reached by email at: LKing@kaplanfox.com

JOEL B. STRAUSS first associated with Kaplan Fox in 1992 and became a partner in the firm in 1999. He practices in the area of securities and consumer fraud and data privacy class action litigation. He has been repeatedly selected for inclusion to the New York Super Lawyers list (Securities Litigation) (2007-2010, 2014-2025) and was named to Lawdragon's 500 Leading Plaintiff Financial Lawyers in the U.S. (2019 - 2025).



Prior to law school, Mr. Strauss was a senior auditor at the accounting firm Coopers & Lybrand (n/k/a PricewaterhouseCoopers). Combining his accounting background and legal skills, he has played a critical role in successfully prosecuting numerous securities class actions across the country on behalf of shareholders. Mr. Strauss was one of the lead trial lawyers for the plaintiffs in the first case to go to trial and verdict under the Private Securities Litigation Reform Act of 1995.

Mr. Strauss has been involved in representing the firm's institutional clients in the following securities class actions, among others: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.) (\$2.425 billion settlement); *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litig.* (S.D.N.Y.) (\$475 million settlement); *In re Prestige Brands Holdings Inc. Securities Litig.* (S.D.N.Y.) (\$11 million settlement); *In re Gentiva Securities Litig.* (E.D.N.Y.) (\$6.5 million settlement); and *In Re SunPower Securities Litig.* (N.D.Cal) (\$19.7 million settlement). He has also served as lead counsel for lead plaintiffs in *In re OCA, Inc. Securities Litig.* (E.D. La.) (\$6.5 million settlement); *In re Proquest Company Securities Litig.* (E.D. Mich.) (\$20 million settlement) and *In re Rocket Fuel, Inc. Securities Litig.* (N.D.Cal.) (\$3.15 million settlement). Mr. Strauss also played an active role for plaintiff investors in *In Re Countrywide Financial Corporation Securities Litig.* (C.D.Cal), which settled for more than \$600 million. He is also currently actively involved in representing plaintiffs in *In re: FTX Cryptocurrency Exchange Collapse Litig.* (S.D.Fla).

In the consumer protection area, Mr. Strauss served as Chair of Plaintiffs' Non-Party Discovery Committee in the *Baycol Products Litig.*, where there were more than \$350 million in settlements. Among other leadership roles he plays in the consumer protection area, Mr. Strauss currently serves as one of Plaintiff's' lead counsel in *Valli, et. al. v. Avis Budget Group, Inc., et. al.* (D.N.J.).

Mr. Strauss is also active in the firm's growing data privacy practice. In July 2017 he moderated a panel on U.S. Data Privacy Laws at a conference in Tel Aviv. And, among other data privacy cases in which he has played an active role, Mr. Strauss served as one of plaintiffs' co-lead counsel in *Doe vs. CVS Healthcare Corp., et. al.*, (S.D. Ohio), a class action concerning allegations of the violation of medical privacy of approximately 4,500 class members. The Court approved a \$4.4 million settlement of the action on January 30, 2020. Mr. Strauss was also recently appointed to serve on the Plaintiffs' Steering Committee in *In Re: HealthEC LLC Data Breach Litig.*, (D.N.J.).

Although currently practicing exclusively in the area of law, Mr. Strauss is a licensed Certified Public Accountant in the State of New York.

Mr. Strauss has also been a guest lecturer on the topics of securities litigation, auditors' liability and class actions for seminars sponsored by the Practising Law Institute, the National Consumer Law Center and the Association of the Bar of the City of New York and is an adjunct instructor in the Political Science department at Yeshiva University.

Since June 2014, Mr. Strauss has served as a member of the New York State Bar Association's Committee on Legal Education and Admission to the Bar.

Among his various communal activities, Mr. Strauss currently serves as Co-President of Friends of Jerusalem College of Technology, is a member of Yeshiva University's General Counsel's Council, a member of the Alumni Advisory Group at the Benjamin N. Cardozo School of Law, a member of Yeshiva University's Industry Advisory Council of the University's Career Strategy and Professional Development Office, and has Chaired the Career Guidance and Placement Committee of Yeshiva University's Undergraduate Alumni Council, and is an Advisory Board Member and Mentor in the Orthodox Union's Impact Accelerator program.

In March 2001 the New Jersey State Assembly issued a resolution recognizing and commending Mr. Strauss for his extensive community service and leadership. In 2012 Mr. Strauss received The Alumni Partner of the Year Award from Yeshiva University's Career Development Office.

In May 2023, New Jersey Governor Phil Murphy appointed Mr. Strauss to serve on the New Jersey – Israel Commission.

Education:

- B.A., Yeshiva University (1986)
- J.D., Benjamin N. Cardozo School of Law (1992)
- HBX|Harvard Business School, Certificate in Entrepreneurship Essentials (2017)
- AICPA - Cybersecurity Fundamentals for Finance and Accounting Professionals Certificate (2018)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. Court of Appeals for the First, Second and Third Circuits
- U.S. District Courts for the Southern, Eastern and Western Districts of New York, District of New Jersey, and District of Nebraska

Professional Affiliations:

- Association of the Bar of the City of New York
- New York State Bar Association
- American Institute of Certified Public Accountants

Mr. Strauss can be reached by email at: JStrauss@kaplanfox.com

HAE SUNG NAM joined Kaplan Fox in 1999 and became a partner of the firm in 2005. Ms. Nam has been representing consumers, employees, and investors in complex class actions and multi-district litigation in districts throughout the country for 25 years. In addition to securities cases, she also focuses on antitrust litigation. Recently, Ms. Nam served as co-lead counsel in *In re Google Play Consumer Antitrust Litigation*, 20-cv-05761 (N.D. Cal), representing consumers in an antitrust litigation concerning Google's alleged anticompetitive use of contractual and technological barriers to foreclose Android users' ability to utilize app distribution platforms other than Google Play Store.

Ms. Nam has substantial experience prosecuting other antitrust matters on behalf of various classes and opt-outs, including *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, 1:14-md-02542 (S.D.N.Y.), *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-md-01720 (E.D.N.Y.), and *In re Flat Glass Antitrust Litigation*, No. 03-cv-2920 (W.D. Pa.).

Ms. Nam has also played integral roles in a number of the firm's notable securities cases, including *In re Bank of America Corp., Securities, Derivative, and ERISA Litigation*, No. 09-md-2058 (S.D.N.Y.), *In re Fannie Mae Securities Litigation*, No. 08-cv-7831-PAC (S.D.N.Y.), and *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-411-NRB (S.D.N.Y.). She has also focused on prosecuting opt-out securities actions on behalf of the firm's public pension fund clients. Ms. Nam was one of the core team members that prosecuted and settled an opt-out action on behalf of Ohio PERS arising out of the fraud at Petrobras in Brazil. She also played a significant role in *AOL Time Warner Cases I & II* and *State Treasurer of the State of Michigan v. Tyco International, Ltd.*, No. 08-cv-1340 (D.N.H.).

Prior to joining the firm, Ms. Nam was an associate with Kronish Lieb Weiner & Hellman LLP, where she trained as a transactional attorney in general corporate securities law and mergers and acquisitions.

Ms. Nam graduated, *magna cum laude*, with a dual degree in political science and public relations from Syracuse University's Maxwell School and S.I. Newhouse School of Public Communications. Ms. Nam obtained her law degree, with honors, from George Washington University Law School. During law school, Ms. Nam was a member of the George Washington University Law Review.

Education:

- B.A., *magna cum laude*, Syracuse University (1994)
- J.D., with honors, George Washington University Law School (1997)

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York.

Ms. Nam can be reached by email at: HNam@kaplanfox.com

DONALD HALL first associated with Kaplan Fox in 1998 and became a partner of the firm in 2005. Mr. Hall has more than 25 years of experience in securities and complex litigation. He also prosecutes consumer protection and antitrust litigation. Mr. Hall is actively involved in counseling the firm's institutional clients on seeking redress in foreign jurisdictions or bringing an individual action in the U.S. to adequately protect and recover lost assets involving foreign securities.

Mr. Hall was a member of the trial team prosecuting *In re Bank of America*, which settled for \$2.425 billion, the single largest securities class action recovery for violations of Section 14(a) of the Securities and Exchange Act of 1934 ("Exchange Act") and one of the top securities litigation settlements obtained in history. Mr. Hall also represented public pension fund clients in *In re Eletrobras Secs. Litig.*, No. 15-cv-5754 (S.D.N.Y.), as co-lead counsel representing the Employee Retirement System of City of Providence in a class action against a Brazilian company, and in *Kasper v. AAC Holdings, Inc.*, No. 15-cv-923 (M.D. Tenn.), as co-lead counsel representing ATRS. Mr. Hall successfully represented institutional investor clients in *In re Merrill Lynch*, which settled for \$475 million; *In re Fannie Mae 2008*, which settled for \$170 million; *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411 (S.D.N.Y.) ("In re Ambac"); and *In re Majesco Securities Litigation*, No. 05-cv-3557 (D.N.J.), among others. Additionally, he was a member of the litigation team in *AOL Time Warner Cases I & II*, an opt-out action brought by institutional investors that settled just weeks before trial, resulting in a recovery of multiples of what would have been obtained had those investors remained members of the class action.

Currently, Mr. Hall is representing institutional clients in the following cases: *In re Vale* as court appointed lead counsel for the court-appointed lead plaintiff, CAAT Pension Plan, arising out of the January 2019 collapse of a tailings dam and Vale's false and misleading statements about the safety of its dams and commitment to the health and safety of its workers; CalSTRS and the Firemen's Retirement System of St. Louis in a derivative action in Delaware arising out of Facebook's many years of improper data sharing with third parties, *Karen Sbriglio, Retirement System of St. Louis and California State Teachers' Retirement System, derivatively on behalf of Nominal Defendant Facebook, Inc. vs. Mark Zuckerberg, et al.*, Case Number: 2018-0307-JRS (Del. Ch.); and *State Teachers Retirement System of Ohio v. Charles River Labs. Int'l Inc.*, Case No. 23-cv-11132 (D. Mass.), a securities class action, as court appointed lead counsel for the court-appointed lead plaintiff, STRS Ohio. Mr. Hall recently represented ATRS in *Arkansas Teacher Retirement Sys. v. Allianz Global Investors US LLC*, No. 20-cv-5615 (S.D.N.Y.), an individual action, alleging negligence and breach of contractual and fiduciary duties arising from misconduct and gross mismanagement of three investment funds.

Mr. Hall has played a key role in some of the Firm's antitrust actions, including *In re Flat Glass Antitrust Litigation*; *In re Compact Disc Antitrust Litigation*; and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*. He is currently part of the litigation team representing consumers in *In re Google Play Consumer Antitrust Litigation*, 20-cv-05761 (N.D. Cal.) concerning Google's alleged anticompetitive use of



contractual and technological barriers to foreclose Android users' ability to utilize app distribution platforms other than Google Play Store.

In the consumer protection area, Mr. Hall was co-lead counsel in *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.) (a global consumer protection and computer intrusion class action in which a \$310 million class settlement was achieved in March 2021). Mr. Hall is also active in the firm's growing data privacy and cyberlaw practice. Other notable cases in the area of consumer protection Mr. Hall has prosecuted include the non-GMO class action of *Schneider v. Chipotle Mexican Grill, Inc.*, No. 16-cv-02200 (N.D. Cal.) and *In re: Yahoo! Mail Litigation*, No. 5:13-cv-04980-LHK (N.D. Cal.) in which Kaplan Fox served as co-lead counsel for plaintiffs in a digital privacy class action challenging Yahoo's practice of "scanning" incoming and outgoing emails for content, in order to target advertising more effectively.

Mr. Hall graduated from the College of William and Mary in 1995 with a B.A. in Philosophy and obtained his law degree from Fordham University School of Law in 1998. During law school, Mr. Hall was a member of the Fordham Urban Law Journal and a member of the Fordham Moot Court Board. He also participated in the Criminal Defense Clinic, representing criminal defendants in federal and New York State courts on a pro-bono basis.

Education:

- B.A., College of William and Mary (1995)
- J.D., Fordham University School of Law (1998)

Bar Affiliations and Court Admissions:

- Bar of the State of Connecticut
- Bar of the State of New York
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, Ninth and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- American Bar Association
- Association of Trial Lawyers of America
- New York State Bar Association

Mr. Hall can be reached by email at: DHall@kaplanfox.com

JEFFREY P. CAMPISI is involved in representing the firm's institutional and individual clients in securities and shareholder actions, and other complex litigation.

Mr. Campisi currently represents investors in *Christiansen v. Spectrum Pharmaceuticals, Inc., et al.*, 22-cv-10292 (VEC) (S.D.N.Y.), *McGreevy et al., v. Digital*

Currency Group, Inc., et al., 23-cv-82-SRU (D. Conn.), Rauch v. Vale, S.A., et al., 19-cv-00526 (E.D.N.Y.); Julia Junge and Richard Junge, v. Geron Corp. and John Scarlett, No. C 20-00547 WHA (N.D. Cal.); and Gluck v. Hecla Mining Company, 19-cv-4883 (ALC) (S.D.N.Y.).

In the past, Mr. Campisi has represented Oklahoma Police Pension and Retirement Fund (as liaison counsel) in Milbeck v. Truecar, Inc. et al., 18-cv-2612 (C.D. Cal.) (\$28.25 million recovered); the Tennessee Consolidated Retirement System in In re Fannie Mae 2008 Securities Litigation, 08cv7831 (S.D.N.Y.) (\$170 million recovered); State Teachers' Retirement System of Ohio in In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation, 07cv9633 (S.D.N.Y.) (\$475 million recovered), one of the largest recoveries in a securities class action; the Virginia Retirement System in In re Escala Group, Inc. Securities Litigation, 06cv3518 (S.D.N.Y.) (\$18 million in cash and stock recovered); the Los Angeles City Employees' Retirement System in In re Sequenom, Inc. Securities Litigation, 09cv921 (S.D. Cal.) (\$43 million in cash and stock recovered, as of February 4, 2010, and significant corporate governance reforms) and in In re Gentiva Securities Litigation, 10cv5064 (E.D.N.Y.) (\$6.5 million recovered).

Other cases include Convey v. Jumia Technologies AG, et al. Index No. 656021/2019 (N.Y. County Supreme Court) (\$3 million recovered); Schueneman v. Arena Pharms., et al., 10cv1959 (S.D. Cal.) (\$24 million recovered); Kasper v. AAC Holdings, Inc., et al., 15cv923 (M.D. Tenn.) (\$25 million recovered); In re SandRidge Energy, Inc. Shareholder Derivative Litigation, No. CIV-13-102-W (W.D. Okla.) (\$38.5 million recovered); In re Violin Memory, Inc. Securities Litigation, 13cv5486 (N.D. Cal.) (\$7.5 million recovered); In re Nevsun Resources Ltd., 12cv1845 (S.D.N.Y.) (approximately \$6 million settlement); In re Countrywide Financial Corporation Securities Litigation, 07cv5295 (C.D. Cal.) (\$624 million recovered), In re ProQuest Company Securities Litigation, 06cv10619 (E.D. Mich.) (\$20 million recovered), and Friedman v. Penson Worldwide, Inc., 11cv2098 (N.D. Tex.) (\$6.5 million recovered).

Mr. Campisi is a graduate of Villanova University School of Law (*summa cum laude*), where he was a member of the Villanova Law Review and the *Order of the Coif*. Mr. Campisi earned a B.A. from Georgetown University (*cum laude*). Mr. Campisi served as a law clerk to the Late Honorable Herbert J. Hutton, United States District Judge for the United States District Court for the Eastern District of Pennsylvania.

Education:

- B.A., *cum laude*, Georgetown University (1996)
- J.D., *summa cum laude*, Villanova University School of Law (2000)
Member of Law Review and Order of the Coif

Bar affiliations and court admissions:

- Bar of the State of New York
- U.S. Courts of Appeals for the Ninth and Tenth Circuits

- U.S. District Courts for the Southern, Eastern, Northern and Western Districts of New York, and Western District of Tennessee

Professional affiliations:

- Federal Bar Council
- American Association for Justice

Mr. Campisi can be reached by email at: icampisi@kaplanfox.com

MELINDA CAMPBELL has been associated with Kaplan Fox since September 2004 and became a partner of the firm in 2012. She has 20 years of experience in securities and other complex litigation. Mrs. Campbell currently represents the Colleges of Applied Arts and Technology Pension Plan in *In re Vale S.A. Securities Litigation*, No. 19-cv-526 (E.D.N.Y.).

Mrs. Campbell's noteworthy cases include: *In re Bank of America Corp. Securities Litigation*, 09-md-2058 (S.D.N.Y.); *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411(NRB) (S.D.N.Y.); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831(PAC) (S.D.N.Y.), *In re Eletrobras Securities Litigation*, No. 15-cv-5754 (S.D.N.Y.) (\$14.75 million settlement), and *Ollila v. Babcock & Wilcox Enterprises Inc.*, No. 3:17-cv-109 (W.D.N.C.) (\$19.5 million settlement).

Mrs. Campbell obtained her J.D. from the University of Pennsylvania Law School. While attending law school, she successfully represented clients of the Civil Practice Clinic of the University of Pennsylvania Law School and provided pro bono legal services through organizations including the Southern Poverty Law Center.

Mrs. Campbell obtained her undergraduate degree from the University of Missouri (*cum laude*).

Mrs. Campbell is a member of the Federal Courts Committee of the New York County Lawyers Association and served as a panelist in a continuing legal education course offered by the Committee concerning waiver of attorney-client privilege under Federal Rule of Evidence 501. Additionally, Mrs. Campbell is a member of the New York State Bar Association, the National Association of Women Lawyers, and the New York Women's Bar Association.

Education:

- B.A., *cum laude*, University of Missouri (2000)
- J.D., University of Pennsylvania Law School (2004)

Bar affiliations and court admissions:

- Bar of the State of New York (2005)
- U.S. Courts of Appeals for the First, Second, Ninth and Eleventh Circuits

- U.S. District Courts for the Southern and Eastern Districts of New York

Professional affiliations:

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association

Mrs. Campbell can be reached by email at: MCampbell@kaplanfox.com

ELANA KATCHER has extensive complex antitrust litigation experience drawn from her work on both the plaintiff and defense sides. Ms. Katcher began her career in antitrust litigation as an associate at Sullivan & Cromwell LLP where she was a member of the trial team defending Microsoft Corporation against a series of private class actions brought in courts around the country, as well as representing other major defendants in bet-the-company litigation.

Since 2007, Ms. Katcher has been instrumental in some of Kaplan Fox's largest cases, including *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D.N.Y.), and a successful bellwether trial in *Neurontin Marketing, Sales Practices & Products Liability Litig.*, MDL No. 1629 (D. Mass.). In addition, Ms. Katcher co-drafted a successful opposition to the first Rule 12(b)(6) motion to dismiss in the sprawling Generic Pharmaceutical antitrust actions, *In re Propranolol Antitrust Litig.*, 249 F. Supp. 3d 712 (S.D.N.Y. 2017) (Rakoff, J.), and continues to work on behalf of the Direct Purchaser Plaintiffs in the *Generic Pharmaceutical* antitrust actions now pending before District Judge Cynthia M. Rufe in the Eastern District of Pennsylvania, including as part of the briefing team that recently prevailed against the first tranche of motions to dismiss brought in that litigation. See *In re Generic Pharm. Pricing Antitrust Litig.*, No. 16-CB-27243, 2018 WL 5003450 (E.D. Pa. Oct. 16, 2018).

In addition, Ms. Katcher represents significant corporate clients, including clients listed on Nasdaq, in individual antitrust actions in Packaged Seafood in which she has recently co-argued a key motion to dismiss before District Judge Janis L. Sammartino, obtaining a significant victory where the court upheld jurisdiction over two foreign defendants. See *In re Packaged Seafood Prod. Antitrust Litig.*, No. 15-MD-2670 JLS (MDD), 2018 WL 4222506 (S.D. Cal. Sept. 5, 2018). She is currently part of the co-lead team for the direct purchaser class plaintiffs in *In re Caustic Soda Antitrust Litigation*, 19-cv-00385 (W.D.N.Y.), and is a member of the steering committee representing the indirect reseller plaintiff class in *In re Juul Labs, Inc. Antitrust Litigation*, 20-cv-02345 (N.D. Cal.).

Prior to Kaplan Fox, she was an associate at Sullivan & Cromwell LLP and King & Spalding LLP, where she participated in the defense of major companies, including at trial and in arbitration.

Education:

- B.A. Oberlin College
- J.D., New York University

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association
- New York City Bar Association

Ms. Katcher can be reached by email at: ekatcher@kaplanfox.com

MATTHEW P. McCAHILL was associated with Kaplan Fox from 2003 to 2005, re-joined the firm in May 2013 and became a partner in 2016. He practices in the areas of antitrust and securities litigation, as well as commercial litigation. From 2006 to early 2013, Mr. McCahill was an associate at Berger & Montague, P.C. in Philadelphia. While focusing on insurance and antitrust class action cases, including *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) and *Ormond et al. v. Anthem, Inc. et al.*, Case No. 1:05-cv-01908-TWP-TAB (N.D. Ind.) (related to the demutualization of Anthem Insurance, which settled for \$90 million in 2012), he also represented corporations and bankruptcy trustees in commercial litigation involving claims for breach of contract, breach of fiduciary duty and fraudulent conveyance.

Mr. McCahill's practice includes representation of plaintiffs opting out of class actions. He represented large retailers who opted out of the *Payment Card* class to pursue their own antitrust actions against Visa and MasterCard challenging the networks' merchant rules and their interchange (or "swipe") fees. Among the merchants he and the firm represented in that case were E-Z Mart Stores, Inc., Sunoco, LP (formerly known as Susser Holdings Corp., operator of the Stripes® convenience store chain), Jacksons Food Stores, Sheetz, Inc., Kum & Go, L.C., Einstein Noah Restaurant Group, Furniture Row, Inc. and NPC International, Inc. (the world's largest franchisee of Pizza Hut restaurants).

Mr. McCahill is part of the Kaplan Fox team representing large grocery chains and food distributors (including Giant Eagle, Inc., Associated Food Stores, Inc., Affiliated Foods, Inc., Western Family Foods, Inc. and the McLane Company, Inc., among others) in individual actions in *In re Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. Cal.), alleging price-fixing and other antitrust violations against Tri-Union Seafoods, LLC (d/b/a Chicken of the Sea), Bumble Bee Foods, LLC, and others. Mr. McCahill currently represents some of the same clients in opt-out antitrust litigation against the nation's largest producers of broiler chickens, in *In re Broiler Chicken Antitrust*

Litigation, pending in a federal court in Chicago. He and other Kaplan Fox lawyers also represented the Ohio Public Employees Retirement System in an individual securities fraud action against Brazilian energy conglomerate Petrobras in *In re Petrobras Securities Litigation*, Civ. Action No. 14-cv-9662 (JSR) (S.D.N.Y.).

Mr. McCahill's current and past involvement in class action litigation at Kaplan Fox includes: *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.), where he represented a proposed class of direct purchasers of cast iron soil pipes and fittings in an antitrust case against the Cast Iron Soil Pipe Institute, Charlotte Pipe & Foundry Co. and McWane, Inc. and its subsidiaries; *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of \$38 million); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D.N.J.) (delayed-generic entry action brought by direct purchasers of Pfizer's drug Neurontin, which settled for \$190 million following nearly 12 years of litigation).

In 2014, 2015 and 2016, Mr. McCahill was named a "New York Metro Super Lawyer – Rising Star" in antitrust litigation and was selected as a "Pennsylvania Super Lawyer – Rising Star" (also in antitrust litigation) in 2012 and 2013 and has each year since 2017 been named a "New York Metro Super Lawyer" in antitrust litigation. He is a member of the American, Pennsylvania State, New York State and New York City bar associations. Mr. McCahill's *pro bono* efforts focus primarily on representing Marine Corps veterans in benefits proceedings before the Veterans Administration.

Mr. McCahill is a 2000 graduate of Rutgers College where he received a B.A., *summa cum laude*, in history and was elected to Phi Beta Kappa. He graduated from Fordham Law School in 2003, where he was a member of the *Fordham Urban Law Journal*. He is fluent in French and proficient in Spanish.

Education:

- B.A., History, *summa cum laude*, Rutgers College (2000)
- J.D., Fordham Law School (2003)

Bar Affiliations and Court Admissions:

- Bars of the State of New York and the Commonwealth of Pennsylvania
- U.S. District Courts for the Southern and Eastern Districts of New York and the Eastern District of Pennsylvania

Professional Affiliations:

- American Bar Association
- New York State Bar Association
- Pennsylvania Bar Association
- Association of the Bar of the City of New York

Mr. McCahill can be reached by email at: mmccahill@kaplanfox.com



MATTHEW GEORGE is a complex litigation attorney at Kaplan Fox & Kilsheimer LLP with a practice focused on data privacy, consumer protection, and employment/labor cases. He has significant experience and expertise handling multidistrict litigation and other coordinated proceedings in state and federal courts involving multiple parties and complex discovery issues.

Matthew has a strong track record opposing Silicon Valley's largest companies in lawsuits involving emerging technology and novel legal issues. He was on Kaplan Fox's lead counsel team in *In re: Apple Device Performance Litigation*, that recovered a settlement of up to \$500 million on claims that Apple violated the Computer Fraud and Abuse Act. In that case he managed third-party discovery of two dozen companies in the U.S. and Asia and first chaired a series of depositions. He was the court appointed co-lead counsel in *In re: Robinhood Outage Litigation*, representing investors alleging losses attributable to a series of unprecedented outages of Robinhood's trading app in March of 2020. He also represented a certified class of patients alleging that failed blood testing startup Theranos and Walgreens unlawfully experimented on them in *In re: Arizona Theranos Incorporated Litigation*. Matthew has also obtained innovative rulings at the trial and appellate levels on claims against Facebook, Adobe, and Yahoo over mishandling of consumers' personal information and data.

Matthew has also advanced initiatives for underrepresented communities both in and out of court. He was recently co-lead counsel in cases against health care conglomerates CVS/Caremark and Aetna that collectively recovered over \$20 million on behalf of Americans living with HIV when their healthcare information was wrongfully exposed. Matthew has been a longstanding member of BALIF, the Bay Area's (and nation's oldest) LGBTQI+ bar association, where he has volunteered in BALIF's formal mentorship program helping new attorneys enter the profession. He has also been a member of the Consumer Attorneys of California's Diversity Committee, where he co-sponsored an event inclusive of the Bay Area's minority bar associations.

Matthew has been selected by his peers as a "Rising Star" by Northern California Super Lawyers each year from 2011-2014 and was chosen as a "Super Lawyer" in 2016, the first year he was eligible for the distinction and every year since. He has been a regular speaker at industry conventions and seminars on topics ranging from arbitration, expert depositions, and class action settlement strategies.

Education:

- B.A., Political Science and Criminal Justice, *magna cum laude*, Chapman University (2002)
- J.D., The University of Michigan Law School (2005)

Publications and Speaking Engagements:

- Expert Depositions: Promoting Expertise and Limiting Exposure –Bridgeport Continuing Legal Education "Mastering the Deposition" Seminar (January 2017)



- “How Viable Is the Prospect of Private Enforcement of Privacy Rights In The Age of Big Data? An Overview of Trends and developments In Privacy Class Actions” – Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Volume 24, No. 1 (Spring 2015)
- Panel Discussion of Sony Pictures Data Breach Cases – CNBC’s “Squawk On the Street” (December 2014)
- New and Developing Practice Areas – CAOC 53rd Annual Convention (November 2014)
- Privacy Law Symposium – University of California, Hastings College of the La (April 2014)
- Update On the Target Data Breach Litigation – HarrisMartin Target Data Breach MDL Conference (March 2014)
- Consumer Privacy Law – 8th Annual CAOC Class Action Seminar (February 2014)
- Privacy Litigation and Management: Strategies For Protection and Litigation – Bridgeport Continuing Legal Education Seminar (December 2012)
- Class Action Settlement Strategies and Mechanics – 12th Annual Bridgeport Class Action Litigation & Management Conference (April 2012)
- Developments In the Arbitration of Wage and Hour Disputes – Bridgeport 2010 Wage and Hour Conference (October 2010)

Bar Affiliations and Court Admissions:

- Bar of the State of California
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California, and the District of Colorado
- Ninth Circuit Court of Appeals

Professional Affiliations:

- Bay Area Lawyers for Individual Freedom
- Consumer Attorneys of California (Diversity Committee)
- American Bar Association (Labor and Employment Section)

Mr. George can be reached by email at: mgeorge@kaplanfox.com

PAMELA MAYER is focused on the investigation, analysis and initiation of securities claims on behalf of the firm’s institutional and individual clients utilizing her combined legal and finance background. Prior to joining Kaplan Fox, Ms. Mayer was a securities investigation and litigation attorney for a multinational investment bank directly involved in the defense of securities investigations and litigations involving complex securities, mutual funds, specialist trading issues, initial public offering quiet periods, as well as disclosures and conflicts of interest for investment advisors. Prior to working at Bear Stearns, Ms. Mayer was the General Counsel and Vice President Business Development of Interactive Video Technologies, Inc.

Ms. Mayer also has substantial litigation experience in the area of intellectual property.

Education:

- B.S., The University of Rochester
- J.D., The George Washington University
- M.B.A., Finance, The University of Michigan

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Ms. Mayer can be reached by email at: pmayer@kaplanfox.com

AARON L. SCHWARTZ joined Kaplan Fox in 2017 and became a partner in 2024. He has broad experience in class action, opt-out, and other complex litigation with particularized focus on antitrust, consumer protection, and securities matters.

Mr. Schwartz has served on court-appointed lead counsel teams in several notable actions, including *In re Google Play Consumer Antitrust Litig.*, 20-cv-05761 (N.D. Cal.) (ongoing consumer action alleging unlawful monopolization of the Google Play Store), *In re Vale S.A. Sec. Litig.*, 19-cv-526 (E.D.N.Y.) (ongoing securities action alleging misstatements and omissions to investors related to dam safety), and *In re Apple Inc. Device Perform. Litig.*, 18-md-2827 (N.D. Cal.) (consumer action alleging unlawful iPhone throttling that settled in March 2021 for \$310 million).

Mr. Schwartz has also served as counsel to public pension funds and institutional investor clients in matters concerning corporate mismanagement and breach of fiduciary duties. For example, he represented ATRS in *Ark. Teacher Ret. Sys. v. Allianz Global Inv. US LLC*, 20-cv-5615 (S.D.N.Y.), which concerned alleged misconduct and gross mismanagement of three investment funds. Mr. Schwartz also currently represents CalSTRS and the Firemen's Retirement System of St. Louis in a derivative action arising out of Facebook's many years of allegedly improper data sharing practices. See *In re Facebook, Inc. Deriv. Litig.*, 2018-0307-JRS (Del. Ch.)

Prior to joining the firm, Mr. Schwartz served as a Deputy Attorney General in the Pennsylvania Office of Attorney General, Antitrust Section (2014-2017), where he successfully enjoined anticompetitive corporate mergers and prosecuted product-hopping schemes, market allocation schemes, and other unfair trade practices. Notable matters included *FTC v. Penn State Hershey Medical Center* and *U.S. v. Aetna Inc.*

Mr. Schwartz graduated from the University of Wisconsin with dual degrees in history and political science. During law school, Mr. Schwartz was a senior editor for the Penn State Journal of Law and International Affairs and a member of the Moot Court Board.

Education:

- B.A., University of Wisconsin—Madison (2009)
- J.D., The Pennsylvania State University—The Dickinson School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the Commonwealth of Pennsylvania
- Bar of the State of New York
- U.S. Court of Appeals for the Third Circuit
- U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania; and U.S. District Courts for the Eastern and Southern Districts of New York

Professional Affiliations:

- Pennsylvania Bar Association
- American Bar Association

Publications:

- *Effective Merger Enforcement: Is it Time for a Retrospective Study on Cross-Market Provider Transactions*, A.B.A., Section of Antitrust Law, 8 State Enforcement Committee Newsletter 4, 10 (Spring 2017).

Mr. Schwartz can be reached by email at: aschwartz@kaplanfox.com

JASON A. URIS has been associated with Kaplan Fox since May 2013 and became partner in 2024. He represents the firm's institutional and individual clients in class action, opt-out, and other complex litigation, with a particular focus on securities and antitrust actions.

Mr. Uris currently represents investors in several cases, including *Mehedi v. View Inc., et al.* (N.D. Cal.); *Gluck v. Hecla Mining Company* (S.D.N.Y.); *Stadium Capital LLC v. Co-Diagnostics, Inc., et al.* (S.D.N.Y.); and *McGreevy et al., v. Digital Currency Group, Inc., et al.* (D. Conn.). Mr. Uris also currently represents CalSTRS and the Firemen's Retirement System of St. Louis in *In re Facebook, Inc. Deriv. Litig.*, 2018-0307-JRS (Del. Ch.), a derivative action arising out of Facebook's many years of allegedly improper data sharing practices.

Mr. Uris was also a member of the teams that litigated the following cases: *Julia Junge and Richard Junge, v. Geron Corp. and John Scarlett* (N.D. Cal.) (\$24 million settlement); *In re: Keurig Green Mountain Single-Serve Coffee Antitrust*

Litigation (S.D.N.Y.) (\$31 million settlement); *Milbeck v. Truecar, Inc., et al.* (\$28.25 million settlement); *Kasper v. AAC Holdings, Inc., et al.* (M.D. Tenn.) (\$25 million settlement); *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of \$38 million); *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.) (\$30 million settlement); and *In re: CSO Hedge Fund Litigation* (\$13.5 million settlement).

In 2022 and 2023, Mr. Uris was named a "Rising Star" by Thomson Reuters' *Super Lawyers*.

Education:

- B.A., *cum laude*, Boston University (2011)
- J.D., Fordham University School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (2015)
- U.S. District Courts for the Southern, Eastern, Northern and Western Districts of New York

Professional Affiliations:

- New York State Bar Association

Mr. Uris can be reached by email at: juris@kaplanfox.com

OF COUNSEL

GARY L. SPECKS practices primarily in the area of complex antitrust litigation. He has represented plaintiffs and class representatives at all levels of litigation, including appeals to the U.S. Courts of Appeals and the U.S. Supreme Court. In addition, Mr. Specks has represented clients in complex federal securities litigation, fraud litigation, civil RICO litigation, and a variety of commercial litigation matters. Mr. Specks is a resident in the firm's Chicago office.

During 1983, Mr. Specks served as special assistant attorney general on antitrust matters to Hon. Neil F. Hartigan, then Attorney General of the State of Illinois.

Education:

- B.A., Northwestern University (1972)
- J.D., DePaul University College of Law (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Professional Affiliations:

- American Bar Association
- Illinois Bar Association
- Chicago Bar Association

Mr. Specks can be reached by email at: GSpecks@kaplanfox.com

W. MARK MCNAIR has been associated with Kaplan Fox since 2003. He practices in the area of securities litigation. Mr. McNair is actively involved in maintaining and establishing the Firm's relationship with institutional investors and is active in the Firm's Portfolio Monitoring and Case Evaluation Program for the Firm's numerous institutional investors. Mr. McNair is a frequent attendee and speaker at various events for institutional investors.

Mr. McNair is a frequent speaker at various institutional events, including the National Conference of Public Employee Retirement Systems and the Government Finance Office Association.

Prior to entering into private practice, Mr. McNair was an Assistant General Counsel at the Municipal Securities Rulemaking Board where he dealt in a wide range of issues related to the trading and regulation of municipal securities. Previously, he was an attorney in the Division of Market Regulation at the Securities and Exchange Commission. At the Commission his work focused on the regulation of the options markets and derivative products.

Education:

- B.A. with honors, University of Texas at Austin (1972)
- J.D. University of Texas at Austin (1975)
- L.L.M. (Securities) Georgetown University (1989)

Bar Affiliations and Court Admissions:

- Bar of the State of Texas (1975)
- Bar of the State of Maryland (1995)
- Bar of the State of Pennsylvania (1995)
- Bar of the District of Columbia (2008)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Mr. McNair can be reached at MMcnair@kaplanfox.com

WILLIAM J. PINILIS practices in the areas of commercial, consumer and securities class action litigation.



He has been associated with Kaplan Fox since 1999 and is resident in the firm's New Jersey office.

In addition to his work at the firm, Mr. Pinilis has served as an adjunct professor at Seton Hall School of Law since 1995 and is a lecturer for the New Jersey Institute for Continuing Legal Education. He has lectured on consumer fraud litigation and regularly teaches the mandatory continuing legal education course Civil Trial Preparation.

In 2021, Mr. Pinilis was appointed as Municipal Court Judge for Morristown, New Jersey.

Mr. Pinilis is the author of "Work-Product Privilege Doctrine Clarified," *New Jersey Lawyer*, Aug. 2, 1999; "Consumer Fraud Act Permits Private Enforcement," *New Jersey Law Journal*, Aug. 23, 1993; "Lawyer-Politicians Should Be Sanctioned for Jeering Judges," *New Jersey Law Journal*, July 1, 1996; "No Complaint, No Memo – No Whistle-Blower Suit," *New Jersey Law Journal*, Sept. 16, 1996; and "The *Lampf* Decision: An appropriate Period of Limitations?" *New Jersey Trial Lawyer*, May 1992.

Education:

- B.A., Hobart College (1989)
- J.D., Benjamin Cardozo School of Law (1992)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the District of New Jersey, and the Southern and Eastern Districts of New York

Professional Affiliations:

- Morris County Bar Association
- New Jersey Bar Association
- Graduate, Brennan Inn of Court

Mr. Pinilis can be reached by email at: WPinilis@kaplanfox.com

JUSTIN B. FARAR joined Kaplan Fox in March 2008. practices in the area of securities litigation and antitrust litigation with special emphasis on institutional investor involvement. He is located in the Los Angeles office. Prior to working at Kaplan Fox, Mr. Farar was a litigation associate at O'Melveny & Myers, LLP and clerked for the Honorable Kim McLane Wardlaw on the Ninth Circuit Court of Appeals. Mr. Farar also currently serves as a Commissioner to the Los Angeles Convention and Exhibition Authority.

Mr. Farar is also an adjunct professor at the University of Southern California Gould Law School teaching a course on class actions.

Education:

- J.D., order of the coif, University of Southern California Law School (2000)
- B.A., with honors, University of California, San Diego

Bar Affiliations and Court Admissions:

- Bar of the State of California (2000)
- U.S. Court of Appeals for the Ninth Circuit (2000)
- U.S. District Court for the Central of California (2000)

Awards:

- The American Society of Composers, Authors and Publishers' Nathan Burkan Award Winner, 2000 for article titled "Is the Fair Use Defense Outdated?"

Mr. Farar can be reached by email at: JFarar@kaplanfox.com

PETER S. LINDEN joined Kaplan Fox in August 2021. Mr. Linden's practice concentrates on securities, commercial, and healthcare fraud litigation. His clients include public pension funds and other institutional investors, individuals, businesses, and governmental entities. Prior to joining Kaplan Fox, Mr. Linden was a partner at another national securities law firm, where he spent over 30 years, including almost ten years as one of that firm's managing partners. During his career, Mr. Linden has obtained numerous outstanding recoveries, totaling in excess of a billion dollars.

In the area of securities litigation, Mr. Linden has played a leading role in numerous successful class actions, including the following examples. He represented plaintiffs, as lead counsel, in *In re Citigroup Inc Securities Litig.*, 07 Civ. 9901 (S.D.N.Y.), a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million -- at the time, the largest CDO-related settlement ever, as well as the largest settlement of a fraud-only action. In *In re BISYS Securities Litig.*, 04 Civ. 3840 (S.D.N.Y.), Mr. Linden's representation of a municipal pension fund as co-lead counsel in a securities class action alleging accounting improprieties resulted in a \$65 million recovery. In *In re Laidlaw Bondholder Litig.*, No. 3-00-2518-17 (D.S.C.), Mr. Linden represented, as lead counsel, two major insurance companies and a bondholder class in a securities class action resulting in a \$42.875 million recovery. Finally, he represented several large municipal bond issuers in confidential FINRA arbitrations against large, institutional banks. The claims alleged various misrepresentations and breaches of statutory and fiduciary duties by the underwriters of auction rate securities. Currently, Mr. Linden represents plaintiffs in *Kinnie MA IRA, et al. v. Ascendant Capital, LLC, et al.*, No. 19-cv-01050-RP (W.D.Tex.), a proposed class action in which the Court has appointed Kaplan Fox as Plaintiffs' Co-Lead Class Counsel. The action alleges that GPB Capital Holdings, LLC and Ascendant Capital engaged in a scheme to improperly sell over \$1.8 billion of limited partnership interests to thousands of investors.

Mr. Linden has handled many notable actions in the consumer protection area as well. He served as Chairman of the Plaintiffs' Steering Committee in *In re MCI Non-Subscriber Litig.*, MDL No. 1275 (S.D. Ill.), a consumer class action resulting in an approximately \$90 million recovery for the class. In *Carnegie v. Household International, Inc., et al.*, No. 98 C 2178 (N.D. Ill.) he and his firm served as co-lead counsel in a class action against H&R Block and Household Bank (as successor to Beneficial National Bank) for the benefit of taxpayers who had obtained Refund Anticipation Loans ("RALs"). The case alleged that H&R Block and Beneficial National Bank made misrepresentations and charged people undisclosed fees on RALs. After years of litigation and appeals, the case resulted in a settlement of \$39 million in cash. In *In re IDT Corp. Calling Card Terms Litig.*, No. 207 CV 01076 (D.N.J.), Mr. Linden served as lead counsel in a class action litigation against certain related prepaid calling card providers, alleging that they failed to inform consumers sufficiently about the applicable rates and charges for such calling cards, and thereby violated various state consumer protection acts and other laws. The case resulted in a settlement of up to \$20 million in Refund PINs (representing free domestic telephone minutes), \$2 million in charitable donations, and additional relief consisting of enhanced disclosures of calling card charges.

Within the area of consumer protection, Mr. Linden is also involved in the firm's growing data privacy and cyberlaw practice. Mr. Linden is currently representing plaintiffs in two data privacy class actions: *In Re: HealthEC LLC Data Breach Litig.*, No. 2:24 -cv-26-JKS-ESK (D.N.J.); and *Negron v. Ascension Health*, No. 4:24-CV-669-JAR (E.D.Mo).

In the healthcare arena, Mr. Linden represented the State of Michigan in *Bill Schuette, Attorney General of The State of Michigan, ex rel The State of Michigan v. McKesson Corporation, et al.*, No. 11-629-CZ (Ingham Cty. Cir. Ct.), a lawsuit arising out of a scheme to increase the Average Wholesale Prices of hundreds of brand name drugs causing the submission of false claims to the Michigan Medicaid program, and the overpayment of Medicaid pharmacy claims. The court determined that the State had successfully pled a cause for money damages under its Medicaid False Claims Act.

Mr. Linden's advocacy also has resulted in many notable decisions, including: *Epstein v. MCA, Inc.*, finding a private right of action, and granting partial summary judgment, under Section 14(d)(7) of the Securities Exchange Act; and *In re eBay, Inc. Shareholders Litig.*, finding that investment banking advisors could be held liable for aiding and abetting insiders' acceptance of IPO allocations through "spinning."

Mr. Linden has been selected by Super Lawyers for securities litigation. His past work has also resulted in recognition in Law360 and the National Law Journal's "Plaintiffs' Hot List."

Prior to going into private practice, Mr. Linden worked as an Assistant District Attorney in the Kings County District Attorney's Office for over six years and gained significant trial and appellate experience. He ultimately served as a supervising attorney of that Office's Economic Crimes Bureau.

Education:

- B.A., State University of New York at Stony Brook (1980), Pi Sigma Alpha Honor Society
- J.D., Boston University School of Law (1984)

Court Admissions and Bar Affiliations:

- New York State Bar
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Wisconsin
- United States Courts of Appeals for the Second, Third, Sixth, Seventh, Eighth, Ninth, Tenth and the District of Columbia Circuits

Professional affiliations:

- New York State Bar Association
- Association of the Bar of the City of New York
- Michigan Association of Public Employee Retirement Systems (MAPERS)
- Dean's Advisory Board, Boston University School of Law
- Advisory Board, Boston University School of Law Small & Mid-Size Firm Apprenticeship Program (SMAP)

Mr. Linden can be reached by email at: plinden@kaplanfox.com

ARIANA J. TADLER joined Kaplan Fox as Of Counsel in July 2025; she is resident in the firm's New York office. Ms. Tadler began her legal career with Kaplan Fox in 1992; she is pleased to have "returned home" to work with the Kaplan Fox team, with whom she has co-counseled noteworthy matters while managing her own firms, including Tadler Law LLP, a WBENC-certified, women-owned boutique law firm, established in 2019. Prior to 2019, Ms. Tadler was a Managing Partner of Milberg LLP, where she practiced for more than two decades.

With 32 years' experience advocating for consumers, employees, and investors against corporate fraud and abuse while litigating and managing securities, consumer and data breach class actions, and complex litigation and arbitrations, Ms. Tadler is one of the leading women litigators in the country. Described by Chambers USA as one who "passionately defends her clients' interests to the greatest extent possible," Ms. Tadler litigates large, complex, high-profile cases as well as smaller, impactful matters. She is sought after for her unique legal and technological acumen and case management skills.

Ms. Tadler is renowned for being "gracious and tenacious." A tough, solution-driven negotiator with a creative and robust aptitude for resolving disputes, Ms. Tadler is regularly retained by clients and appointed by courts to leadership positions in large, complex federal, multi-district, and state coordinated proceedings because of her

extensive experience managing complex litigation. Ms. Tadler is also recognized as one of the nation's leading authorities on electronic discovery and pioneered the establishment of an eDiscovery Practice group within a plaintiffs' firm structure 20+ years ago. Her exceptional skills and knowledge in the field of eDiscovery have distinguished her among her litigation peers. She remains the only plaintiffs' lawyer to be ranked repeatedly as a Band 1 eDiscovery Practitioner by Chambers and Partners in the Global-USA and USA-Nationwide categories, an unprecedented achievement. In 2024 and 2025, Ms. Tadler received a Star Ranking for eDiscovery from Chambers and Partners, making her one of only three people and the only woman to have ever received this distinction. In 2023, Ms. Tadler received the 2023 Honorable Shira Scheindlin Lifetime Achievement Award. In 2024, Ms. Tadler became the Co-Vice President of Women Owned Law.

Ms. Tadler has also been recognized repeatedly by Martindale Hubbell (AV Preeminent Rating); Lawdragon (500 Leading Plaintiff Financial Lawyers); Super Lawyers (Top 50: Women in New York – Metro Super Lawyers; and Top 100: New York – Metro Super Lawyers); Best Lawyers (Mass Tort Litigation/Class Actions – Plaintiffs); and Long Island Lawyer of the Year – Mass Tort Litigation/Class Actions – Plaintiffs) and Who's Who Legal (Litigation).

Ms. Tadler was a Founding Principal and served as a consultant to Meta-e Discovery LLP, an independent data hosting management and consulting company. In March 2023, Reparior Data LLC was created and includes the integration of Meta-e Discovery with other service providers to fulfill the EDRM cycle; Ms. Tadler has a limited equity interest in Reparior Data and provides certain consulting and business development services from which she may generate income.

In 2017, United States Supreme Court Chief Justice Roberts appointed Ms. Tadler to serve on the Federal Civil Rules Advisory Committee. After serving two three-year terms, in July 2023, Chief Justice Roberts renewed Ms. Tadler's appointment to serve for an additional year, which expired in October 2024. By the Committee Chair's appointment, she served on subcommittees focused on specific aspects of the federal civil rules, including Multidistrict Litigation (MDL) and Discovery.

Ms. Tadler is an author and a paid professional and keynote speaker. She writes and speaks on an array of topics stemming from her decades of experience as a lawyer, entrepreneur, founding partner, business owner, woman in tech, mentor, and mother. Ms. Tadler is an active member of the New York City Chapter of the National Speakers' Association and is currently writing a book on work-life integration based on a philosophy she developed to live an effective, productive, and abundant life geared to mentoring and developing the next generation of leaders.

Education:

- Hamilton College (1989)
- Fordham University of Law (1992)
- Cornell University, Women's Entrepreneurship (2022)



Bar affiliations & court admissions:

- Bar of the State of New York
- Bar of the State of New Jersey
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, and Third Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the District of New Jersey

Ms. Tadler can be reached by email at: atadler@kaplanfox.com

A.J. de BARTOLOMEO joined Kaplan Fox & Kilsheimer LLP as Of Counsel in July 2025; she is resident in the firm's Oakland, California office. Ms. de Bartolomeo has collaborated closely and effectively as co-counsel with senior attorneys at Kaplan Fox for decades, achieving strong results together in the areas of securities, antitrust and consumer class actions.

As a co-founder and shareholder of Tadler Law LLP, a WBENC-certified, women-owned boutique law firm established in 2019, Ms. de Bartolomeo brings over thirty years of experience litigating complex class, collective, and mass tort matters in courts across the country to her role at Kaplan Fox. She has built a national reputation as a zealous and passionate advocate. As one former jurist remarked, "[S]he is not only extremely intelligent but is tireless in her representation of her clients and no one cares more about doing a great job for her clients than A.J." [1]

Recognized for both her legal acumen and strategic judgment, Ms. de Bartolomeo has, since 2009, been appointed by courts as Lead or Co-Lead Counsel, or as a member of Plaintiffs' Executive or Steering Committee in numerous high-profile multidistrict litigations (MDLs) including in antitrust, securities and consumer class actions, as well as mass torts, and bankruptcy proceedings. She has played key roles on Law and Briefing committees, including in *Daubert* and class certification briefing. Ms. de Bartolomeo has been consistently recognized among the top tier of attorneys with a Martindale Hubbell AV® Preeminent™ Peer Review Rated for outstanding achievement and demonstration of the highest legal ability and professional ethics every year since 2004, ranked by Chambers and Partners® since 2019-2020-2025, and been recognized by her peers as a Northern California Super Lawyer® every year since 2013.

Ms. de Bartolomeo is committed to advancing opportunities for women lawyers. She is the former Chair of the Women's Trial Lawyer Caucus of the American Association of Justice (2015-2016), where she oversaw the caucus's work in leadership training, student scholarship, membership and political outreach, and other pro-civil justice functions. She is an active member of the American Bar Association Sections on Tort Trial and Insurance Practice and the Consumer Attorneys of California. She is a former member of the American Bankruptcy Institute.

Ms. de Bartolomeo is frequently an invited speaker before industry organizations and public corporations on the subjects of best settlement practices and procedures in complex litigation and MDL practice, ESI protocols and compliance, *Daubert* challenges, Federal Rule 37, corporate litigation risk management and compliance procedures, and ethical procedures for client and case management. She has also authored articles on ESI protocols and compliance, *Daubert* challenges, and class action settlement procedures and best practices.

Ms. de Bartolomeo has repeatedly received recognition by legal industry rating organizations, including: Martindale Hubbell AV® Preeminent™ Peer Review (2004–present); Chambers USA® (Band 1 Ranking in e-Discovery) (2023-2025), (Band 3 (2021-2022), and (Band 4 (2019-2020)); and Top E-Discovery and Information Governance Practice and Band-4 Notable Practitioner by Chambers USA® (2021); Best Lawyers in Mass Tort Litigation / Class Actions – Plaintiffs (2020-2025); Lawdragon 500 Leading Plaintiff Financial Lawyers, 2022 Edition (2022);; 2020 edition U.S. News – Best Lawyers in America; Northern California Super Lawyer® 2013-present; and Top 50 Women Lawyers in Northern California, 2017.

Ms. de Bartolomeo is a graduate of Fairfield University (Economics and Politics), the London School of Economics General Course Program (Economics), and University of California College of the Law, San Francisco (Juris Doctorate). A.J. is also a proud graduate of the Georgetown Law Advanced eDiscovery Institute (2019).

Education:

- Fairfield University
- London School of Economics General Course Program
- University of California College of the Law, San Francisco (JD)
- Georgetown Law Advance eDiscovery Institute

Bar affiliations & court admissions:

- Bar of the State of California
- U.S. Supreme Court
- U.S. Court of Appeals for the First, Second, Third, Fifth, Sixth, and Ninth Circuits
- U.S. District Courts for the Northern, Eastern, Southern and Central Districts of California, the Southern District of Texas, the Eastern District of Michigan, and the Eastern District of Wisconsin.

Ms. de Bartolomeo can be reached by email at: ajd@kaplanfox.com

ASSOCIATES

BLAIR REED joined Kaplan Fox as an associate in January 2022. Blair's practice focuses on consumer class actions, employment cases, data privacy claims, and business litigation. She has extensive experience handling coordinated proceedings and complex discovery issues in both federal and state courts.

Blair has represented consumers in cases involving unfair business practices and consumer fraud, breaches of warranty, invasions of privacy, data breaches, and wiretapping. Prior to joining Kaplan Fox, she was involved in numerous successful recoveries for consumers including *Moore v. Kimberly-Clark Worldwide, Inc.*, which resulted in a nationwide settlement valued at over \$11 million for purchasers of allegedly defective tampons. Additionally, in 2019, Blair participated on the trial team in *Perez v. Rash Curtis & Associates*, where the jury returned a verdict for \$267 million in statutory damages under the Telephone Consumer Protection Act.

Blair received her Juris Doctor from University of San Francisco School of Law in 2017, where she was a Dean's Scholar and member of the University of San Francisco Law Review. Blair also attended University of San Francisco for her undergraduate degree where she played on the NCAA Division I Women's Tennis Team.

Education:

- Bar of the State of California (2017)
- J.D., University of San Francisco School of Law (2017)
 - Dean's Scholar
 - USF Law Review
- B.A. in Advertising and Communications, University of San Francisco (2013)

Bar Affiliations and Court Admissions:

- Bar of the State of California (2017)
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California
- Ninth Circuit Court of Appeals

Ms. Reed can be reached by email at: BReed@kaplanfox.com

BRANDON FOX practices primarily in the areas of securities, consumer protection and data privacy litigation.

Mr. Fox is currently involved in several litigations, including *John Scarlett* (N.D. Cal.); *Steven B. Christiansen v. Spectrum Pharmaceuticals, Inc.* (S.D.N.Y.); and *In re Vale S.A. Securities Litigation* (E.D.N.Y.).

Mr. Fox was also a member of the teams that litigated the following cases: *In re Apple Inc. Device Performance Litigation*, *Julia Junge and Richard Junge v. Geron Corp.*, and *In re Allianz Global Investor U.S. LLC Litigation*.

Prior to joining the firm, Brandon worked for about two years as a paralegal at a global defense firm in New York.

Education:

- J.D., Benjamin N. Cardozo School of Law (2019)
- B.S. in Political Science, University of Southern California (2014)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (2023)
- U.S. District Court for the Southern District of New York

Mr. Fox can be reached by email at: BFox@kaplanfox.com

WALTER HOWE is an associate attorney in the firm's San Francisco Bay Area office. He works on matters involving antitrust, securities, consumer protection, data privacy, and employment.

Education:

- J.D., University of the Pacific McGeorge School of Law (2019)
 - Research Editor on the Journal of National Security Law & Policy
- M.A., *honors*, University of Saint Andrews in Scotland (2002)

Bar Affiliations and Court Admissions:

- Bar of the State of California (2006)
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California

Mr. Howe can be reached by email at: WHowe@kaplanfox.com

CARIHANNA MORRISON practices in the areas of antitrust, securities, consumer protection, and data privacy litigation.

Ms. Morrison is currently involved in several litigations, including *In re Facebook, Inc. Deriv. Litig.*, 2018-0307 (Del. Ch.); *In re Vale S.A. Securities Litigation*, 19-cv-526 (E.D.N.Y.); *In re Google Play Consumer Antitrust Litigation*, 20-cv-05761 (N.D. Cal.); *Dinosaur Financial Group LLC et al. v. S&P Global Inc. et al.*, 22-cv-1860 (S.D.N.Y.) and *In re Cattle and Beef Antitrust Litigation*, 22-md-3031 (D.Minn.).

Education:

- J.D., St. John's University School of Law (2022)
- M.A., Teachers College, Columbia University (2017)
- B.A., *cum laude*, Mount Holyoke College (2016)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (2024)
- U.S. District Court for the Southern District of New York (2024)

Ms. Morrison can be reached by email at: CMorrison@kaplanfox.com

CLARISSA (CLARI) OLIVARES joined Kaplan Fox in their Oakland office as an associate in January 2024. Clari's practice focuses on data privacy and consumer class actions, including data breach cases and data security and privacy matters involving the SCA, BIPA, and other federal and state privacy and wiretap statutes.

Prior to joining Kaplan Fox, Clari worked in corporate defense, honing litigation skills they now bring to bear on behalf of their clients at Kaplan Fox. Clari is a graduate of the U.C. Berkeley School of Law, where they were on the board of the Womxn of Color Collective and a submissions editor for the La Raza Law Journal. During this time, Clari also had the privilege of externing for Justice Tracie L. Brown, Presiding Justice of Division Four of the First District Court of Appeal in San Francisco, California.

Education:

- Seattle University: B.A. in English Literature; Minor in Int'l. Economic Development (2017)
- U.C. Berkeley School of Law: J.D. (2020)

Bar Affiliations & Court Admissions:

- California State Bar
- U.S. District Court for the Northern District of California

Ms. Olivares can be reached by email at: COlivares@kaplanfox.com

MATTHEW (MATT) LINDENMUTH joined Kaplan Fox in 2024 as an Associate in its New York office. He practices in the areas of securities, antitrust, consumer protection, and data privacy litigation. Prior to joining the firm, he was an Assistant District Attorney with the Manhattan District Attorney's Office.

While attending Villanova Law, Matt was a member of the National Trial Team, Black Law Students Association, and Corporate Law Society. He also served as a Teaching Assistant for Professor David Caudill and as a 1L Student Mentor. Additionally,

Matt represented indigent clients in the city of Philadelphia as a Student Attorney through the Villanova Civil Justice Clinic. Prior to law school, Matt graduated from Villanova University with a major in Political Science and a minor in Public Administration.

Matt is admitted to the Bars of the State of New York and the State of New Jersey.

Education:

- Villanova University Charles Widger School of Law (2020)
- Villanova University (2017)

Bar Affiliations and Admissions:

- State of New York
- State of New Jersey

Mr. Lindenmuth can be reached by email at MLindenmuth@kaplanfox.com

JENNIFER LIGANSKY is an Associate in Kaplan Fox's New York office. Her practice focuses on securities and antitrust class action litigation.

Ms. Ligansky is currently involved in litigation representing the firm's investor clients in *McGreevy v. Digital Currency Group, Inc.*, No. 23-cv-82 (D. Conn.) and *Christiansen v. Spectrum Pharmaceuticals*, No. 22-cv-10292 (S.D.N.Y.).

Ms. Ligansky is also a part of the Kaplan Fox team representing the direct purchaser class plaintiffs in *In re Caustic Soda Antitrust Litigation*, No. 19-cv-00385 (W.D.N.Y.) and the indirect purchaser class plaintiffs in *In re Concrete and Cement Additives Antitrust Litigation*, No. 24-md-3097 (S.D.N.Y.) Additionally, Ms. Ligansky serves on the team representing the plaintiff-pharmacies in *In re Surescripts Antitrust Litigation*, No.19-cv-06627 (N.D. Ill.).

Jennifer earned her J.D. from Fordham University School of Law, where she was a Notes and Articles Editor of the *Fordham Journal of Corporate and Financial Law* and contributed a published Note entitled, *Speech Without Speakers: Eliminating Artificial Barriers to Pleading Corporate Scierter in Securities Fraud Claims*, 29 Fordham J. Corp.& Fin. L. 765 (2024). Jennifer was a member of the Dean's List from 2022-2023 and earned the Archibald P. Murray Public Service Award, *cum laude*. She competed on Fordham's National Trial Advocacy Team and worked as a civil litigation extern in the United States Attorney's Office for the Eastern District of New York. After Jennifer's first law school year, she served as a Judicial Intern for the Honorable Devin P. Cohen, Justice of the New York State Supreme Court, Kings County. While attending law school, Jennifer successfully represented Fordham's Securities Clinic clients—elderly investors who lost their life savings—in arbitrations before the Financial Industry Regulatory Authority.

Ms. Ligansky obtained her B.A. in Political Science and Global Studies, *cum laude*, from the State University of New York at Binghamton in 2021.

Education:

- J.D., Fordham University School of Law (2024)
- B.A., *cum laude*, State University of New York at Binghamton (2021)

Bar Affiliations and Admissions:

- State of New York

Ms. Ligansky can be reached by email at JLigansky@kaplanfox.com

CLARA ABRAMSON is an Associate at Kaplan Fox's New York office. She practices in the areas of consumer protection, data privacy litigation, securities and antitrust.

Clara earned her J.D. from Fordham University School of Law. While in law school, she served on the executive boards of Moot Court and the International Law Journal. She was involved with the Latin American Law Students Association, the National Security Association and served as a student ambassador for Admissions. Clara completed a summer internship at the U.S. Attorney's Office for the Southern District of New York's criminal division.

Prior to law school, Clara spent three years as a paralegal at the Antitrust Division of the U.S. Department of Justice in Washington D.C. where she focused on telecom and media cases, and one year with the U.S. Attorney's Office for the Eastern District of Virginia.

Education:

- J.D., Fordham University School of Law (2024)

Bar Affiliations and Admissions:

- State of New York

GUCOVSKI ROZENSHTEYN, PLLC

Adrian Gucovski (State Bar No. 360988)

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E-Mail: adrian@gr-firm.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re VNGR BEVERAGE, LLC LITIGATION

Case No. 4:24-cv-03229-HSG

**DECLARATION OF ADRIAN
GUCOVSKI IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEY
FEES, COSTS, AND INCENTIVE
AWARDS**

This Document Relates to:

Case No. 4:24-cv-03612-HSG

Case No. 4:24-cv-06666-HSG

Date: November 20, 2025

Time: 2:00 p.m.

Dept: Courtroom 2

Judge: Hon. Haywood S. Gilliam, Jr.

1 I, Adrian Gucovschi, declare as follows:

2 1. I am an attorney at law licensed to practice in the States of New York and
3 California, and I am a member of the bar of this Court. I have personal knowledge of the facts
4 contained in this declaration, and if called upon to testify I could and would testify competently
5 thereto.

6 2. I make this declaration in support of Plaintiffs' Motion for Attorney Fees, Costs,
7 and Incentive Awards.

8 3. I am a partner at Gucovschi Rozenshteyn, PLLC, counsel of record for Plaintiffs in
9 this matter. Attached as **Exhibit 1** is a true and correct copy of my Firm's resume.

10 4. I have been actively involved in this litigation from its inception. Among other
11 things, I, along with Plaintiffs' co-counsel, assisted in all of the pleadings and motion practice in
12 this case, including investigating Plaintiffs' claims; researching and preparing the original and
13 amended class action complaints; and researching and preparing Plaintiffs' opposition to
14 Defendant's Motion to Dismiss.


15 5. Furthermore, I actively participated in the Parties' settlement discussions throughout
16 the lawsuit, consulted frequently with co-counsel regarding this topic, and attended all-day Zoom
17 mediation with Judge Jay C. Gandhi (Ret.) of JAMS on December 4, 2024. I further assisted in the
18 informal exchange of information between the Parties following the mediation over the next
19 several weeks, which culminated in the Parties reaching an agreement in principle to settle the
20 lawsuit.

21 6. After the Parties' agreement to settle the lawsuit, I continued to work on all material
22 matters related to the preparation and execution of the Settlement Agreement, Plaintiffs' Third
23 Amended Consolidated Complaint, as well as Plaintiffs' Motion for Attorneys' Fees, Costs,
24 Expenses, And Incentive Awards, filed herewith. I also maintained active communication with
25 Plaintiff Kristin Cobbs throughout all phases of the lawsuit, including the Parties' settlement
26 agreement and all material provisions thereof.

7. A copy of my firm's time records from this matter is attached as **Exhibit 2**. To date, my firm has spent 97.55 hours working on this matter for a lodestar of \$75,717.50 and have incurred \$317.91 marketing expenses.

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

Executed this 12th day of August, 2025, at Miami, Florida.


Adrian Gucovski (Aug 12, 2025 19:22:29 EDT)

Adrian Gucovschi

140 BROADWAY, FL 46
NEW YORK, NY 10005
WWW.GR-FIRM.COM



ADRIAN GUCOVSCHI, ESQ.
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FIRM RESUME

Headquartered in New York, NY, Gucovschi Rozenshteyn PLLC (“Gucovschi Law Firm”) represents consumers in state and federal courts nationwide. Our firm spearheads and prosecutes novel cases aimed at redressing injuries suffered by large and diverse groups of people. In the past four years alone, Gucovschi Law Firm has filed approximately 80 consumer protection class actions and prevailed on the majority of contested motions—creating important precedent along the way. *See Mencia-Montes v. Fit Foods Distribution, Inc.*, No. 24-cv-01768-EKL, 2025 U.S. Dist. LEXIS 78649 (N.D. Cal. Mar. 31, 2025); *Ary v. Target Corp.*, No. 22-cv- 02625-HSG, 2023 U.S. Dist. LEXIS 49633 (N.D. Cal. Mar. 23, 2023); *Stevens v. Walgreen Co.*, 623 F. Supp. 3d 298 (S.D.N.Y. 2022); *Rodriguez v. Walmart Inc.*, No. 22-CV-2991 (JPO), 2023 U.S. Dist. LEXIS 53253 (S.D.N.Y. Mar. 28, 2023); *Ary v. Target Corp.*, No. 22-cv- 02625-HSG, 2023 U.S. Dist. LEXIS 49633 (N.D. Cal. Mar. 23, 2023); *Mencia-Montes v. Fit Foods Distribution, Inc.*, No. 24-cv-01768-EKL, 2025 U.S. Dist. LEXIS 78649 (N.D. Cal. Mar. 31, 2025). *Dutcher v. NewRez LLC*, No. 21-2062, 2021 U.S. Dist. LEXIS 261099 (E.D. Pa. Nov. 3, 2021).

Notably, Gucovschi Law Firm has been appointed class counsel on behalf of nationwide and multistate classes on numerous occasions. *See e.g., Winston v. Peacock TV LLC*, 23-cv-8191(S.D.N.Y), ECF No. 47 (Granting Final Approval and appointing Gucovschi Law Firm as Class Counsel for a California Automatic Renewal Law class in a case arising from a leading streaming platform); *O’Malley, et al. v. FloSports, Inc.*, No. 2023LA000516 (Cir. Ct. DuPage Cty., Ill. 2023) (Granting Final Approval and appointing Gucovschi Law Firm as Class Counsel for a multi-state Automatic Renewal class in a case arising from a leading wrestling streaming



GUCOVSKI LAW FIRM

platform); *Burdette, et al. v. FuboTV, Inc., et al.*, Case No. 2024LA001460 (Cir. Ct. DuPage Cty., Ill. May 29, 2025) (Granting Preliminary Approval and appointing Gucovschi Law Firm as Class Counsel for a nationwide Video Privacy Protection class in a case arising from a leading streaming platform); *Bell v. Pharmacy, Inc.*, No. 21-cv-6850 (E.D.N.Y. July 18, 2023), ECF No. 61 at 6 (“Proposed class counsel, Bursor & Fisher, P.A. and Gucovschi Rozenshteyn, PLLC are qualified, experienced, and have been actively involved throughout the pendency of this litigation”); *Dutcher v. Newrez LLC*, No. 21-2062, 2022 U.S. Dist. LEXIS 194706, at *15-16 (E.D. Pa. Oct. 20, 2022) (Granting final approval and noting that “Class Counsel recovered the statutory maximum amount recoverable under the Fair Debt Collection Practices Act.”).

Biography of Adrian Gucovschi

Adrian Gucovschi is the founding partner of Gucovschi Law Firm. He is a member in good standing of the New York State Bar, California State Bar, the United States District Courts for the Southern and Eastern Districts of New York, and the United States District Courts for the Northern and Central Districts of California. He received a Bachelor of Arts from Yeshiva University and a Juris Doctor, *cum laude*, from Fordham University School of Law. Before founding Gucovschi Law Firm, Mr. Gucovschi worked at various firms where he prosecuted, and subsequently defended, billion-dollar lawsuits brought by multiple institutional investors and banks arising from the 2008 mortgage-backed securities economic disaster.

| Date | Hours | Description | Rate (\$) | Billable (\$) | User |
|-----------|-------|--|-----------|---------------|------------------|
| | | Discuss legal theories to pursue claims against Poppi lawsuit with | | | |
| 5/9/2024 | 1.23 | Ben | \$ 750.00 | \$ 922.50 | Adrian Gucovschi |
| 5/10/2024 | 0.96 | Draft Complaint | \$ 750.00 | \$ 720.00 | Adrian Gucovschi |
| 5/13/2024 | 1.47 | Draft Complaint | \$ 750.00 | \$ 1,102.50 | Adrian Gucovschi |
| 5/13/2024 | 4.06 | Draft Complaint | \$ 750.00 | \$ 3,045.00 | Adrian Gucovschi |
| 5/14/2024 | 5.81 | Draft complaint | \$ 750.00 | \$ 4,357.50 | Adrian Gucovschi |
| 5/15/2024 | 6.73 | Draft complaint | \$ 750.00 | \$ 5,047.50 | Adrian Gucovschi |
| 5/16/2024 | 6.77 | Draft complaint | \$ 750.00 | \$ 5,077.50 | Adrian Gucovschi |
| 5/20/2024 | 4.57 | Draft complaint | \$ 750.00 | \$ 3,427.50 | Adrian Gucovschi |
| | | Speak to AG regarding media recognition and write-ups and consider | | | |
| 6/4/2024 | 0.34 | litigation strategy based on findings. | \$ 650.00 | \$ 221.00 | Ben Rozenshteyn |
| | | Speak to Adrian re: Poppi and conduct an investigation into | | | |
| 5/9/2024 | 0.72 | GoodBelly Settlement | \$ 650.00 | \$ 468.00 | Ben Rozenshteyn |
| | | Speak to Tim regarding the Poppi case and advise of our intent to file | | | |
| | | with him in CA. No split contemplated but Higher should the case | | | |
| 5/9/2024 | 0.2 | result in a Class wide settlement early on v. Post mtd. | \$ 650.00 | \$ 130.00 | Ben Rozenshteyn |
| 5/10/2024 | 0.8 | Poppi artwork for the complaint | \$ 650.00 | \$ 520.00 | Ben Rozenshteyn |
| 6/6/2024 | 0.53 | Draft and file pro hac vice motion | \$ 750.00 | \$ 397.50 | Adrian Gucovschi |
| | | Research potential preemption and Judge Gilliam's prior rulings in a | | | |
| | | similar Dole case. Review new class action complaint filed against | | | |
| 6/17/2024 | 1.71 | Defendant. | \$ 750.00 | \$ 1,282.50 | Adrian Gucovschi |
| | | Review and draft amended consolidated class action complaint and | | | |
| 7/19/2024 | 6.76 | send back to co-counsel with redlines | \$ 750.00 | \$ 5,070.00 | Adrian Gucovschi |
| | | Speak to AG re new potential plaintiffs to add to the consolidated | | | |
| 7/19/2024 | 0.1 | complaint. | \$ 650.00 | \$ 65.00 | Ben Rozenshteyn |
| 7/23/2024 | 1.03 | Confer with co-counsel re: draftomg consolidated CAC | \$ 750.00 | \$ 772.50 | Adrian Gucovschi |
| 7/24/2024 | 1.1 | Revise amended CAC from co-counsel and send to Bursor for review | \$ 750.00 | \$ 825.00 | Adrian Gucovschi |
| 7/29/2024 | 0.1 | Speak to Josh re Poppi call. | \$ 650.00 | \$ 65.00 | Ben Rozenshteyn |
| | | Bursor and Gutride call re 3rd complaint from Kaplan Fox. | | | |
| 7/29/2024 | 0.2 | Offer them 5% and not disclose the prior settlement talks. | \$ 650.00 | \$ 130.00 | Ben Rozenshteyn |

| | | | | | | | |
|------------|------|---|----|--------|----|----------|------------------|
| 9/26/2024 | 0.34 | Call with Josh from Bursor to divvy up the MTD opp sections. | \$ | 650.00 | \$ | 221.00 | Ben Rozenshteyn |
| 9/26/2024 | 0.1 | Relay call notes to NS and AG via group chat | \$ | 650.00 | \$ | 65.00 | Ben Rozenshteyn |
| 10/6/2024 | 6.02 | Draft Poppi MTD Opp | \$ | 750.00 | \$ | 4,515.00 | Adrian Gucovschi |
| 10/7/2024 | 2.18 | Draft MTD Opp | \$ | 750.00 | \$ | 1,635.00 | Adrian Gucovschi |
| 10/9/2024 | 6.16 | Draft MTD Opp | \$ | 750.00 | \$ | 4,620.00 | Adrian Gucovschi |
| 10/10/2024 | 6.1 | Draft MTD Opp | \$ | 750.00 | \$ | 4,575.00 | Adrian Gucovschi |
| 10/13/2024 | 0.01 | Draft MTD Opp | \$ | 750.00 | \$ | 7.50 | Adrian Gucovschi |
| 10/13/2024 | 0.01 | Draft MTD Opp | \$ | 750.00 | \$ | 7.50 | Adrian Gucovschi |
| 10/15/2024 | 3.82 | review and edit MTD opposition and send to co-counsel for review | \$ | 750.00 | \$ | 2,865.00 | Adrian Gucovschi |
| 10/15/2024 | 0.5 | review mtd opp | \$ | 650.00 | \$ | 325.00 | Ben Rozenshteyn |
| | | 20min review MTD opp drafts. 20min discuss with Adrian and take note of what he wants covered int eh call. 34m call with Josh and | | | | | |
| 10/15/2024 | 1.24 | Tony re MTD opp edits and course of action. | \$ | 650.00 | \$ | 806.00 | Ben Rozenshteyn |
| 12/4/2024 | 8.36 | Prepare for and attend mediation | \$ | 750.00 | \$ | 6,270.00 | Adrian Gucovschi |
| 12/4/2024 | 7 | Mediation | \$ | 650.00 | \$ | 4,550.00 | Ben Rozenshteyn |
| | | Review MTD and Complaint, confer with AG regarding mediation prep. | | | | | |
| 12/4/2024 | 1 | Speak with Tim Fisher and AG, create a mediation onenote and | \$ | 650.00 | \$ | 650.00 | Ben Rozenshteyn |
| 12/4/2024 | 0.59 | research latest news regarding Poppi. | \$ | 650.00 | \$ | 383.50 | Ben Rozenshteyn |
| 12/5/2024 | 0.1 | Call with Co-Counsel to discuss post mediation strategy. | \$ | 650.00 | \$ | 65.00 | Ben Rozenshteyn |
| 12/5/2024 | 0.14 | Call with AG and TF to discuss comp cases. | \$ | 650.00 | \$ | 91.00 | Ben Rozenshteyn |
| | | Review table with cases forwarded by OC. Review settlements in NDCal and State Courts for comparable cases and associated amounts. | | | | | |
| 12/5/2024 | 2.29 | | \$ | 650.00 | \$ | 1,488.50 | Ben Rozenshteyn |
| | | Review final settlement agreement and preliminary approval motion; send settlement agreement to client for execution via DocuSign and | | | | | |
| 3/3/2025 | 4 | explain the material provisions and preliminary approval process. | \$ | 750.00 | \$ | 1,488.50 | Adrian Gucovschi |
| 5/8/2025 | 0.4 | Review minute entry re: preliminary approval. | \$ | 750.00 | \$ | 1,488.50 | Adrian Gucovschi |
| 5/23/2025 | 0.5 | Review preliminary approval order issued by the Court. | \$ | 750.00 | \$ | 1,488.50 | Adrian Gucovschi |

| | | | | | | | |
|---------------|--------------|---|----|--------|-----------|------------------|------------------|
| 6/5/2025 | 0.2 | Correspond with the client re: status update on the case, including timeline outlined in the preliminary approval order. | \$ | 750.00 | \$ | 1,488.50 | Adrian Gucovschi |
| 8/8/2025 | 0.2 | Correspond with Co-counsel re: motion for final approval of attorneys' fees and costs and declaration filed therewith. | \$ | 750.00 | \$ | 1,488.50 | Adrian Gucovschi |
| 8/11/2025 | 1.1 | Draft declaration in support of Plaintiffs' Motion for Approval of Attorneys Fees, Costs, and Incentive awards and update law firm resume to be filed forthwith | \$ | 750.00 | \$ | 1,488.50 | Adrian Gucovschi |
| Total: | 97.55 | | | | \$ | 75,717.50 | |

BURSOR & FISHER, P.A.

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re VNDR BEVERAGE, LLC LITIGATION

Case No. 4:24-cv-03229-HSG

**DECLARATION OF KRISTIN COBBS IN
SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEY FEES, COSTS, AND
INCENTIVE AWARDS**

This Document Relates to:
Case No. 4:24-cv-03612-HSG
Case No. 4:24-cv-06666-HSG

Date: November 20, 2025
Time: 2:00 p.m.
Dept: Courtroom 2
Judge: Hon. Haywood S. Gilliam, Jr.

1 I, Kristin Cobbs, declare as follows:

2 1. I am one of the named plaintiffs in the above-captioned action. On May 15, 2025, I
3 was appointed as a Class Representative. Dkt. No. 61. I submit this declaration in support of
4 Plaintiffs' Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees
5 and Incentive Awards. I have personal knowledge of the facts set forth in this declaration. If called
6 upon to do so, I could and would competently testify to these facts.

7 2. In May 2024, I retained the law firm of Gucovschi Rozenshteyn, PLLC and Bursor
8 & Fisher, P.A. to investigate and litigate claims about false advertising and deceptive labeling
9 regarding the "Poppi" banded soda providing gut health benefits. Prior to that date, I was interested
10 in products with prebiotics that supported gut health, and Poppi's representations that the Products
11 were "For a Healthy Gut" and that they contained "Prebiotics for a Healthy Gut" stood out to me.
12 Accordingly, I had been purchasing approximately three (3) Poppi products a month over the last
13 several months prior to filing the lawsuit at local grocery stores.

14 3. Since I joined this lawsuit as a Plaintiff, I have actively participated in the litigation,
15 cooperated with and remained in regular contact with my attorneys, provided my attorneys with
16 important information about the underlying facts of the class claims, and stayed informed of case
17 developments and the pending settlement. I reviewed and approved the initial complaint and the
18 consolidated complaint.

19 4. I wanted to be a class representative because I believe products, especially those
20 touting health benefits, should be accurately labeled and so consumers like me could have an
21 opportunity to receive some money back for their purchases of Poppi soda. I understood that being
22 a class representative would mean that I would be subject to discovery, such as producing documents
23 like receipts or credit card statements, and that I may be asked to sit for a deposition. I was (and
24 remain) prepared to take time off work to attend a deposition. I also understood that if this case went
25 to trial that I would be asked to attend and testify. I have not previously been a party in any lawsuits
26 and have not served as a class representative before. Although I was unfamiliar with the court system,
27 I was willing to work with my attorneys on this case to accomplish our goals.
28

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed this 11th day of August 2025, at San Francisco, California.

DECLARATION OF KRISTIN COBBS
CASE NO. 4:24-CV-03229-HSG

GUTRIDE SAFIER LLP

Seth A. Safier (State Bar No. 197427)
Marie A. McCrary (State Bar No. 262670)
Anthony J. Patek (State Bar No. 228964)
100 Pine Street, Suite 1250
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Co-Lead Interim Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re VNGR BEVERAGE, LLC
LITIGATION

Case No. 4:24-cv-03229-HSG

**DECLARATION OF SARAH COLEMAN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND MOTION
FOR INCENTIVE PAYMENTS**

DATE: November 20, 2025
TIME: 2:00 p.m.
JUDGE: Hon. Haywood S. Gilliam, Jr.
CTRM: 2, 4th Floor

Case No. 4:24-cv-03229-HSG

DECLARATION OF SARAH COLEMAN IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES AND MOTION FOR INCENTIVE PAYMENTS

1 I, Sarah Coleman, declare and state as follows:

2 1. I am one of the named plaintiffs in the above-captioned action. On May 23, 2025, I
3 was appointed as a Class Representative. Dkt. No. 61. I submit this declaration in support of
4 Plaintiffs' Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees
5 and Incentive Awards. I have personal knowledge of the facts set forth in this declaration. If called
6 upon to do so, I could and would competently testify to these facts.

7 2. In January 2024, I retained the law firm of Gutride Safier LLP to investigate and
8 litigate claims about false advertising and deceptive labeling regarding the "Poppi" banded soda
9 providing gut health benefits. Prior to that date, I was interested in products with prebiotics that
10 supported gut health, and Poppi's representations that the Products were "For a Healthy Gut" and
11 that they contained "Prebiotics for a Healthy Gut" stood out to me. Accordingly, I had been
12 purchasing the Poppi Products regularly over the last several months prior to engaging Gutride
13 Safier.

14 3. Since I joined this lawsuit as a Plaintiff, I have actively participated in the litigation,
15 cooperated with and remained in regular contact with my attorneys, provided my attorneys with
16 important information about the underlying facts of the class claims, and stayed informed of case
17 developments and the pending settlement. I reviewed and approved the initial complaint and the
18 consolidated complaint.

19 4. I wanted to be a class representative because I believe products, especially those
20 touting health benefits, should be accurately labeled and so consumers like me could have an
21 opportunity to receive some money back for their purchases of Poppi soda. I understood that being
22 a class representative would mean that I would be subject to discovery, such as producing documents
23 like receipts or credit card statements, and that I may be asked to sit for a deposition. I was (and
24 remain) prepared to take time off work to attend a deposition. I understood that being a named
25 plaintiff would expose me to potential publicity. I also understood that if this case went to trial that
26 I would be asked to attend and testify. I have not previously been a party in any lawsuits and have
27 not served as a class representative before. Although I was unfamiliar with the court system, I was
28 willing to work with my attorneys on this case to accomplish our goals.

1 5. I understand that a settlement was reached in this case that will create a fund of \$8.9
2 million to pay other Poppi customers back. Had the case not settled, I was prepared to continue
3 fulfilling my role as a class representative and to continue to do what the lawyers and the Court asked
4 of me. Neither my attorneys, nor anyone else, ever promised me any amount of money to serve as
5 a class representative, or in connection with my approval of this settlement. However, I understand
6 that the settlement permits the Court to provide an incentive award for my participation in this
7 lawsuit, and I respectfully appreciate the Court's consideration of such an award.

8 I declare under penalty of perjury of the laws of the State of California that the foregoing is
9 true and correct. Executed this ___th day of August 2025, at Sacramento, California.

10 08 / 12 / 2025



11 _____
Sarah Coleman

1 Laurence D. King (SBN 206423)
2 Matthew B. George (SBN 239322)
3 Blair E. Reed (SBN 316791)
4 Clarissa R. Olivares (SBN 343455)
5 **KAPLAN FOX & KILSHEIMER LLP**
6 1999 Harrison Street, Suite 1560
7 Oakland, CA 94612
8 Telephone: 415-772-4700
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11 *mgeorge@kaplanfox.com*
12 *breed@kaplanfox.com*
13 *colivares@kaplanfox.com*

14 *Attorneys for Plaintiff Megan Wheeler*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re VNGR BEVERAGE, LLC
LITIGATION

Case No. 4:24-cv-03229-HSG

**DECLARATION OF MEGAN WHEELER
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND MOTION
FOR INCENTIVE PAYMENTS**

DATE: November 20, 2025
TIME: 2:00 p.m.
JUDGE: Hon. Haywood S. Gilliam, Jr.
CTRM: 2, 4th Floor

1 I, Megan Wheeler, declare and state as follows:

2 1. I am one of the named plaintiffs in the above-captioned action. On May 23, 2025, I
3 was appointed as a Class Representative. Dkt. No. 61. I submit this declaration in support of
4 Plaintiffs' Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees
5 and Incentive Awards. I have personal knowledge of the facts set forth in this declaration. If called
6 upon to do so, I could and would competently testify to these facts.

7 2. In July 2024, I retained the law firm of Kaplan Fox & Kilsheimer to investigate and
8 litigate claims about false advertising and deceptive labeling regarding the "Poppi" banded soda
9 providing gut health benefits. Prior to that date, I was interested in products with prebiotics that
10 supported gut health, and Poppi's representations that the Products were "For a Healthy Gut" and
11 that they contained "Prebiotics for a Healthy Gut" stood out to me. Accordingly, I had been
12 purchasing approximately three (3) Poppi products a month over the last several months prior to
13 filing the lawsuit at local grocery stores and Target.

14 3. Since I joined this lawsuit as a Plaintiff, I have actively participated in the litigation,
15 cooperated with and remained in regular contact with my attorneys, provided my attorneys with
16 important information about the underlying facts of the class claims, and stayed informed of case
17 developments and the pending settlement. I reviewed and approved the initial complaint and the
18 consolidated complaint.

19 4. I wanted to be a class representative because I believe products, especially those
20 touting health benefits, should be accurately labeled and so consumers like me could have an
21 opportunity to receive some money back for their purchases of Poppi soda. I understood that being
22 a class representative would mean that I would be subject to discovery, such as producing documents
23 like receipts or credit card statements, and that I may be asked to sit for a deposition. I was (and
24 remain) prepared to take time off work to attend a deposition. I also understood that if this case went
25 to trial that I would be asked to attend and testify. I have not previously been a party in any lawsuits
26 and have not served as a class representative before. Although I was unfamiliar with the court system,
27 I was willing to work with my attorneys on this case to accomplish our goals.
28

1 5. I understand that a settlement was reached in this case that will create a fund of \$8.9
2 million to pay other Poppi customers back. I support the settlement and have filed a claim to
3 participate in the settlement benefits. Had the case not settled, I was prepared to continue fulfilling
4 my role as a class representative and to continue to do what the lawyers and the Court asked of me.
5 Neither my attorneys, nor anyone else, ever promised me any amount of money to serve as a class
6 representative, or in connection with my approval of this settlement. However, I understand that the
7 settlement permits the Court to provide an incentive award for my participation in this lawsuit, and
8 I respectfully appreciate the Court's consideration of such an award.

9 I declare under penalty of perjury of the laws of the State of California that the foregoing is
10 true and correct. Executed this ___th day of August 2025, at Long Beach, California.

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12 _____
Megan Wheeler