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6
7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN JOSE DIVISION**

10 MICHAEL FORD, NOE GAMBOA, and
MADISON COPELAND, individually and on
11 behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 [24]7.AI, INC.,

15 Defendant.

Case No.: 5:18-cv-02770-BLF

**DECLARATION OF MICHAEL F.
RAM IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES
AND COSTS AND SERVICE AWARDS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

Date: January 27, 2022
Time: 9:00 A.M. (Pacific Time)
Courtroom: 3, 5th Floor

1 **DECLARATION OF MICHAEL F. RAM IN SUPPORT OF PLAINTIFFS' MOTION**
2 **FOR ATTORNEYS' FEES AND COSTS AND SERVICE AWARDS MEMORANDUM**
3 **OF POINTS AND AUTHORITIES IN SUPPORT**

4 I, Michael F. Ram, declare as follows:

5 1. I am a member of the law firm of Morgan and Morgan Complex Litigation Group
6 and counsel of record for Plaintiffs in this matter. I am admitted to practice before this Court and
7 am a member in good standing of the bar of the state of California. I respectfully submit this
8 declaration in support of Plaintiffs' Motion for Attorneys' Fees and Costs and Service Awards;
9 Memorandum of Points and Authorities in Support.

10 2. A true and correct copy of the Morgan and Morgan firm resume, with biographies
11 summarizing my experience and that of other attorneys at Morgan and Morgan, is attached as
12 Exhibit A.

13 **RELEVANT FACTS AND PROCEDURE**

14 3. On April 4, 2018, the Data Breach that gave rise to this case was made public, and
15 on May 10, 2018, following that announcement, we filed a class action case, against Delta
16 Airlines, Best Buy and [24]7.

17 4. Other class action suits were filed for the same Data Breach, *Naini v. Delta Air*
18 *Lines Inc.*, 2:18-cv-02876 (C.D. Cal. Apr. 6, 2018) and *McGarry v. Delta Airlines, Inc. and 24/7,*
19 *Inc.*, Case 1:18-cv-02794 (N.D. Ga. June 6, 2018).

20 5. On June 11, 2018, Plaintiffs moved for the U.S. Judicial Panel on Multidistrict
21 Litigation to transfer and consolidate pretrial proceedings for *Ford, McGarry* and *Coleman*.
22 While awaiting the Panel's decision, a Tag Along action was filed for the same Data Breach,
23 *Pica v. Delta Airlines*, 2:18-cv-02876 (C.D. Cal. Sept 21, 2018). The Panel ultimately denied this
24 action on October 3, 2018.

25 6. On September 24, 2018, Melissa S. Weiner's firm filed another class action
26 against 24/7 for the same Data Breach, *Copeland v. [24]7.ai, Inc.*, 5:18-cv-05859 (N.D. Cal.
27 Sept. 24, 2018).

1 13. As a result of the day-long mediation, on March 10, 2021, the parties reached an
2 agreement forming the substance of the Settlement. Negotiations of attorneys' fees, litigation
3 costs, and expenses did not commence until agreement on behalf of the Settlement Class had
4 been reached. *See* §¹ 10.2.

5 14. At all times, the months'-long negotiations and extensive efforts, which ultimately
6 resulted in the settlement presented to the Court, were adversarial, non-collusive, and conducted
7 at arm's length.

8 15. The parties solicited confidential bids from companies to provide notice and
9 claims administration services in conjunction with the Settlement. These companies were
10 provided the material terms and asked to formulate a notice and media plan that would provide
11 the best notice practical to reach the Settlement Class.

12 16. The parties ultimately chose Epiq. My experience with Epiq includes a number of
13 class action settlements, including *McAdams v. Monier*, No. S-CV-0016410 (Cal. Superior Court
14 at Placer County); It is my belief that Epiq's proposed notice and administration plan will allow
15 for the effective dissemination of notice to the Settlement Class, efficient administration of Class
16 claims, and will do so in an economical matter.

17 17. The notice program created by the Claims Administrator includes: (1) Notice of
18 Settlement and Claim Form sent by electronic mail if an e-mail address is available or in the
19 alternative mailed through the through the United States Postal Service, to all members of the
20 Settlement Class who are identifiable to the Claims Administrator. Defendant shall request that
21 Best Buy provide the Claims Administrator with the name, email address (where available), and
22 physical address of each Settlement Class Member that Best Buy possesses; (2) creation of a
23 Settlement Website to be updates with information made available to the Settlement Class
24

25 _____
26 ¹ Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the
27 Settlement Agreement. References to "§ ___" are to sections in the Settlement Agreement,
submitted as Exhibit A to the Declaration of Michael F. Ram In Support of Plaintiff's Motion
for Preliminary Approval (the "Ram Decl.") and all Settlement Agreement Exhibits are referred
to as "Ex #."

1 Members; and (3) a toll-free telephone number through which Settlement Class Members can
2 obtain additional information about the settlement.

3 18. The Settlement reflects years of work, including pre-filing investigations, legal
4 research and analysis of the Settlement Class claims, filing amended complaints/consolidated
5 complaints; opposition motions and appeals work.

6 **MORGAN AND MORGAN’S LODESTAR AND LITIGATION EXPENSES**

7 19. This declaration generally summarizes the work performed by Morgan and
8 Morgan for Plaintiffs and the Settlement Class Members in this litigation. As demonstrated
9 below, Morgan and Morgan has worked diligently to perform tasks throughout the entire course
10 of this litigation, including initial case investigation, filing of the initial Complaint, motion
11 practice, settlement discussions, motions for settlement approval and assistance with settlement
12 administration for the Class Members.

13 20. Morgan and Morgan has a lengthy history of representing consumers, employees,
14 businesses and other clients in class action and other commercial litigation.

15 21. Pursuant to the Settlement Agreement, Class Counsel now apply for a total fee
16 and cost award of \$450,000.00, which accounts for both the attorneys’ fees for the law firms
17 representing the Class Representatives.

18 22. Counsel at Morgan and Morgan requests rates ranging from \$ 658.00 to \$ 950.00
19 for attorneys, and \$202.00 for paralegals.

20 23. Not including the time expended in preparing the application for fees and
21 expenses, the table below details the hours billed and the amount billed at current rates through
22 October 13, 2021 for Morgan and Morgan’s attorneys and paralegals:

23 //

24 //

25 //

26 //

27 //

ATTORNEY	TOTAL HOURS	HOURLY RATE	AMOUNT
John Yanchunis	24.0	\$950.00	22,800.00
Michael Ram	33.8	\$950.00	32,110.00
Jean Martin	2.1	\$894.00	1,877.44
Marcio Valladares	.6	\$864.00	518.40
Marie Appel	6.5	\$785.00	5,102.50
Ryan McGee	360.2	\$742.00	267,268.40
Patrick Barthle	4.2	\$658.00	2,763.60
PARALEGAL	TOTAL HOURS	HOURLY RATE	AMOUNT
Jennifer Cabezas	7.6	\$202.00	1,535.20
Lourdes Pajak	6.9	\$202.00	1,393.80
Andrea Carbone	.5	\$202.00	101.00
Jennifer Miller	21.0	\$202.00	4,242.00
TOTAL:	467.40		\$339,712.30

This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Morgan and Morgan. Based upon experience in other matters, Class Counsel will likely expend dozens of additional hours bringing the settlement through completion.

24. Morgan and Morgan attorneys efficiently spent time on dedicated tasks in this litigation, categorized as follows:

CATEGORY	TOTAL HOURS	AMOUNT
Attorney Meeting / Strategy	89.1	68,530.10
Case Management	31.9	26,508.20
Court Appearance	11.8	6,595.60
Discovery	2.9	2,339.00
Client Meeting	4.7	2,569.40
Research	50.9	38,865.00
Pleadings / Motions	190.5	137,680.60
Settlement	77.7	50,820.60
Investigation	7.9	5,803.80
TOTAL:	467.40	\$339,712.30

25. The billable rates charged by the attorneys and other professionals in my law firm, for non-document review work, as set forth herein have been approved by other federal and state courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

- 1 a. *In re: Yahoo! Inc. Customer Data Sec. Breach Litig.*, 16-MD-
 2 02752-LHK, 2020 WL 4212811, at *26 (N.D. Cal. July 22, 2020)
 3 (approving as reasonable rates of class counsel, which included
 4 \$900 for John Yanchunis, and \$550 for Messrs. Barthle and
 5 Cohen, and finding as reasonable: “billing rates for partners range
 6 from about \$450 to \$900, depending on seniority level,” “billing
 7 rates for non-partner attorneys, including of counsel, associates,
 8 and staff/project attorneys, range from about \$160 to \$850, with
 9 most under \$500,” and “billing rates for paralegals range from
 10 \$50 to \$380”)
- 11 b. *In re: Equifax Inc. Customer Data Security Breach Litigation*,
 12 Case No 1:17-md-02800-TWT, ECF 956 at 105 (N.D. Ga. Jan.
 13 13, 2020), (approving as reasonable rates of class counsel, which
 14 included \$950 for John Yanchunis, and approving rates ranging
 15 from \$750 - \$1050 for lead counsel).
- 16 c. *Walters v. Kimpton Hotel & Restaurant*, No. 3:16-cv-05387, ECF
 17 117 (N.D. Cal. July 11, 2019), *id.*, ECF 113-1 (May 8, 2019)
 18 (identifying Morgan and Morgan rates of \$864-950 for partners,
 19 \$450-636 for associates, \$196 for paralegals, and \$300 for
 20 investigators);
- 21 d. *Finerman v. Marriott Ownership Resorts, Inc.*, No. 3:14-cv-
 22 01154, ECF 222 (M.D. Fla. Aug. 15, 2018); *id.*, ECF 222 (May
 23 7, 2018) (identifying Morgan and Morgan rates of \$950 for John
 24 Yanchunis, \$450-864 for associates, \$196 for paralegals, and
 25 \$300 for investigators);
- 26 e. *Sanborn v. Nissan N. Am., Inc.*, No. 0:14-cv-62567, ECF 200 at 3
 27 (S.D. Fla. Jan. 6, 2017); *id.*, ECF 195-3 at 4 (Oct. 14, 2016)
 (identifying Morgan and Morgan rates of \$950 for John
 Yanchunis, \$450 for associate); and,
- f. *Dyer v. Wells Fargo Bank, N.A.*, No. 3:13-cv-02858, ECF 51 at
 10 (N.D. Cal. Oct. 22, 2014); *id.*, ECF 43-1 (July 11, 2014)
 (identifying Morgan and Morgan rates of \$900 for John
 Yanchunis, \$550 for associate).

26. During the course of this action, Morgan and Morgan incurred \$ 25,016.32 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Morgan and Morgan and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls, Facsimile and Postage	\$ 554.85
Court Costs, Filing Fees and Transcripts	\$ 2,065.00
Carfare, Travel and Meals	\$ 5,608.46
Legal Research	\$ 259.50
Service of Process	\$ 1,928.51
Professional Fees (Expert and Mediation)	\$ 15,000.00
TOTAL	\$ 25,416.32

27. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed October 18, 2021, in San Francisco, California.

By: /s/ Michael F. Ram
Michael F. Ram

EXHIBIT A



Morgan & Morgan is a leading civil trial law firm representing consumers and commercial clients nationwide. With over 700 lawyers, and more than 3,000 non-lawyer employees, Morgan & Morgan is the largest plaintiffs' firm in the nation. Morgan & Morgan maintains over offices throughout the United States. Among its lawyers are former state attorney generals and present and former members of various state legislatures.

Morgan & Morgan has a dedicated Complex Litigation Group staffed with lawyers, paralegals, and retired FBI agents serving as investigators committed to representing consumers in complex litigation, MDL proceedings and class action cases throughout the country. It has achieved many remarkable results in class litigation, including the settlement of *In re Black Farmers Discrimination Litigation*, no. 08-0511 (D.C. Oct. 27, 2017), where one of its partners served as co-lead. The case resulted in a settlement with the United States Government in the amount of \$1.2 billion for African American farmers who had been systematically discriminated against on the basis of race, in violation of the Fifth Amendment to the United States Constitution, the Equal Credit Opportunity Act, Title VI of the Civil Rights Act, and the Administrative Procedure Act. Morgan & Morgan has assembled a talented team of lawyers:

Mr. Yanchunis leads the class action section of the law firm. His practice—which began after completing a two-year clerkship with United States District Judge Carl O. Bue, Jr., S. D. Tex.—has concentrated on complex litigation and spans over 38 years, including consumer class actions for more than two-thirds of that time. As a result of his extensive experience in privacy and data-breach litigation, he regularly lectures at seminars regarding privacy litigation.

Alongside his experience in the area of privacy, he also served as lead, co-lead, and class counsel in numerous national class actions, including multi-district litigation, involving a wide range of subjects affecting consumers, including antitrust, defective products, life insurance, annuities, and deceptive and unfair acts and practices. In 2014, he was recognized by the National Law Journal as a trailblazer in the area of privacy litigation, and in 2020, he was recognized by LAW 360 for the second year in a row as one of 4 MVPs in the area of privacy and cyber security litigation. For his work in the area of privacy litigation, he was awarded lawyer of the year by The Daily Business Review.

As a result of his experience in insurance and complex litigation, beginning in 2005, he was selected by Tom Gallagher, the Chief Financial Officer for the state of Florida and a member of the Florida Cabinet, to serve as lead counsel for the Florida Department of Financial Services and the Florida Department of Insurance Regulation (the insurance regulators of Florida) in their investigations of the insurance industry on issues concerning possible antitrust activity and other possible unlawful activities regarding the payment of undisclosed compensation to insurance brokers. He served as lead regulator counsel and worked with a core group of state Attorneys General from the National Association of Attorneys General, which were selected to conduct the investigations. The insurance regulator for Florida was the only insurance regulator in the group. The litigation that was filed and the related investigations netted millions of dollars in restitution for Florida consumers and resulted in significant changes in the way commercial insurance is sold in Florida and across the country.

During his career, he has tried numerous cases in state and federal courts, including one of the largest and longest insurance coverage cases in U.S. history, which was filed in 1991 by the Celotex Corporation and its subsidiary, Carey Canada, Inc. During the seventeen years the case pended, he served as lead counsel for several insurance companies, regarding coverage for asbestos and environmental claims. The case was tried in three phases over several years beginning in 1992. He was also lead counsel for these parties in the subsequent appeals that followed a judgment in favor of his clients.

Mr. Yanchunis began his work in privacy litigation in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based on the placement of cookies on hard drives of internet users. Beginning in 2003, he served as co-Lead Counsel in the successful prosecution and settlement of privacy class action cases involving the protection of privacy rights of more than 200 million consumers under the Driver's Protection Privacy Act (DPPA) against the world's largest data and information brokers, including Experian, R.L. Polk, Acxiom, and Reed Elsevier (which owns Lexis/Nexis). See *Fresco v. Automotive Directions, Inc.*, No. 03-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*, No. 07-cv-60695-JEM (S.D. Fla.). Subsequently, I also served as co-Lead Counsel in the DPPA class cases, *Davis v. Bank of America*, No. 05-cv-80806 (S.D. Fla.) (\$10 million class settlement), and *Kehoe v. Fidelity Fed. Bank and Trust*, No. 03-cv-80593 (S.D. Fla.) (\$50 million class settlement).

He has been appointed and served in leadership positions a number of multidistrict litigation in the area of privacy and data breaches: *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.) *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) ("Yahoo") (Lead Counsel) (Court approved \$117,500,000.00 common fund settlement for approximately 194 million

US residents and 270,000 Israeli citizens); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (co-Lead Counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of \$29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs’ Steering Committee) (final judgment entered approving \$380.5 million fund for 145 million consumers); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.) (“OPM”) (member of the Executive Committee) (active litigation); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers).

His court-appointed leadership experience in non-MDL, data breach class actions is likewise significant, and to just name several: *Schmidt, et al., v. Facebook, Inc.*, No. 3:18-cv-05982 (N.D. Cal.) (Co-Lead Counsel) (“Facebook”) (consolidated complaint filed in February 2019; motion for class certification fully briefed and argued on November 6, 2019); *Walters v. Kimpton Hotel & Restaurant*, No. 3:16-cv-05387 (N.D. Cal.) (“Kimpton”) (Lead Counsel) (class action settlement final approval order entered July 11, 2019); and *In re: Arby’s Restaurant Group, Inc. Data Security Litigation*, Nos. 1:17-cv-514 and 1:17-cv-1035 (N.D. Ga.) (co-Liaison Counsel) (final approval of a class settlement entered June 6, 2019); and Jackson, et al., v. Wendy’s International, LLC, No. 6:16-cv-210-PGB (M.D. Fla.) (final approval of a class settlement entered February 26, 2019); *Henderson v. Kalispell Regional Healthcare*, No. CDV-19-0761 (Montana Eighth Judicial Court – Cascade County) (final approval of class settlement entered January 5, 2021); *In re: Citrix Data Breach Litigation*, No. 19-cv-61350 (S.D. Fla.) (preliminary approval of class action settlement entered on January 26, 2021); *Kuss v. American HomePatient, Inc., et al.*, 18-cv-2348 (M.D. Fla.) (final approval of class action settlement entered on August 13, 2020); *Fulton-Green v. Accolade, Inc.*, 18-cv-274 (E.D. Pa.) (final approval of class action settlement entered September 23, 2019); *Nelson v. Roadrunner Transportation Systems, Inc.*, 18-cv-7400 (N.D. Ill.) (final approval of class action settlement entered September 15, 2020).

His experience in these major data breach matters extends far beyond simply briefing threshold issues and negotiating settlements. Rather, he has personally deposed dozens of corporate representatives, software engineers, cyber professionals and CISOs in major data breach cases such as Capital One, Yahoo, Kimpton, and Facebook. In addition, he has defended experts used in these cases and also deposed defense liability and damage experts.

As result of his experience in the area of class litigation and ethics, he has served as an expert for The Florida Bar on ethical issues arising in class action litigation.

He is a frequent lecturer on privacy and class litigation nationally and internationally, including at international conferences, having presented at the University of Haifa's 2019 Class Action Conference, in Haifa, Israel, attended by lawyers, judges and law professors from around the world. In 2020 he lectured on data privacy in Mexico, and in November 2020 he presented on data privacy to an international group of lawyers, judges and professors at a symposium in London sponsored by the London Law Society.

While at the University of Florida Mr. Yanchunis was a member of Florida Blue Key and Omicron Delta Kappa. He received his Juris Doctor degree from the South Texas College of Law in 1980, where he graduated magna cum laude. During law school, Mr. Yanchunis was a member of the Order of the Lytae, Associate Editor-in-Chief and Technical Editor of the South Texas Law Journal.

Michael F. Ram. Mr. Ram is a consumer class action lawyer with 40 years of experience. He graduated cum laude from Harvard Law School in 1982. He has co-tried several class action trials and frequently lectures on class trials. In 1992 he was a co-recipient of the Trial Lawyer of the Year Award given by Trial Lawyers for Public Justice for *National Association of Radiation Survivors v. Walters* No. 83-c-1861 (N.D. Cal.) (tried to class-wide judgment on remand from Supreme Court).

From 1993 through 1997, Mr. Ram was a partner with Lieff, Cabraser, Heimann and Bernstein where he represented plaintiffs in several major class actions, including:

Cox v. Shell, Civ. No 18,844 (Obion County Chancery Court, Tenn.) national class of six million owners of property with defective polybutylene plumbing systems; *In re Louisiana-Pacific Inner-Seal Litigation*, No. 95-cv-879 (D. Oregon) (co-lead counsel) national class of homeowners with defective siding; *ABS Pipe Litigation*, Cal. Judicial Council Coordination Proceeding No. 3126 (Contra Costa County) national class of homeowners.

In 1997, Mr. Ram founded Levy, Ram & Olson which became Ram & Olson and then Ram, Olson, Cereghino & Kopczynski. He was co-lead counsel in many consumer class actions including a national class of half a million owners of dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. 2008). He was co-lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company*, No. 03-cv-2628 (N.D. Cal.), a class action involving defective intake manifolds that generated four published opinions, including one by the Ninth Circuit, 402 F.3d at 950, and settled one court day before the class trial. He was also co-counsel for plaintiffs in a number of other consumer class actions, including:

- *Falk v GM* 496 F. Supp. 2d 1088 (2007) which became *In re General Motors Corp. Product Liability Lit.* MDL. No. 1896 (W.D. Wash.) involving defective speedometers.

- *Richison v. American Cemwood Corp.*, San Joaquin Superior Court Case No. 005532. multistate class of tens of thousands of owners of homes with defective Cemwood Shakes
- *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No. 995787. National class of hundreds of thousands of owners of homes and other structures with defective Weyerhaeuser hardboard siding.
- *Naef v. Masonite*, Mobile County, Alabama Circuit Court Case No. CV-94-4033. A nationwide class of homeowners with defective hardboard siding on their homes.
- *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998) (approving class action settlement).
- *McAdams v. Monier, Inc.* (2010) 182 Cal. App. 4th 174 (reversing denial of class certification in consumer class action). Tried to verdict. Prevailed on appeal. Mr. Ram represents a class of consumers who allege that the defendant/manufacturer affirmatively represented that its roof tiles had a 50-year lifetime, that their color was permanent, and that they were maintenance-free. *Id.* In reversing the denial of class certification, the Court of Appeal held that an inference of common reliance was adequate to show causation as to each class member.
- *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-SEA) (nationwide consumer class action involving defective siding).
- *Rosenberg v. U-Haul* (Santa Cruz Superior Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct; tried successfully to judgment)(co-lead counsel).
- *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal. 2011) (international class action settlement for false and deceptive conduct) (liaison counsel).
- *Whitaker v. Health Net of California, Inc., and International Business Machines Corp.*, No. 2:11-cv-0910 KJM DAD (E.D. Cal.) (electronic privacy class action under the California Confidentiality of Medical Information Act)

- *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, United States District Court, N.D. Cal. Case No. C09-05418-RS. national class of 235,000 owners of Toyota RAV-4 vehicles for defects in the transmission and electronic control modules
- *In re Kitec Plumbing System Products Liab. Litigation MDL No 2098*, N.D. Texas, No. 09-MD-2098. co-lead counsel for a multi-national MDL class action involving claims concerning defective Kitec plumbing systems in more than 225,000 homes in the United States and Canada.
- *Ehret v. Uber Techs., Inc.*, 148 F. Supp. 3d 884 (N.D. Cal. Judge Chen)

From 2017 to 2020, Mr. Ram was a partner at Robins Kaplan LLP. In August, 2020, Mr. Ram joined Morgan & Morgan to open a San Francisco office for them. He is currently co-lead counsel in numerous consumer class actions, including *Gold v. Lumber Liquidators*, N.D. Cal. No. 14-cv-05373-RS, a certified multistate class action involving bamboo floors, and *Fowler v. Wells Fargo*, N.D. Cal. No. 3:17-cv-02092-HSG, a class action involving interest charges that settled for \$30 million.

Mr. Ram is a member of the California bar, having been admitted in 1982. He is also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Third, Ninth and Eleventh Circuits, the Northern, Central, Southern and Eastern Districts of California.

Jean Sutton Martin. For more than 20 years, Ms. Martin has concentrated her practice on complex litigation, including consumer protection and defective products class action. She has served in leadership positions in many consumer class actions and consolidated proceedings in federal courts around the country, including *inter alia*: *In re Brinker Data Incident Litigation*, No. 18-cv-686 (M.D. Fla.) (interim co-lead counsel); *Gordon, et al. v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415 (D. Colo.) (data breach) (co-lead counsel)(preliminary approval granted); *In re: Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation*, No. 17-md-2775 (D. Md.) (defective hip implant) (member of Plaintiffs' Steering Committee and bellwether trial team) *Linnins v. HAECO Americas, Inc., et al.*, No. 16-cv-486 (M.D.N.C.) (employee data disclosure) (co-lead counsel); *Torres v. Wendy's International, LLC*, No. 6:16-cv-210 (M.D. Fla.) (data breach) (class counsel); *Fuentes, et al. v. UniRush, LLC, et al.*, No. 1:15-cv-08372 (S.D.N.Y.) (disruption in servicing of financial accounts) (co-lead counsel); *Lewis, et al., v. Green Dot Corp., et al.*, No. 2:16-cv-03557 (C.D. Cal.) (disruption in servicing of financial accounts) (class counsel); *Brady, et al. v. Due North Holdings, LLC, et al.*, No. 1:17-cv-01313 (S.D. Ind.) (employee data disclosure) (class counsel); *Foreman v. Solera Holdings, Inc.*, No. 6:17-cv-02002 (M.D. Fla.) (employee data disclosure) (class counsel); *In Re: Outer Banks Power Outage Litigation*, No. 4:17-cv-141 (E.D.N.C.) (extended island power outage due to defective construction practices) (class counsel); and, *McCoy v. North State Aviation, LLC, et al.*, No. 17-cv-346 (M.D.N.C.) (WARN Act violations) (class counsel).

Ms. Martin received her Juris Doctor degree from Wake Forest University School of Law, where she served as Editor-in-Chief of the *Wake Forest Law Review*. She obtained eDiscovery certification from the eDiscovery Training Academy at Georgetown Law Center in 2017. Ms. Martin graduated from Wake Forest University with a Bachelor of Science in Mathematical Economics in 1989. She earned a Master of International Business from the University of South Carolina in 1991. She interned with the sales finance team of Digital Equipment Company in Munich, Germany and was tasked with compiling the sales figures for European operations as well as determining sales forecasts and pricing models for sales to universities and other educational institutions for the company's expansion into the Eastern European market after the fall of the Berlin wall. Before heading back to law school, Ms. Martin worked as a marketing manager for an international candy manufacturer where her responsibilities included product development, brand licensing, market research, and sales analysis.

Ms. Martin has been honored with the prestigious "AV" rating by Martindale-Hubbell. In 2015, she was inducted as a Fellow of the Litigation Counsel of America, a prestigious trial lawyer honorary society comprised of less than one-half of one percent of American lawyers. Fellows are selected based upon excellence and accomplishment in litigation, both at the trial and appellate levels, and superior ethical reputation. For upholding the highest principles of the legal profession and for outstanding dedication to the welfare of others, Ms. Martin has also been selected as a Fellow of the American Bar Foundation, an honorary legal organization whose membership is limited to one third of one percent of lawyers in each state. In 2016, Ms. Martin was selected by her peers as the foremost Litigation attorney in the State of North Carolina for *Business North Carolina Magazine's Legal Elite*, gaining membership in the *Legal Elite* Hall of Fame. Since 2012, she has been selected to the Super Lawyers list for North Carolina in the areas of mass torts and class actions, with selection to the Top 50 Women North Carolina list since 2014. Additionally, Ms. Martin has been named by National Trial Lawyers to the Top 100 Trial Lawyers, Top 50 Class Action Lawyers, and Top 50 Mass Torts Lawyers for North Carolina.

Ms. Martin is a member of the North Carolina bar, having been admitted in 1998. She is also admitted to practice before the United States Supreme Court, the United States Court of Federal Claims, the United States Court of Appeals for the Fourth Circuit, the Western, Middle, and Eastern Districts of North Carolina, and the United States District Court of Colorado.

Marcio Valladares. Mr. Valladares was born in Managua, Nicaragua and immigrated to the United States during Nicaragua's civil war. In 1990, Marcio obtained a Bachelor of Science degree in psychology from the University of Florida. In 1993, he obtained his Juris Doctor

degree, *magna cum laude*, from Florida State University. He is pursuing a Masters in Law (LL.M.) degree from Columbia University, focusing on federal and comparative law.

Before joining Morgan & Morgan, Marcio worked in both the public and private sectors. He served as a judicial law clerk to the Honorable Steven D. Merryday, United States District Judge, Middle District of Florida, and then served as a judicial law clerk to the Honorable Susan H. Black, United States Circuit Court Judge, Court of Appeals for the Eleventh Circuit. Marcio served as an Assistant United States Attorney for the Middle District of Florida. In the private sector, Marcio practiced commercial litigation and insurance defense at Holland & Knight LLP. Marcio also worked as in-house counsel for the Mayo Clinic. Marcio is fluent in English and Spanish.

Marie Noel Appel. Ms. Appel has dedicated her career to representing consumers in both individual and class action cases involving claims under consumer protection laws and other statutory and common law claims. She earned a B.A. in French from San Francisco State University in 1992 and graduated from University of San Francisco School of Law in 1996.

For most of her career, Ms. Appel has been in private practice litigating class claims related to defective products, mortgage fraud/Truth in Lending violations, unfair business practices relating to manufactured home sales, interest overcharges by the United States on military veterans' credit accounts, and statutory violations by the United States relating to offset of debts beyond the limitations period.

From 2012 to 2019, Ms. Appel left private practice to become the Supervising Attorney of the Consumer Project at the Justice & Diversity Center of the Bar Association of San Francisco which provides free legal services to low-income persons facing consumer issues.

In April 2019, Ms. Appel returned to private practice as Counsel at Robins Kaplan, LLP, then joined Morgan & Morgan in August 2020 where she focuses on class action litigation.

In addition to her legal practice, Ms. Appel is an Adjunct Professor at Golden Gate University School of Law in San Francisco where she teaches legal research and writing, and from 2011 to 2018 supervised students at the Consumer Rights Clinic, in which students performed legal work at the Justice & Diversity Center's Consumer Debt Defense and Education Clinics.

Ms. Appel is admitted to practice in United States District Courts in the Central District of California; the Eastern District of California; the Northern District of California; and the Southern District of California.

Kenya Reddy. Ms. Reddy represents consumers in class action litigation. She graduated from Duke University in 1997 with a degree in political science. In 2000, she received her law degree from the University of Virginia School of Law. Prior to joining Morgan & Morgan, Ms. Reddy was a shareholder at Carlton Fields, P.A., where her primary areas of practice were antitrust, complex civil litigation, class action defense, and business litigation. She also has experience in including labor and employment, products litigation, ERISA and employee benefits law, insurance, healthcare, and securities litigation.

Ms. Reddy has served as a law clerk for the Honorable Charles R. Wilson, United States Circuit Court Judge, Court of Appeals for the Eleventh Circuit, the Honorable Anne C. Conway, former Chief Judge of the United States District Court for the Middle District of Florida, the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida, and the Honorable Karla R. Spaulding, United States Magistrate Judge, Middle District of Florida.

Ms. Reddy was a guest speaker in January 2019 at HarrisMartin's Marriott Data Breach Litigation Conference on the topic of standing in data breach cases. In October 2019, she presented on the topic of third-party litigation funding at the Mass Torts Made Perfect Conference.

Ms. Reddy is admitted to practice in the Northern, Middle, and Southern Districts of Florida.

Ryan Maxey. Mr. Maxey grew up in Tampa, Florida. He attended the University of South Florida, where he obtained Bachelors Degrees in Computer Science and Philosophy. During and after his undergraduate education, Mr. Maxey developed software and databases for Amalie Oil Company, an automotive lubricant manufacturer located in the Port of Tampa. Mr. Maxey later attended law school at the University of Florida, graduating *order of the coif* in 2008.

From 2008 to 2011, Mr. Maxey served as a judicial law clerk to the Honorable Elizabeth A. Jenkins, United States Magistrate Judge, University of Florida. Mr. Maxey then worked at one of the country's largest law firms, Greenberg Traurig, for four years. In 2015, Mr. Maxey joined Morgan & Morgan's Business Trial Group as a lead attorney handling a variety of business litigation matters. Mr. Maxey later started his own law practice, litigating claims related to breach of contract, trade secret misappropriation, the FLSA, the FDCPA, and premises liability.

Mr. Maxey was admitted to the Florida Bar in 2008 and is also admitted to practice in the Middle District of Florida and the Southern District of Florida.

Ryan J. McGee. Mr. McGee was born and raised in Tampa, Florida. He studied business economics and history at the University of Florida, where he was a teaching assistant for

technology classes in the business school, and received his law degree from Stetson University College of Law, where he was an editor on the *Stetson Law Review*, a research assistant for antitrust and consumer protection laws, and a teaching assistant for Stetson's trial advocacy program.

Ryan began his legal career as a state-appointed prosecutor, where he tried over 50 jury trials to verdict, mostly felonies, as well as a special prosecutor appointed to investigate police officers' deadly use-of-force and corruption within various law enforcement agencies. Ryan also served as a law clerk for two years for the Honorable Elizabeth A. Kovachevich, the former Chief United States District Judge, Middle District of Florida. Before joining Morgan & Morgan, Ryan's practice involved complex business disputes, antitrust, trade secret, data security, and class action investigations and defense-side litigation in state and federal courts across the country.

Since shifting his focus entirely to consumer class action representation, Ryan has been selected as a Florida Super Lawyer Rising Star in 2018 and 2019 in the field of Class Actions, and has extensive privacy and consumer fraud class action experiencing, having actively participated in the following litigations: *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-md-02752-LHK (N.D. Cal.); *In re Equifax, Inc. Customer Data Sec. Breach Litigation*, No. 1:17-md-02800 (N.D. Ga.); *Morrow v. Quest*, No. 2:17-cv-0948(CCC)(JBC) (D.N.J.); *In re Google Plus Profile Litigation*, No. 5:18-cv-06164 EJD (N.D. Cal.); *Kuss v. American HomePatient, Inc., et al.*, No. 8:18-cv-02348 (M.D. Fla.); *Richardson, et al. v. Progressive Am. Ins. Co., et al.*, No. 2:18-cv-00715 (M.D. Fla.); *Hymes, et al. v. Earl Enterprises Holdings, Inc.*, No. 6:19-cv-00644 (M.D. Fla.); *Orange v. Ring, LLC, et al.*, No. 2:19-cv-10899 (C.D. Cal.).

Ryan was admitted to the Florida Bar in 2009 and is also admitted to practice in the Northern, Middle, and Southern Districts of Florida.

Patrick Barthle. Mr. Barthle was born and raised in Dade City, Florida. He attended the University of Florida where he was admitted to the Honors Program and graduated, *cum laude*, with a double major in History and Criminology in 2009. While at UF, Patrick was inducted into the Phi Beta Kappa Honor Society and served as President of the Catholic Student Center. Patrick attended Washington and Lee University School of Law, graduating *summa cum laude* in 2012; where he was a Lead Articles Editor for the Wash. & Lee Law Review, a member of the Order of the Coif and the Phi Delta Phi Legal Honor Society, and President of the W&L Law Families organization.

Before joining Morgan & Morgan in 2015, Patrick worked at one of the country's largest law firms, Greenberg Traurig, LLP, and then served as a judicial law clerk for two years to the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida. Patrick has

extensive privacy and consumer fraud class action experiencing, having actively participated in the following litigations: *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.C.); *Torres v. Wendy's International, LLC*, No. 6:16-cv-210 (M.D. Fla.); *Morrow v. Quest Diagnostics, Inc.*, No. 2:17-cv-0948 (Dist. NJ); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.); *In re The Home Depot, Inc. Customer Data Security Data Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, 16-md-02752-LHK (N.D. Cal.); and *Finerman v. Marriott Ownership Resorts, Inc.*, Case No.: 3:14-cv-1154-J-32MCR (M.D. Fla.).

Patrick was selected as a Florida Super Lawyer Rising Star in 2019 in the field of Class Actions. He is also active in speaking on privacy and class action topics, having spoken in June 2018, at the NetDiligence Cyber Risk Summit on the topic of Unauthorized Use of Personal Data; in November 2018 at the American Association for Justice's Advanced 30(b)(6) Seminar, on the topic of 30(b)(6) Depositions in in Data Breach Cases; and in January 2019 at HarrisMartin's Marriott Data Breach Litigation Conference on that topics of damage models and settlements in data breach cases; and Rule 23(c)(4) classes at the Mass Torts Made Perfect conference.

Mr. Barthle was admitted to the Florida Bar in 2012 and is also admitted to practice in the Middle District of Florida, the Southern District of Florida, and the District of Colorado.

Francesca Kester. Ms. Kester was born and raised in Scranton, Pennsylvania. She attended Marywood University, where she graduated with a major in English Literature, and The Pennsylvania State University's Dickinson School of Law, where she received her Juris Doctor degree in 2017. While at Dickinson, Ms. Kester competed in the American Bar Association's National Appellate Advocacy Competition, where she was awarded the highest honor for her legal brief writing, and the Texas Young Lawyer's National Trial Competition, where she finished as a regional finalist. Ms. Kester also served as Executive Chair of the Dickinson Law Moot Court Board, Founder of the Dickinson Law partnership with Big Brothers Big Sisters, and Student Director of the Bethesda Mission Men's Shelter legal clinic. At graduation, she was honored with the D. Arthur Magaziner Human Services Award for outstanding academic achievement and service to others, the Joseph T. McDonald Memorial Scholarship for excellence in trial advocacy, and the peer-selected Lee Popp Award for her devotion to the legal field.

Ms. Kester interned as a judicial clerk to United States Magistrate Judge Martin C. Carlson while in law school. After graduation, she served for two years as a law clerk to the Honorable James M. Munley in the United States District Court for the Middle District of Pennsylvania. Ms. Kester is a member of the Lackawanna County Bar Association, the Pennsylvania Bar Association, the American Association for Justice, and Order of the Barristers.

In 2018 and 2019, she served as the attorney advisor for her alma mater's high school mock trial team, coaching them to a first place finish in the state and ninth in the nation.

Ms. Kester is admitted to practice law in both Pennsylvania and Florida.

Ra O. Amen. Mr. Amen was raised in both the California Bay Area and Massachusetts. In 2005, Ra graduated from Stanford University with a B.A. in Economics. After graduating, Ra worked as a Peace Corps volunteer in Morocco teaching English as a second language and business skills to local artisans. Before entering law school, Ra worked for several years in education and in business development for a mobile technology startup. In 2017, he obtained his Juris Doctor degree with Honors from Emory University School of Law. While at Emory Law, he was a Managing Editor of the Bankruptcy Developments Journal, interned at a consumer fraud law practice, and worked in-house with one of the globe's leading metals companies assisting in a diverse array of legal issues ranging from corporate restructuring to international tax and contract disputes. Before joining Morgan & Morgan in 2020, Mr. Amen worked at one of the nation's largest defense law firms in the nation where he specialized in representing clients in complex commercial, administrative, and ecclesiastical disputes.

Ra speaks both English and Spanish, and is an avid guitar player.

Ra was admitted to the Georgia Bar in 2017.

David Reign. Mr. Reign is the former Assistant Special Agent in Charge of the Tampa FBI Field office, with nearly 25 years of investigative experience. He has investigated and managed some of the FBI's most complex white-collar crime cases, with an emphasis on health care fraud, public corruption, and financial crimes. As Deputy Chief of the Enron Task Force, he led a team of investigators and analysts in the successful investigation and prosecution of several executives of the Enron Corporation. He received the Attorney General's Award for Exceptional Service for his work on the Enron matter.