

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-20614-CIV-COOKE/GOODMAN

KENNETH D. OWENS; SAMANTHA A.
HOLLEY; KARA L. GARIGLIO; NICOLETTA
PANTELYAT; ISABELLE SCHERER;
JONATHAN TULE; and KELSEA D. WIGGINS,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and BANK OF
AMERICA CORPORATION,

Defendants.

Hon. Marcia G. Cooke, Presiding

Hon. Magistrate Jonathan Goodman

**DECLARATION OF ROBERT R. AHDoot IN SUPPORT OF CLASS
REPRESENTATIVES' AND CLASS COUNSEL'S UNOPPOSED MOTION
FOR SERVICE PAYMENTS AND A FEE AND EXPENSE AWARD**

I, Robert R. Ahdoot, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 and based on my own personal knowledge, that the following statements are true:

1. I am an attorney duly licensed to practice before all courts of the State of California as well as other state and federal courts. I am a founding member of Ahdoot & Wolfson, PC (“AW”) and designated by the Court as Class Counsel in the above-captioned matter. I respectfully submit this Declaration in support of Class Representatives’ and Class Counsel’s Unopposed Motion for Service Payments and a Fee and Expense Award.

2. AW, along with our co-Class Counsel at Hedin Hall LLP (“HH”), zealously represented the interests of the proposed Settlement Class from the inception of this litigation until the present.

3. Throughout this action, AW has sought to reach consensus with co-Class Counsel to manage the administration and work division in this case in a systematic and efficient manner, coordinating work assignments through conference calls, working to avoid duplication of efforts or unnecessary work undertaken by any of the counsel for the Class in this case, and ensuring that the skills and talents of counsel were put to use in an efficient and effective manner that maximized what each firm and attorney could contribute in a non-redundant way.

HISTORY OF THE LITIGATION

I. Pre-Filing Investigation

4. Together with my co-Class Counsel, I commenced the investigation of this case many months before the Action was filed. This thorough pre-filing investigation and evaluation included:

A. Interviews with hundreds of Bank of America deposit account holders and inspection and analyses of numerous individual bank statements involving a multitude of different overdraft fees for a multitude of “recurring” and “non-recurring” charges;

B. Researching changes in Bank of America’s business practices that became effective *circa* 2010;

C. Researching and documenting comments and public statements made by Bank of America concerning those changes in business practices in 2010, and the effect such changes would have on consumers;

D. Reviewing historical social media postings by consumers, and historical archives of consumer complaints made publicly available by the OCC and CFPB, in order to determine the scope and prevalence of the alleged misclassifications at issue in this Action, as identified by Class Counsel;

E. Researching and analyzing FOIA archives containing correspondence sent by Bank of America executives to government agencies and departments, including to the OCC and other financial regulators, concerning the distinction between “recurring” and “non-recurring” debit card transactions that such entities had proposed for implementation in the lead up to the

enactment of Regulation E;

F. Analyzing CFPB enforcement proceedings against Defendants to gauge their relevance to the allegations of this case. *See, e.g.*, Consent Order, *In the Matter of Bank of America, N.A.; and FIA Card Services, N.A.*, Case No. 2014-CFPB-0004 (US CFPB Apr. 2014) (ECF No. 1);

G. Discovering and performing an in-depth analysis of the various and numerous iterations of the Bank of America Deposit Agreement, and Bank of America, N.A. Merchant Services Agreement (and the myriad terms and conditions therein), as well as various other contractual documents in effect since 2010;

H. Discovery and analysis of Bank of America's lengthy Merchant Services Agreement and various iterations thereto, including review of publicly-available merchant services agreements between merchants and financial institutions other than Bank of America, and other contractual and card-related documents and policies concerning merchant charge classifications and credit and debit card transaction descriptors;

I. Researching and analyzing the way in which Bank of America's core processing system is able to classify, and reclassify, debit card transactions in real-time;

J. Consulting with various experts regarding the debit card payment systems and networks; and

K. Conducting a thorough examination, investigation and evaluation of the relevant law and facts to assess the merits of the claims, causes of action, and available defenses.

5. In developing the theory of liability, my co-Class Counsel and I began by considering each of the potential avenues of recovery, carefully assessing the viability of particular claims for relief, researching and analyzing each of the various legal issues relevant to the merits of potential claims, and determining how to best present such claims on behalf of the putative Class to maximize the likelihood of prevailing at class certification.

6. We reviewed various releases of liability entered into between classes of consumers and Bank of America in prior overdraft fee settlements, to ensure there was no overlap with the

claims alleged in this Action.

7. Additionally, my co-Class Counsel and I performed an in-depth analysis into the likelihood of Bank of America successfully compelling arbitration as a non-signatory to any contracts entered into between Plaintiffs (or any Settlement Class Members) and the Merchants whose transactions triggered the overdraft fees in this case.

II. Litigation of the Action

8. Following the pre-filing investigation stage, my co-Class Counsel and I commenced this Action by preparing and filing the comprehensive Class Action Complaint (ECF No. 1) on behalf of Plaintiffs Kenneth D. Owens, Samantha A. Holley, Kara L. Gariglio, Nicoletta Pantelyat, Isabelle Scherer, Jonathan Tule and Kelsea D. Wiggins (“Plaintiffs” or “Class Representatives”) and the putative Class. The Class Action Complaint filed in this Action outlines Defendants’ contractual promises made in the deposit agreement and other contractual account documents, the ways in which those promises changed over the years, and the ways in which Plaintiffs allege Defendants breached those contractual promises by charging overdraft fees as a result of debit card transactions with the Merchants.

9. On March 22, 2019, Defendants answered the Complaint, denying any and all liability to Plaintiffs or the Settlement Class. (ECF No. 10.) Bank of America has indicated, through counsel, that it believes it would ultimately prevail in its defense to the Action absent the Settlement.

III. Settlement of the Action

10. Following extensive discussions and preliminary negotiations, Plaintiffs conducted two days of mediation sessions with Defendants in Los Angeles, California, under the supervision of a retired United States Magistrate Judge and JAMS mediator.

11. Before entering into the Settlement, my co-Class Counsel and I conducted a thorough examination, investigation, and evaluation of the relevant law, facts, and allegations to assess the merits of the claims and potential claims to determine the strength of liability, potential remedies, and all defenses thereto.

12. We consulted with experts regarding the process by which a given transaction is classified as recurring or non-recurring, served discovery and obtained and reviewed voluminous data, documents and information from Bank of America, interviewed Bank of America employees, conducted our own independent research and evaluation regarding the facts relevant to this case, and conducted further legal research in to the claims and defenses proffered by Bank of America.

13. My co-Class Counsel also conducted confirmatory discovery to ensure that the terms of the Settlement were fair, reasonable, and adequate based on correct assumptions and facts. We verified important facts – including the size of the Settlement Class, the total fees incurred by the Settlement Class, the total number of overdrafts at issue, and the methodology utilized by Bank of America to compute those figures.

14. Through these discovery efforts, we were able to determine that Bank of America collected a total of \$6,282,360 in fees as a result of the overdrafts at issue (representing 179,496 separate overdrafts, each incurring a \$35 overdraft fee) from 73,235 Settlement Class Members.

15. Before and during all settlement discussions and mediations, my co-Class Counsel and I had the benefit of all necessary documents and information to permit us to intelligently assess the Plaintiffs' claims and potential defenses thereto, and to thus conduct meaningful and informed settlement discussions on behalf of the Settlement Class.

16. Subsequent to the two mediations, my co-Class Counsel and I engaged Defendants' counsel in extensive additional arms-length negotiations, through many telephone discussions and a number of in-person meetings, to finalize and memorialize all aspects of the Settlement Agreement, including each of its exhibits, and the plan for Class Notice.

17. Thereafter, my co-counsel and I coordinated a competitive bidding process in which three nationally recognized and experienced Settlement Administration companies submitted bids to administer the administration of the Settlement, including the Class Notice and claims disbursement processes. Plaintiffs obtained and analyzed three (3) separate bids and discussed their contents with each administrator.

18. At the conclusion of this competitive bidding process, the Parties agreed to engage KCC, LLC (“KCC”) to administer the Settlement, as well as to provide the Parties advice regarding the mechanics of the Notice and disbursement aspects of the proposed Settlement. Through a number of discussions and negotiations, my co-Class Counsel and I were also able to secure KCC’s agreement to establish a maximum, not-to-exceed service fee for it to perform all of the work and expenses in this Action.

19. The Settlement and its exhibits, the Notice Plan, and each document comprising the notice were negotiated separately through many in-person and telephonic meetings, were meticulously drafted by Class Counsel, and were the subject of exhaustive negotiations and phone calls, and multiple rounds of revisions to refine each component of the Settlement. Additionally, KCC provided meaningful input on all of the notice documents, so as to ensure these materials are comprehensive and easy to read and understand by members of the Settlement Class, and that they fully comply with due process, CAFA, and all requirements of Rule 23.

20. On June 4, 2019, after months of negotiations, the Parties executed the Settlement Agreement.

21. At all times during settlement discussions, the negotiations were at arm’s length. Furthermore, it was always Class Representatives’ and Class Counsel’s primary goal to achieve the maximum substantive relief possible for the Class.

22. Throughout this litigation, the Class Representatives discussed this matter and its progress with Class Counsel. The Class Representatives provided information, including copies of bank statements, contracts and overdraft fee notices that spanned many periods, to assist Class Counsel in investigating the underlying facts, preparing the Complaint, and resolving this Action. They participated in the progress of litigation by conferring with Class Counsel regarding the progress of the case, reviewing the pleadings filed on their behalf and on behalf of the Class, conferring with Class Counsel regarding mediation and settlement, and reviewing and signing the Settlement Agreement.

23. In my opinion, by stepping forward as named plaintiffs, Class Representatives took certain risks, and that in doing so may have generated some publicly associated with their names in the future. Also, there is a possible negative notoriety associated with being a named plaintiff and class representative. By stepping forward as plaintiffs in this lawsuit, Class Representatives may thus experience a negative impact on certain impacts of their lives. Despite these risks, Class Representatives decided to pursue this case on behalf of themselves and the Class.

IV. Preliminary Settlement Approval and Implementation of the Notice Plan

24. After the lengthy process that led to finalization of the Settlement, my co-Class Counsel and I prepared and filed Class Representatives' Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion for Preliminary Approval") and all the supporting documents, declarations, and exhibits. (ECF Nos. 26-29.)

25. After the Court preliminarily approved the Settlement on September 16, 2019 (ECF No. 30), the Parties continued to work with the Settlement Administrator to supervise dissemination of Notice to Class Members.

26. These efforts included review and drafting of the language and format of the Settlement Website, the script for the automated response to the toll-free number, the language and format of the Notice forms, monitoring exclusion requests and objections, and ensuring prompt response to each and every Class Member inquiry regarding the Settlement.

27. Under the Settlement, the Parties agreed that Class Counsel may file an application for a Fee and Expense Award (not to exceed one-third of the Settlement Fund (or \$1,650,000), plus reasonable out-of-pocket litigation costs, estimated at approximately \$20,000) and for Service Payments to the Class Representatives (not to exceed \$2,500 each), all to be paid from the Settlement Fund. These amounts were disclosed to Class Members in the Class Notice.

28. The deadline to opt-out or object to the Settlement is December 20, 2019. As of the date of this Declaration, no objections have yet been filed to any aspect of the Settlement or to the requested Service Payments or Fee and Expense Award. I am informed and believe that as of the date of this Declaration, 14 of the 73,235 Settlement Class Members have submitted requests

for exclusion from the Settlement.

29. I expect AW to maintain a high level of oversight and involvement in this case, and will continue to incur significant amounts of time given the future work still needed for completion of the Settlement, including: preparing the final approval papers, attending the final approval hearing, responding to Class Member inquiries or challenges, responding to any requests for exclusion or objections and filing any replies in support of final approval, addressing any appeals, working with the City and the Settlement Administrator on the distribution of benefits to the Class, and reporting that the distribution of Settlement Fund has been completed.

30. AW's representation of the Class was on a wholly contingent basis. AW devoted substantial resources to this matter, and we have received no payment for any of the hours of services performed or the out of pocket costs and expenses that AW committed to the litigation of this case. We did this, with no guarantee of repayment. Moreover, AW was required to forego other financial opportunities to litigate this case.

31. AW made every effort to litigate this matter efficiently by coordinating the work of AW's attorneys and paralegals, as well as co-Class Counsel, minimizing duplication, and assigning tasks in a time and cost-efficient manner, based on the time keepers' experience levels and talents.

32. Ahdoot & Wolfson, PC's total expenses in this matter come to \$15,293.57 and are detailed below. I also anticipate incurring additional expenses to see this case to completion, for which AW will not seek additional reimbursement.

| Description | Amount |
|----------------------------------|--------------------|
| Electronic Research & Pacer Fees | \$19.80 |
| Expert Fees | \$714.80 |
| Filing & Attorney Service Fees | \$114.03 |
| Mailing and Postage | \$33.60 |
| Mediation Fees | \$14,370.00 |
| Travel/Lodging | \$41.34 |
| Total | \$15,293.57 |

33. These, as well as the other categories of costs incurred by AW were necessary to the investigation, prosecution and settlement of this Action.

34. These costs and expenses are fully documented and reasonable.

AHDOOT & WOLFSON, PC FIRM EXPERIENCE

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

36. The principal attorneys and staff working on this matter at AW have included my partner Tina Wolfson, senior associate Bradley King, associate Jessielle Fabian, and I.

37. Founded in 1998 by Tina Wolfson and I, and headquartered in Los Angeles, California, AW is a nationwide law firm specializing in complex and class action litigation and public interest litigation. For decades, the attorneys at AW have vigorously litigated against large corporations and public entities vindicating the rights of millions of consumers, employees, and taxpayers in protracted, complex litigation, to successful results. AW has represented plaintiffs in consumer rights, civil rights, employment, environmental, privacy, antitrust and taxpayer rights litigation. AW partners have been named “Super Lawyers” by their peers in recognition of the results achieved by their work. Since its founding, AW has served as class counsel and in leadership positions in a wide range of consumer protection class actions, including in cases and MDL proceedings involving competing lead applications. AW’s Firm Resume is attached hereto as **Exhibit A**.

38. Tina Wolfson graduated Harvard Law School *cum laude* in 1994 and is a member of the California, District of Columbia, and New York Bars. She began her civil litigation career at the Los Angeles office of Morrison & Foerster, LLP, where she defended major corporations in complex civil actions and represented indigent individuals in immigration and deportation trials as part of the firm’s *pro bono* practice. She then gained further invaluable litigation and trial experience at a boutique firm, focusing on representing plaintiffs on a contingency basis in civil rights and employee rights cases. Since co-founding AW, Ms. Wolfson has lead many class actions to successful conclusions. Considered an expert in class action litigation, she frequently lectures on numerous topics related to class action litigation across the country, as detailed in the attached AW Firm Resume.

39. I graduated Pepperdine Law School *cum laude* in 1994, where I served as Literary Editor of the Pepperdine Law Review. I also clerked for the Honorable Paul Flynn at the California Court of Appeals, and began my career as a civil litigator at the Los Angeles office of the New York firm, Mendes & Mount, LLP, where I defended large corporations and syndicates such as Lloyds of London in complex environmental and construction-related litigation as well as a variety of other matters. I've also lectured on numerous topics related to class action litigation across the country, as detailed in the attached AW Firm Resume.

40. Bradley K. King is a senior associate at AW who worked on this matter. Mr. King graduated from Pepperdine University School of Law in 2010, where he served as Associate Editor of the Pepperdine Law Review. He worked as a law clerk for the California Office of the Attorney General, Correctional Law Section in Los Angeles and was a certified law clerk for the Ventura County District Attorney's Office. Mr. King began his legal career at a boutique civil rights law firm, gaining litigation experience in a wide variety of practice areas, including employment law, police misconduct, municipal contract, criminal defense, and premises liability cases.

41. Jessielle A. Fabian graduated from Ateneo de Davao University in 2010 with a Bachelor's Degree in Accountancy. She graduated Bachelor's in Laws in 2015. Ms. Fabian obtained a Masters in Law from the USC Gould School of Law and was admitted to the practice of law in the State of California in 2018.

42. Since 1999, Tina Wolfson and I have been appointed lead counsel in numerous complex consumer class actions. Many of these matters are set forth in AW's firm resume attached hereto.

43. The following however, are some recent examples (2016-2019) of class actions that Tina Wolfson and I have litigated to conclusion or are currently litigating on behalf of clients - either as Class Counsel, proposed Class Counsel or members of a Court appointed Plaintiff Steering Committee:

- *Eck, et al. v. City of Los Angeles*, No. BC577028 (Los Angeles Superior Court ("LASC")): AW was appointed Co-Class Counsel, and achieved a \$295 million finally-

approved (and affirmed on appeal) settlement based on allegedly unlawful city tax regulations regarding electrical power;

- *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC) (Hon. Ann I. Jones): AW as lead Class Counsel, in a case challenging the imposition of certain utility taxes on the use of natural gas, prevailed on summary adjudication, certified a class, and achieved a finally approved settlement with a value of \$94.3 million in direct tax savings over 10 years after the Effective Date;

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

- *Kirby v. McAfee, Inc.*, No. 14-cv-02475-EJD (N.D. Cal.): Co-Class Counsel. Plaintiffs challenged defendant's auto renewal and false discount practices. Settlement made \$80 Million available to the class and included injunctive relief requiring McAfee to notify customers at the point of every sale that the service will be auto-renewed at an undiscounted subscription price. Further, the settlement required McAfee to change its policy regarding the past product price it lists as a reference to any discount it's currently offering. McAfee will now only list a past price that it has actually charged customers within the past 45 days.

- *In re: Lumber Liquidators Chinese-Manufactured Flooring Durability Mktg. & Sales Practices Litig.*, No. 1:16-md-02743-AJT-TRJ (E.D. Va.): AW was co- Class Counsel for the plaintiffs claiming alleged misrepresentations of laminate flooring durability, coordinated with MDL proceedings regarding formaldehyde emissions. \$36 million non-reversionary fund settlement finally approved.

- *In re: Premera Blue Cross Customer Data Sec. Breach Litig.*, No. 15-md-02633- SI (D. Or.): AW was selected to the Executive Leadership Committee after contested

leadership applications. AW was instrumental in litigating the case through class certification and achieving a preliminarily approved settlement valued at \$74 million.

- *McKnight v. Uber Techs., Inc.*, No. 3:14-cv-05615-JST (N.D. Cal.): AW appointed Co-Class Counsel; AW appointed co-Class Counsel in a finally approved class settlement establishing a non-reversionary fund of \$32.5 million returning allegedly hidden “safe ride” fee that Uber unfairly charged its customers.

- *Berman v. General Motors, LLC*, No. 2:18-cv-14371 (S.D. Fla.): AW is serving as co-lead counsel in a class action rising from allegations of a vehicle defect causing excessive oil consumption. The parties reached a settlement valued at approximately \$45 million that has been finally approved.

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

- *Smith v. Floor and Decor Outlets of America, Inc.*, No. 1:15-cv-04316-ELR (N.D. Ga.): AW served as co-Class Counsel in a class action that resulted in a \$14 million class settlement regarding flooring product defect allegations.

- *Chimeno-Buzzi v. Hollister Co.*, No. 1:14-cv-23120-MGC (S.D. Fla.): AW served as co-Class Counsel in a class action that resulted in a \$10 million finally approved class settlement arising from violations of the Telephone Consumer Protection Act of 1991 (“TCPA”).

- *Pappas v. Naked Juice Co. of Glendora, Inc.*, No. 2:11-cv-8276-JAK-PLA (C.D. Cal.): AW appointed co-lead counsel after contested applications in this food false labeling action; resulted in nationwide settlement for \$9 million non-reversionary fund and injunctive relief in the form of product labeling changes, and periodic audits to assure compliance with labeling representations.

- *In re: Uber FCRA Litig.*, No. 3:14-cv-05200-EMC (N.D. Cal.): class settlement provided \$8.2M in monetary relief as well as injunctive relief guaranteeing Uber's compliance with FCRA background check requirements; settlement reached while district court's denial of a motion to compel individual arbitration was pending (and ultimately overturned) before the 9th Cir.
- *Weiss v. Los Angeles*, No. BC141354 (LASC): AW, as class counsel, won a writ of mandate trial to stop the allegedly illegal practice pertaining to parking violation notices, judgment affirmed on appeal.
- *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605 (C.D. Cal.): AW is lead plaintiffs' counsel in this breach of contract class action alleging that defendant did not honor its lifetime subscriptions. A class settlement in principle has been reached while plaintiffs' appeal from trial court's granting the motion to compel arbitration was pending, and in is in the process of memorialization.
- *In re: Apple Inc. Device Performance Litig.*, No. 5:18-md-02827-EJD (N.D. Cal.): AW appointed to the Plaintiffs' Steering Committee after contested applications in a case alleging deceptive conduct by Apple impacting iPhones nationwide.
- *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-02514-JGB-SHK (C.D. Cal.): AW is co-counsel for the plaintiffs; case challenges private prison's alleged practices of forced labor against immigration detainees.
- *Williams v. City of New York*, No. 1:17-cv-02303-RJD-SM (E.D.N.Y.): AW co- counsel for plaintiffs challenging unconstitutional prison conditions at Rikers Island and other facilities.
- *In re: U.S. Office of Pers. Mgmt. Data Sec. Breach Litig.*, No. 1:15-mc-01394-ABJ (D.D.C.): AW selected to the PSC after contested leadership applications in government personnel data breach. Order granting motion to dismiss recently reversed in part by D.C. Circuit Court of Appeals.

- *In re: Kind LLC “All Natural” Litig.*, No. 1:15-md-02645-WHP (S.D.N.Y.): AW appointed interim co-lead counsel for the plaintiff class by MDL Court after contested leadership applications in false labeling food case.

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

45. The Settlement achieved in this litigation is the product of the initiative, investigation, and hard work of skilled counsel. In my opinion, the Settlement is fair, reasonable and adequate and in the best interests of the Settlement Class. The benefits afforded by the Settlement reflect a reasoned compromise which not only takes into consideration the risks inherent in all complex, class litigation, but also the numerous issues particular to this case.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of November 2019 in Los Angeles, California.



Robert R. Ahdoot

EXHIBIT A



AHDOOT & WOLFSON, PC

ATTORNEYS

Ahdoot & Wolfson (“AW”) is a nationally recognized law firm founded in 1998 that specializes in complex and class action litigation, with a focus on consumer fraud, anti-competitive business practices, privacy rights, employee rights, defective products, civil rights, and taxpayer rights and unfair practices by municipalities. The attorneys at AW are experienced litigators who have vindicated the rights of millions of class members in protracted, complex litigation, to successful results. AW has been appointed to the leadership teams in numerous class actions in both state and federal courts.

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

Recognized for her deep class action experience, Ms. Wolfson frequently lectures on numerous class action topics across the country. Her notable speaking engagements include:

- Class Action Mastery Forum at the University Of San Diego School of Law (Data Breach/Privacy Class Action Panel) January 16, 2019;
- Association of Business Trial Lawyers: “Navigating Class Action Settlement Negotiations and Court Approval: A Discussion with the Experts,” Los Angeles May 2017, featuring Hon. Philip S. Gutierrez and Hon. Jay C. Gandhi;
- CalBar Privacy Panel: “Privacy Law Symposium: Insider Views on Emerging Trends in Privacy Law Litigation and Enforcement Actions in California,” Los Angeles Mar. 2017 (Moderator), featuring Hon. Kim Dunning;
- HarrisMartin: Equifax Data Breach Litigation Conference, November 2017, Atlanta (Co-Chair).
- American Conference Institute: “2nd Cross-Industry and Interdisciplinary Summit on Defending and Managing Complex Class Actions,” April 2016, New

- York: Class Action Mock Settlement Exercise featuring the Hon. Anthony J. Mohr;
- Federal Bar Association: N.D. Cal. Chapter “2016 Class Action Symposium,” San Francisco Dec. 2016 (Co-Chair), featuring Hon. Joseph F. Anderson, Jr. and Hon. Susan Y. Illston;
 - Federal Bar Association: “The Future of Class Actions: Cutting Edge Topics in Class Action Litigation,” San Francisco Nov. 2015 (Co-Chair & Faculty), featuring Hon. Jon S. Tigar and Hon. Laurel Beeler.
 - American Association for Justice: AAJ 2015 Annual Convention – “The Mechanics of Class Action Certification,” July 2015, Montreal, Canada.
 - HarrisMartin: Data Breach Litigation Conference: The Coming of Age – “The First Hurdles: Standing and Other Motion to Dismiss Arguments,” March 2015, San Diego.
 - Bridgeport: 2015 Annual Consumer Class Action Conference, February 2015, Miami (Co-Chair).
 - Venable, LLP: Invited by former opposing counsel to present mock oral argument on a motion to certify the class in a food labeling case, Hon. Marilyn Hall Patel (Ret.) presiding, October 2014, San Francisco.
 - Bridgeport: 15th Annual Class Action Litigation Conference – “Food Labeling and Nutritional Claim Specific Class Actions,” September 2014, San Francisco (Co-Chair and Panelist).
 - Bridgeport: 2014 Consumer Class Action Conference – “Hot Topics in Food Class Action Litigation,” June 2014, Chicago.
 - Perrin Conferences: Challenges Facing the Food and Beverage Industries in Complex Consumer Litigations, invited to discuss cutting edge developments in settlement negotiations, notice, and other topics, April 2014, Chicago.
 - Bridgeport: Class Action Litigation & Management Conference – “Getting Your Settlement Approved,” April 2014, Los Angeles.
 - HarrisMartin: Target Data Security Breach Litigation Conference – “Neiman Marcus and Michael’s Data Breach Cases and the Future of Data Breach Cases,” March 2014, San Diego.
 - Bridgeport: Advertising, Marketing & Media Law: Litigation and Best Management Practices – “Class Waivers and Arbitration Provisions Post-*Concepcion* / *Oxford Health Care*,” March 2014, Los Angeles

Ms. Wolfson currently serves as a Lawyer Representative for the Ninth Circuit (Central District of California), on the Federal Litigation Section of the Federal Bar Association, and on the board of Public Justice.

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

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

Bradley K. King was a senior associate at AW and was recently promoted to Partner. Mr. King is a member of the Bars of the States of New Jersey, New York, District of Columbia, and California. He graduated from Pepperdine University School of Law in 2010, where he served as Associate Editor of the Pepperdine Law Review. He worked as a law clerk for the California Office of the Attorney General, Correctional Law Section in Los Angeles and was a certified law clerk for the Ventura County District Attorney’s Office. Mr. King began his legal career at a boutique civil rights law firm, gaining litigation experience in a wide variety of practice areas, including employment law, police misconduct, municipal contracts, criminal defense, and premises liability cases.

Jessielle A. Fabian graduated from Ateneo de Davao University in 2010 with a Bachelor’s Degree in Accountancy. She graduated Bachelor’s in Laws in 2015. Ms. Fabian

obtained a Masters in Law from the USC Gould School of Law and was admitted to the practice of law in the State of California in 2018.

Recent Notable Cases

Attorneys at AW have been appointed lead counsel in numerous complex consumer class actions, sometimes in contested leadership applications. Some of AW's notable cases include:

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

- *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC): AW as lead Class Counsel, in a case challenging the imposition of certain utility taxes on the use of natural gas, prevailed on summary adjudication, certified a class, and achieved a finally approved settlement with a minimum value of \$51 million.

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

- *Kirby v. McAfee, Inc.*, No. 14-cv-02475-EJD (N.D. Cal.) (Hon. Edward J. Davila): co-Class Counsel. Plaintiffs challenged defendant's auto renewal and false discount practices. Finally approved Settlement made \$80 Million available to the class and included injunctive relief requiring McAfee to notify customers at the point of every sale that the service will be auto-renewed at an undiscounted subscription price. Further, the settlement required McAfee to change its policy regarding the past product price it lists as a reference to any discount it's currently offering. McAfee will now only list a past price that it has actually charged customers within the past 45 days.

- *In re: Lumber Liquidators Chinese-Manufactured Flooring Durability Mktg. & Sales Practices Litig.*, No. 1:16-md-02743-AJT-TRJ (E.D. Va.) (Hon. Anthony J. Trenga): AW was co-Class Counsel for the plaintiffs claiming alleged misrepresentations of laminate flooring durability, coordinated with MDL proceedings regarding formaldehyde emissions. \$36 million non-reversionary fund settlement.

- *McKnight v. Uber Techs., Inc.*, No. 3:14-cv-05615-JST (N.D. Cal.) (Hon. Jon S. Tigar): AW appointed co-Class Counsel in a finally approved class settlement establishing

a non-reversionary fund of \$32.5 million returning allegedly hidden “safe ride” fee that Uber unfairly charged its customers.

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

- *Smith v. Floor and Décor Outlets of America, Inc.*, No. 1:15-cv-04316-ELR (N.D. Ga.) (Hon. Eleanor L. Ross): AW served as co-Class Counsel in a class action that resulted in a \$14 million class settlement regarding flooring product defect allegations.

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

- *Berman v. General Motors, LLC*, No. 2:18-cv-14371 (S.D. Fla.): AW is serving as co-lead counsel in a class action arising from allegations of a vehicle defect causing excessive oil consumption. The parties reached a settlement valued at approximately \$45 million that has been finally approved.

- *Pappas v. Naked Juice Co. of Glendora, Inc.*, No. 2:11-cv-8276-JAK-PLA (C.D. Cal.) (Hon. John A. Kronstadt): appointed co-lead counsel after contested applications in this food false labeling action; resulted in nationwide settlement for \$9 million non-reversionary fund and injunctive relief in the form of product labeling changes, and periodic audits to assure compliance with labeling representations.

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

- *Weiss v. Los Angeles*, No. BC141354 (LASC): as class counsel, won *writ of mandate* trial to stop the allegedly illegal practice pertaining to parking violation notices, judgment affirmed on appeal.

- *Carter, et al. v. General Nutrition Centers, Inc. and GNC Holdings, Inc.*, No. 2:16-cv-00633-MRH (W.D. Pa.) (Hon. Mark R. Hornak): AW is co-lead plaintiffs' counsel in this "false discount" class action, involving products for sale on the GNC website. Preliminarily approved \$6 million class settlement providing monetary, as well as non-monetary relief.
- *Alvarez v. Sirius XM Radio, Inc.*, No. 2:18-cv-08605 (C.D. Cal.) (Hon. James Selna): AW is lead plaintiffs' counsel in this breach of contract class action alleging that defendant did not honor its lifetime subscriptions. A class settlement in principle has been reached while plaintiffs' appeal from trial court's granting the motion to compel arbitration was pending, and in is in the process of memorialization.
- *In re: Apple Inc. Device Performance Litigation*, No. 5:18-md-02827-EJD (N. D. Cal.) (Hon. Edward J. Davila): AW appointed to the Plaintiffs' Steering Committee after contested applications.
- *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-02514-JGB-SHK (C.D. Cal.) (Hon. Jesus G. Bernal): AW is co-counsel for the plaintiffs; case challenges private prison's alleged practices of forced labor against immigration detainees.
- *Williams v. City of New York*, No. 1:17-cv-02303-RJD-SM (E.D.N.Y.) (Hon. Raymond J. Dearie): AW is co-counsel for plaintiffs challenging unconstitutional prison conditions at Rikers Island and other facilities.
- *In re: Premera Blue Cross Customer Data Sec. Breach Litig.*, No. 15-md-02633-SI (D. Or.) (Hon. Michael H. Simon): AW selected to the Executive Leadership Committee after contested leadership applications. AW was instrumental in litigating the case through class certification and achieving a preliminarily approved settlement valued at \$74 million.
- *In re: U.S. Office of Pers. Mgmt. Data Sec. Breach Litig.*, No. 1:15-mc-01394-ABJ (D.D.C.) (Hon. Amy Berman Jackson): AW selected to the PSC after contested leadership applications. Appeal of MTD grant pending before the D.C. Circuit.
- *In re: Kind LLC "All Natural" Litig.*, No. 1:15-md-02645-WHP (S.D.N.Y.) (Hon. William H. Pauley III): AW appointed interim co-lead counsel for the plaintiff class by MDL Court after contested leadership applications.