

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

SALVADOR BELTRAN, JR.,
and ELI GROSS,
*Individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

SONY PICTURES ENTERTAINMENT
INC.,
d/b/a CRUNCHYROLL

Defendant.

Case No: 1:22-cv-04858

Judge: Sara L. Ellis

JURY TRIAL REQUESTED

DECLARATION OF BRANDON M. WISE

I, Brandon M. Wise, declare under penalty of perjury that the following is true and correct:

1. I am a member of good standing of the Illinois State Bar and a Shareholder at Peiffer Wolf Carr Kane Conway & Wise, LLP. I am one of the lawyers primarily responsible for prosecuting Plaintiffs' claims on behalf of the putative Class. I was admitted to practice law in the State of Missouri in 2014 and in the State of Illinois in 2015.

2. I submit this declaration in support of Plaintiffs' Motion for and Memorandum of Law in Support of Attorneys' Fees, Expenses, and Service Awards ("Fee Petition"). I make these statements based on personal knowledge and would so testify if called a witness at trial.

3. Since early 2017, my firm and I have concentrated on representing plaintiffs in cases arising under various state and federal privacy statutes, as well as numerous states common law privacy protections. I have been lead counsel in more than three dozen privacy class action cases.

4. Peiffer Wolf Carr Kane Conway & Wise, LLP (“Peiffer Wolf”) has extensive experience representing Plaintiffs as lead counsel in numerous class actions. (*See* Attachment A – Peiffer Wolf Firm Resume).

5. In addition to myself, attorney Adam Florek at Peiffer Wolf, as well as numerous support staff were, and continue to be actively involved in litigating this matter, and other cutting-edge Video Privacy Protection Act (“VPPA”) class actions.

6. Further, multiple attorneys at Bailey Glasser, LLP, including Michael Murphy, have dedicated substantial resources to the litigation of this matter and were instrumental in reaching the substantial settlement here. More information can be found in the Baily Glasser Firm Resume is attached hereto as Attachment 2.

7. Throughout the pendency of this action, Class Counsel has had the financial resources necessary to prosecute this case and has stood ready and remains able and willing to advance necessary expenses and devote significant attorney time from our roster of highly-qualified attorneys and staff to all aspects of this case. The firm has aggressively pursued VPPA claims in this case despite many legal issues under VPPA being matters of first impression.

8. From even the time before the filing of the Class Action Complaint, counsel undertook efforts to prosecute Plaintiffs’ claims, including performing substantial legal research, meetings with experts, and interviewing putative class members. Class Counsels’ substantial legal work continued with amendments to the complaint, numerous meet and confers with counsel for Defendant, and continued meetings with experts to better understand the technology. This culminated with the amendment of the complaint based on new understandings of other internet tracking technologies.

9. In March 2023, the parties began the mediation process with the Honorable Morton Denlow (Ret.). At Judge Denlow's request, the parties engaged in a substantive pre-mediation conference, and subsequently prepared and reviewed detailed mediation statements and other supporting materials outlining their respective legal positions regarding the merits of Plaintiffs' claims, Rule 23 considerations, and the scope of damages.

10. On April 20, 2023, the parties participated in a day-long mediation before Judge Denlow. During that mediation, the parties informally shared additional information, including via direct communications between counsel in the presence of the mediator, regarding Defendant's data bearing on the merits of Plaintiffs' claims and the size and nature of the class. Based on the technology at issue, a potential subscriber Settlement Class can be identified, although not every one of those subscribers necessarily is a Settlement Class Member (for example, some may not have had a Facebook account, others may have utilized "ad-blockers"). Even so, the proposed Settlement Class here is in the millions.

11. Although the parties were unable to reach an agreement on the day of the mediation, they continued determined negotiations among themselves and with the aid of Judge Denlow. On June 7, 2023, the Parties held a second day of mediation with Judge Denlow and at the conclusion of this session, believed that there was a realistic possibility of reaching a class wide settlement.

12. Over the next several weeks, after more phone calls and Zoom meetings, the Parties reached agreement on the material terms that have now been incorporated into the Settlement Agreement.

13. On September 14, 2023, the parties finalized and executed the proposed Settlement.

14. Notice has commenced in this matter, and, as of the date of this filing no Class Members have objected to the settlement and only two (2) Class members have opted out of the settlement.

15. The terms of the Settlement are contained in the Settlement Agreement. There are no undisclosed side agreements between the Named Plaintiffs and Defendant.

16. The settlement of this action was the product of well-informed judgments about the adequacy of the resolution. The settlement was also the product of arm's-length, non-collusive negotiations. Class Counsel are intimately familiar with the strengths and weaknesses of the claims and defenses of this case, as well as the factual and legal issues, sufficient to make an informed recommendation about the value of the claims, the time, costs and expense of protracted litigation, discovery, and appeals, and the adequacy of the Settlement reached. The stage of litigation has advanced to a state that Class Counsel could fairly and fully evaluate the value of the Settlement. In my professional opinion, the Settlement is fair and reasonable in light of the risk, costs, and delay of further litigation.

17. Class Counsels' efforts have been without compensation, and their entitlement to payment has been wholly contingent upon the result achieved.

18. Class Counsel entered into a retainer with Named Plaintiffs allowing Class Counsel to apply for a reasonable percentage of the recovery as a contingency fee payment, plus actual out of pocket expenses.

19. Class Counsel has experience in the Northern District of Illinois, has been awarded one-third or more of class settlement funds in the Northern District of Illinois, and has reviewed many other matters that have awarded Class Counsel one-third of common fund class action settlements.

20. As of the date of this affidavit, Peiffer Wolf has incurred \$24,495.09 in outstanding expenses in connection with the prosecution of this litigation, not inclusive of claims administration costs.

21. The expenses incurred in this action are reflected on Peiffer Wolf's books and records. These books and records are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the expenses incurred. The expenses incurred were reasonable and necessary to prosecute the case, and not part of Peiffer Wolf's overhead.

22. It is my professional opinion that the expenses incurred were reasonable and necessary in the successful prosecution of this action.

23. However, Class Counsel is not seeking independent reimbursement of reasonably expended costs of litigation – weighing in favor of approval of Class Counsels' fee request.

24. Salvador Beltran, Jr. and Eli Gross ("Named Plaintiffs") played crucial roles in this litigation. Each of them sacrificed their time to aid in the prosecution this lawsuit on behalf of their fellow Crunchyroll Subscribers. They reviewed and approved their operative Complaints. Each met, conferred, and corresponded with Class Counsel on a regular basis, and promptly provided information when requested. In short, the Named Plaintiffs provided information and assistance to Class Counsel which provided for the successful conclusion of this lawsuit to the benefit of all Class Members.

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, the undersigned certifies that the statements set forth in this instrument are true and correct.

Date: October 26, 2023

FURTHER DECLARANT SAYETH NOT.

/s/ Brandon M. Wise
Brandon M. Wise

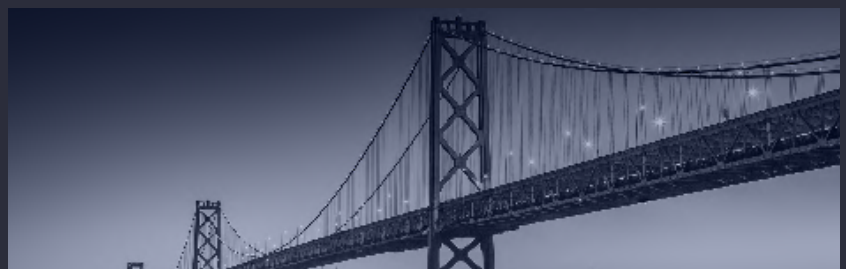
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ATTACHMENT 1



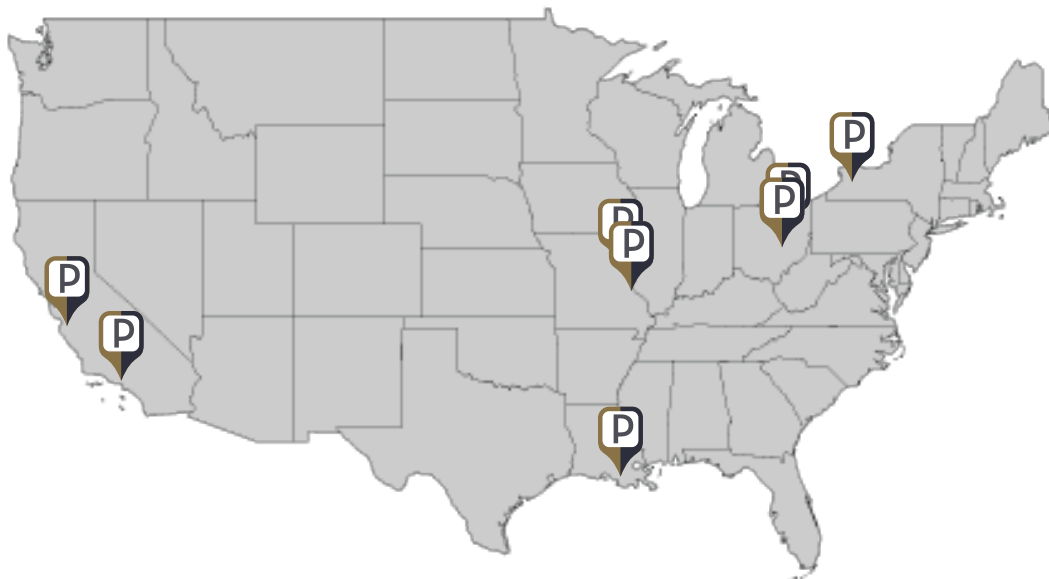
PEIFFERWOLF

— CARR KANE CONWAY & WISE —



FIRM PROFILE 2023

Peiffer Wolf Carr Kane Conway & Wise, LLP (“Peiffer Wolf”) was founded in 2013. Joseph Peiffer, Peiffer Wolf’s managing partner, previously a litigation partner at Fishman Haygood, LLP in New Orleans, founded the firm to take on cases that change people’s lives. To this end, Peiffer Wolf handles a wide variety of cases, including a variety of collective, class, and mass actions. Since its inception, Peiffer Wolf has acquired talented attorneys from coast to coast, becoming a national litigation firm.



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ATTORNEY PROFILES

Joseph C. Peiffer

Founding Partner

Joe is the Founding Partner of Peiffer Wolf Carr Kane Conway & Wise. Based in the firm's New Orleans office, Joe has a wide-ranging practice focusing on cases that change lives. His practice consists of representing families affected by IVF clinic malfeasance, representing individuals and institutions that have been harmed by investment banks and brokerage firms, prosecuting ERISA class actions, and representing victims of labor trafficking, unscrupulous drug companies and those who have suffered catastrophic injury.

Joe currently represents many families that have had their dreams of having biological children taken from them due to the carelessness of IVF clinics. He is passionate about this work and understands the devastation that this causes individuals and families, who have lost eggs or embryos due to the malfeasance of these clinics.

In his financial services practice, Joe has represented hundreds of individual retirees against their brokers in FINRA arbitration. The highlights of this practice include representing 32 Exxon retirees in a 90-day FINRA arbitration against Securities America that resulted in a \$22 million verdict – one of the largest ever awarded by a FINRA arbitration panel. He has also represented hundreds of Xerox and Kodak retirees against their brokers resulting from the brokers' fraudulent advice to retire and subsequent unsuitable investments. He has represented hundreds of families in cases involving private placements and Ponzi schemes.

His financial services fraud practice included representing approximately 25 municipalities and hospitals around the country in cases involving their issuance of auction rate securit est.

Joe has an active practice representing those who have been harmed by pharmaceutical products. He has represented or currently represents hundreds of clients in cases involving serious injuries sustained by drugs such as Pradaxa, Nuvaring, Invokana, Onglyza, and Essure. He represents approximately 800 clients in cases concerning harm caused by Xarelto.



Finally, Joe represents victims of human trafficking and labor exploitation. In one such case, his clients allege that the defendants have failed to pay overtime, improperly deducted for employee housing, and wrongfully held the plaintiffs' passports while in the United States. He has traveled extensively to the Philippines for this case and another involving a rig explosion.

The co-author of a treatise published by Thompson West, *Litigating Business and Commercial Tort Cases*, which is updated yearly since 2011. Joe teaches and lectures extensively throughout the country. He created and/or taught law school classes ranging from *The Basics of Arbitration and Trial Advocacy*, to *Storytelling and Advocacy*. He has spoken at many national conventions on a variety of topics, including prosecuting large and multi-client claims, brokers' deficient advice to retire, and *voir dire* and ERISA class actions and FINRA arbitration.

Joe is frequently quoted by national publications regarding FINRA arbitrations and mismanagement of retirement accounts. He has appeared in the *USA Today*, *Wall Street Journal*, *Associated Press*, *New York Times*, *New York Daily News*, *Los Angeles Times*, *Business Week*, *Investment News*, *Reuters*, and many other publications. He also has appeared on CNN.

Joe has received various awards and accolades. He was one of three Louisiana lawyers ranked by *Chambers USA* for securities litigation in 2011. He was named as one of the fifty *Leaders in Law* by *New Orleans City Business Magazine*. In 2014 Joe has been selected by his peers for inclusion in the 21st Edition of *The Best Lawyers in America* in the practice area of Commercial Litigation.

Joe is a leader of several national bar associations. He twice served as the chairman of the Business Torts Section of the American Association for Justice. He serves on the Board of Directors of PIABA – a nationwide bar association of lawyers who represent individuals and institutions in arbitrations to recover money lost by investment banks and brokerage firms. He was elected President of PIABA and will serve PIABA as its President until October 2015. Joe graduated from Tulane School of Law, *cum laude*, in 1999. While at Tulane, he served on the *Tulane Law Review* and was involved with the Tulane Legal Assistance Program. Prior to attending Tulane, he graduated from Bowling Green State University in 1996, with a major in communications. While at Bowling Green, he worked as the General Manager of the campus radio station and City Editor of the daily newspaper.

ATTORNEY PROFILES

Adam B. Wolf

Partner

Adam Wolf is a Partner in the firm's Los Angeles and San Francisco offices. He handles complex civil lawsuits, litigates constitutional and civil rights claims, and represents clients in appeals. Adam has argued in the United States Supreme Court, in addition to numerous federal and state courts of appeals.



Adam started the firm's embryo-loss practice group. He has litigated and resolved a substantial number of claims by clients who suffered the devastating loss of their embryos and eggs. Adam has represented more than 200 people against their fertility centers.

Serving as class counsel in *Nevarez v. Forty Niners Football Company*, Adam secured a court-approved settlement that required Levi's Stadium to be accessible to all people with mobility disabilities, in addition to a \$24 million damages fund. This is the largest damages settlement in a case alleging discrimination in public accommodations under Titles II and III of the ADA.

Adam graduated, cum laude, from the University of Michigan Law School. He is a graduate, also cum laude, of Amherst College. At Michigan, Adam was the Editor-in-Chief of the Michigan Journal of Race & Law, a member of the Michigan Journal of Law Reform, and a recipient of the Dores McCree Award. Following law school, Adam had the honor of serving as a judicial law clerk to The Honorable Ronald Lee Gilman, on the U.S. Court of Appeals for the Sixth Circuit, and The Honorable Robert J. Timlin, on the U.S. District Court for the Central District of California.

A nationally recognized litigator, Adam has been quoted in hundreds of domestic and international newspapers, including the New York Times, Washington Post, Los Angeles Times, USA Today, and Wall Street Journal. Additionally, he has appeared on numerous television and radio programs, including Good Morning America, CBS Evening News, ABC World News, NBC Nightly News, CNN Headline News, National Public Radio, and the BBC.

Adam lectures around the country regarding constitutional law, civil rights, and the Supreme Court. He has been honored to have received various awards and accolades, including California Lawyer Attorney of the Year and the Mary Beth Tinker Award.

ATTORNEY PROFILES

Daniel J. Carr

Partner



Daniel Carr is a Partner in the firm practicing out of the New Orleans office. Daniel heads up the firm's Product Liability and Pharmaceutical and Medical Devices practices and has represented thousands of clients from across the United States in cases related to pharmaceutical products and medical devices, including litigations involving Xarelto, Pradaxa, ASR hip implants, TVM, Actos, Invokana, Onglyza, and others.

Daniel also has represented a diverse group of clients in a variety of complex litigation and arbitrations. He has represented institutional issuers of auction-rate securities in federal and state lawsuits and FINRA arbitrations, and he has served as co-counsel on several class action lawsuits, including an ERISA case that resulted in a \$75 million settlement for 401(k) plan participants who alleged that a large financial-services firm imprudently invested their retirement money. Daniel also has worked with Adam Wolf to defend individuals and companies involved in the medical marijuana industry against civil RICO actions in Colorado and Massachusetts, and he is currently part of the firm's team working to secure recovery for investors who lost millions of dollars in a failed investment scheme operated out of Portland, Oregon.

Daniel graduated from The University of New Orleans and received his law degree from Tulane School of Law, summa cum laude. While at Tulane, he was Senior Articles Editor for the Tulane Law Review and a fellow in the Legal Analysis Program. Following law school, Daniel had the honor of serving as a law clerk for Judge Jacques L. Wiener, Jr., on the United States Court of Appeals for the Fifth Circuit.

Daniel is a member of several nationwide bar associations, including the Public Investors Arbitration Bar Association and the American Association for Justice, where he has served on the board of directors of the Business Torts Section. Super Lawyers has named Daniel as a Rising Star every year since 2013 in the areas of Products Liability and Business Litigation.

Daniel strives to provide all of his clients with the highest quality of advocacy, no matter how big or small the case, and he works together with the other members of the firm to make sure that each client receives the full benefit of the firm's combined experience and expertise.

ATTORNEY PROFILES

Jason J. Kane

Partner

Jason J. Kane is a Partner who practices out of the firm's Upstate New York office. He focuses his practice on representing investors in Financial Industry Regulatory Authority (FINRA) arbitrations and in federal and state lawsuits.



Jason graduated from the State University of New York at Geneseo, in 2004, with a B.A. in Economics. Thereafter, Jason attended the Syracuse University College of Law, and received his Juris Doctorate, cum laude, in 2007.

While attending the Syracuse University College of Law, Jason served as a form and accuracy editor for the Syracuse Journal of International Law and Commerce. He also gained valuable experience as a student law clerk for Magistrate Judge George H. Lowe and was a volunteer at the United States Attorney's Office in the Northern District of New York.

Following law school, Jason began his career working in the Legal Department of Wegmans Food Markets, Inc., one of Upstate New York's largest employers. At Wegmans, Jason worked with the finance, real estate and human resources departments, as well as outside counsel.

In 2009, Jason has focused his practice on securities law. Since that time, Jason has represented hundreds of investors in Upstate New York and around the country in some of the highest profile securities cases originating out of Upstate New York. He has recovered millions of dollars in FINRA arbitrations and mediations while representing individuals against their former brokers and brokerage firms. He often assists his victimized clients through the regulatory investigations that resu

ATTORNEY PROFILES

Kevin P. Conway

Managing Partner



Kevin P. Conway is a Partner at Peiffer Wolf Carr Kane Conway & Wise. Based in the firm's New Orleans office, Kevin has a wide-ranging practice. His practice spans from representing investors who have been harmed by investment banks, financial institutions, and brokerage firms to representing families affected by IVF clinics, injured by pharmaceutical drug manufacturers, and injured by medical device manufacturers.

In his financial services practice, Kevin has represented hundreds of individual investors and retirees against their brokers, agents, and brokerage firms. He has also represented hundreds of retirees against their insurance agents, field marketing organizations, and insurance companies in a complex Ponzi scheme involving multiple third parties and insurance products. Kevin is currently part of the firm's team working to secure recovery for investors who lost millions of dollars in a failed investment scheme operated out of Portland, Oregon.

Kevin has an active practice representing those who have been harmed by pharmaceutical drugs and medical devices. He has represented and currently represents hundreds of clients who have sustained serious injuries from drugs and devices such as Essure, Invokana, Hernia Mesh, and Xarelto.

Kevin is also an integral component of the firm's burgeoning fertility law practice. Currently, he represents families across the country who have been victim to reckless and negligent fertility clinics, fertility medical centers, and fertility doctors. The highlights of this practice include representing hundreds of families who have had their dreams of having biological children taken from them due to the carelessness of IVF clinics in Cleveland, Ohio and San Francisco, California.

Kevin graduated from John Carroll University's Boler School of Business in 2005 and immediately began his career with J. Walter Thompson on the Kimberly-Clark and Target accounts. Thereafter, he attended Loyola University New Orleans and received both his Juris Doctorate from the College of Law and Master of Business Administration from the College of Business in 2010. Additionally, Kevin received his certification in International Law after studying at the University of Vienna and throughout the European Union court system.

While attending Loyola, Kevin served as a Business Development Officer for the Louisiana Economic Development. Here, he worked to draft and pass current Louisiana tax incentive legislation.

Kevin is a member of several national bar associations and has won various awards and accolades. He teaches and lectures extensively, including his current role as an adjunct professor at Loyola University New Orleans in the College of Business. Conway's empathy and passion for helping others have been a key to both his personal and professional success

ATTORNEY PROFILES

Brandon Wise

Partner

Brandon Wise joined the firm after managing his own boutique practice that focused on class, collective, and employment matters. Brandon has successfully litigated collective and class action cases in across the country in state and federal courts.

Brandon has led Peiffer Wolf's BIPA practice since its inception, and to date, has been lead counsel on more than 250 BIPA filings. Brandon's BIPA settlements include:

Alonzo Hayes v. Saddle Creek Corporation, Cas No. 3:19-cv-1143-SMY, appointed lead counsel in class action that resolved for \$390,000;

Andrew Ellis v. Terminal Operations Management, Inc., Case No. 2019-CH0-9407, appointed lead counsel in class action that resolved for \$409,000;

Belva Joyce Hill v. Valli Produce of Evancston, Inc., Case No. 2019-CH-13196, appointed lead counsel in class action that resolved for \$815,000;

Ben Redmond v. Keystone Environment Resources, Inc., Case No. 2019-CH-11150, appointed lead counsel in class action that resolved for \$79,500;

Bret Bray and Jason Houseman v. Hixson Lumber, Case No. 2019-L-9, appointed lead counsel in class action that resolved for \$84,700;

Cassandra Boyle v. Harbor Freight, Case No. 3:19-cv-00498-SMY-GCS, appointed lead counsel in class action that resolved for \$595,000;



Charles Hall v. Pepsi MidAmerica Co., Case No. 2018-L-20, appointed lead counsel in class action that resolved for \$114,000;

Christopher Dixon v. Grunt Style, LLC, Case No. 2019-CH-01981, appointed lead counsel in class action that resolved for \$450,000;

Crystal Lee v. Neimann Foods, Case No. 2019-L-00152, appointed lead counsel in class action that resolved for \$4,200,000;

Connie Young v. Worldwide Technology, appointed lead counsel in class action that resolved for over \$2,000,000;

Charles Hall v. Pepsi Mid America Co., Case No. 2018-L-20, appointed lead counsel in class action that resolved for \$115,000;

David Kirby v. Gurtler Chemicals, Inc., Case No. 2019-CH-09395, appointed lead counsel in class action that resolved for \$69,000;

Emily Reid Farris v. Tutera Group Inc., et al, Case No. 2019-CH-42, appointed lead counsel in class action that resolved for \$289,800;

Gary Bird v. Three Z Printing Co, Case No. 2020-L-12, appointed lead counsel in class action that resolved for over \$700,000;

Glen Ralph v. Get Fresh, Case No. 2019-CH-02324, appointed lead counsel in class action that resolved for \$675,000;

Isaac Brown v. Trilogy Warehouse, Case No. 2019-L-0212, appointed lead counsel in class action that resolved for \$65,000;

Israel James v. Mado Healthcare, Case No. 2019-CH-06140, appointed lead counsel in class action that resolved for \$500,000;

Jason Morris v. Imperial Towers Condominium Assn., appointed lead counsel in class action that resolved for \$120,000 (for a class of 60, making this one of the largest per class member BIPA recoveries);

Jhamala Thomas v. Kik Custom Products Inc., Case No. 2019-CH-02471, appointed lead counsel in class action that resolved for \$957,600;

John Charles, et al v. Scheels All Sports Inc., Case No. 2020-L-0180, appointed lead counsel in class action that resolved for \$625,000;

Joseph Trottier v. Summit Staffing, Inc., Case No. 2019-CH-02731, appointed lead counsel in class action that resolved for \$940,000;

Kevin Truss v. Four Seasons Heating and Air Conditioning, Case No. 2019-CH-09633, appointed lead counsel in class action that resolved for over \$700,000;

Luanne Moleterno v. Touchpoint Logistics, Case No. 2020-L-000364, appointed lead counsel in class action that resolved for \$48,000;

Lucas Boyd v. RREM Inc., Case No. 2019-CH-02321, appointed lead counsel in class action that resolved for \$196,000;

Michael Day v. Southern Illinois Hardware, LLC, Case No. 3:20-cv-00008-SMY-MAB, appointed lead counsel in class action that resolved for \$196,000;

Nicole Smith v. D&W Fine Pack, LLC, Case No. 2021-L-00182, appointed lead counsel in class action that resolved for over \$1,000,000;

Richard Graf v. Orbit Machining Company, Case No. 2020-CH-03280, appointed lead counsel in class action that resolved for \$59,400;

Robert Maricle v AgReliant Genetics, Case No. 2019-L-000481, appointed lead counsel in class action that resolved for \$330,000;

Shannon Delgado v. America's Auto Auction, Case No. 2019-CH-04164, appointed lead counsel in class action that resolved for \$796,000;

Tanya and Robert Pelka v. Saren Restaurants, Inc., Case No. 2019-CH-14664, appointed lead counsel in class action that resolved for \$475,000;

Ted Harry v. Provider Plus, Inc., Case No. 2017-L-0710; appointed lead counsel in class action that resolved for \$71,825;

Timothy Cravens v. Dematic Corp, Case No. 1:20-cv-01190-JBM-JEH, appointed lead counsel in class action that resolved for over \$1,000,000;

Thome v. NovaTime Technology, Inc. 1:19-cv-06256, appointed co-lead counsel in class action that was resolved for \$14,100,000.00;

Yeske et al v. Macoupin Energy LLC et al, Case No. 2017-L-24, appointed lead counsel in class action that resolved for \$750,000;

Yvonne Wilhite v. Sun Basket, Inc., Case No. 20-L-0045, appointed lead counsel in class action that resolved for \$250,000

Brandon has served as class or collective counsel in the following resolved collective and class matters:

Volz, et al. v. Provider Plus, Inc., et al., a Fair Labor Standards Act ("FLSA") collective action involving 45 collective action members. The confidential settlement agreement was approved by Judge Mummert within hours of its submission to the court.

Carver, et al. v. Foresight Energy LP, et al., WARN Act litigation brought on behalf of a class of former coal miners. Mr. Wise secured the first reported decision, a significant legal victory, regarding the WARN Act's "natural disaster" exception. 2016 WL 3812376 (Opinion entered July 12, 2016). After the defendants' motion to dismiss was denied, the parties reached a class-wide settlement of \$550,000 for a class of 75 employees.

Volz v. Tricorp management Company, et al., a FLSA collective in class action where Mr. Wise was appointed Class Counsel. The parties reached a \$350,000 settlement for bartenders, servers, hosts, and other tipped employees of the largest T.G.I. Friday's franchisee in the Midwest.

REPRESENTATIVE CASES

Peiffer Wolf attorneys were appointed class counsel or serve as counsel in numerous class and collective actions, including:

Whitley, et al. v. J.P. Morgan Chase & Co., et al., a class action lawsuit on behalf of retirement investors against J.P. Morgan Chase & Co. and various other J.P. Morgan entities over the sale and administration of the JP Morgan Stable Value Fund. Received preliminary approval for a class wide settlement of \$75 million.

Volz, et al. v. Provider Plus, Inc., et al., a Fair Labor Standards Act ("FLSA") collective action involving 45 collective action members. The confidential settlement agreement was approved by Judge Mummert.

Nevarez v. Forty Niners Football Company, a certified class action, on behalf of nearly 5,000 class members with mobility disabilities who were denied equal access to Levi's Stadium in violation of the Americans with Disabilities Act.

Baricuarto, et al. v. Industrial Personnell and Management Services, Inc. et al., a human trafficking case that required extensive travel and litigation in the Philippines, and resulted in a multi-million dollar settlement.

In re Pacific Fertility Center Litigation, a putative class action on behalf of nearly 1,000 people whose embryos were compromised in a freezer tank at a fertility center.

Amador v. California Culinary Academy, representing a certified class of former students of for-profit school California Culinary Academy regarding class members' student loans.

Bilewicz v. FMR LLC, a case brought on behalf of current and former employees of Fidelity Investments, alleging that Fidelity violated ERISA by offering exclusively high-fee Fidelity mutual fund products in its retirement plan and by repeatedly adding funds to the plan with little or no track record. Plaintiffs further alleged that the Fidelity plan's fees are very high for a multi-billion-dollar plan, and Fidelity has failed to follow sound fiduciary practices for multi-billion dollar plans. This case was successfully settled, and Peiffer Wolf was approved as co-class counsel in that action.

Carver, et al. v. Foresight Energy LP, et al., WARN Act litigation brought on behalf of a class of former coal miners. Peiffer Wolf secured the first reported decision, a significant legal victory, regarding the WARN Act's "natural disaster" exception. 2016 WL 3812376 (Opinion entered July 12, 2016). After the defendants' motion to dismiss was denied, the parties reached a proposed class-wide settlement of \$550,000 for a class of 75 employees.

Volz v. Tricorp management Company, et al., a FLSA collective in class action where PRW Legal attorney was appointed class counsel. Settled for \$350,000, for bartenders, servers, hosts, and other tipped employees of the largest T.G.I. Friday's franchisee in the Midwest.

Hanson v. Berthel Fisher & Company Financial Services, Inc., et al., a securities class action filed on behalf of investors in a real estate investment program that raised approximately \$26 million from the investing public. Claims were predicated upon the role played by Berthel Fisher, the managing broker-dealer of the program that allegedly organized and oversaw the securities offering by the Program while aware of misrepresentations and omissions in the Program's offering documents.

Booth et al. v. Strategic Realty Trust, Inc., et al., a securities class action where plaintiffs contended that throughout the offering period, the Strategic Realty Trust offering materials contained materially inaccurate and incomplete statements about the company's investment strategy, internal controls, and governance mechanisms. Plaintiffs alleged that their investments lost value as a result of defendants' acts and omissions.

Thieriot v. Celtic Ins. Co., a certified class action where settlement was approved on behalf of a class of people who were overcharged by a health insurer in violation of state law.

Peiffer Wolf currently serves as counsel for plaintiffs in numerous other class and mass actions, including:

In re: FedLoan Student Loan Servicing Litigation, 2:18-md-02883 (E.D. Penn.) consolidated multi-district litigation involving one of the nation's largest student loan servicers. Attorney Brandon Wise was appointed to the Plaintiffs' Executive Committee.

In re: Dicamba Herbicides Litigation, 1:18-md-02820-SNLJ (E.D. Mo), consolidated multi-district litigation involving the alleged unlawful release of a genetically modified seed and herbicide system.

Albers, et al. v. Deloitte & Touche LLP, et al., a mass securities action where Peiffer Wolf represents over 100 investors with claims exceeding \$100 million in action alleging violations of state securities laws.

Yao-Yi Liu et al. v. Wilmington Trust Company, a class action lawsuit on behalf of investors of a fraudulent scheme against Wilmington Trust alleging that Wilmington Trust breached its duties as an escrow agent and aided the perpetrators of the scheme.

In re Platinum and Palladium Antitrust Litigation, a case involving claims against BASF Metals, Goldman Sachs, HSBC, and Standard Bank. Plaintiffs allege that Defendants were involved in an unlawful price-setting process of platinum and palladium in violation of the Sherman Act.

Fouts v. Bank of Nova Scotia, New York Agency et al., a class action filed on behalf of holders of debt with interest rates linked to the US Treasuries auction rates, alleging violations of the federal antitrust and commodities laws arising from manipulation of the prices of Treasury securities and related financial instruments through collusion by the primary dealers of U.S. Treasury Department securities.

In re Fidelity ERISA Float Litigation, a case involving claims brought by participants in various ERISA plans administered by Fidelity, on behalf of those plans, alleging that Fidelity violated ERISA by improperly using “float” income received as interest on plan assets to pay itself fees and failing to crediting the amount of that float income to the plans or their participants.

American Chemicals & Equipment Inc. 401(K) Retirement Plan v. Principal Management Corporation, et al., a case involving claims brought by ACE 401(k) Plan, on behalf of the shareholders of six mutual funds, against the investment advisors for those funds. Plaintiff alleges that the defendants breached their statutory fiduciary duty under Section 36(b) of the Investment Company Act of 1940 (“ICA”), 15 U.S.C. § 80a-35(b), by charging unfair and excessive fees for their advisory services and retaining excess profits derived from economies of scale.

Jennifer Roth v. Life Time Fitness, Inc., a class action lawsuit filed on behalf of fitness instructors seeking unpaid wages for work that was required by Defendants. Plaintiff alleges that fitness instructors were not compensated for the work they performed before and after fitness classes.

Carol Prock v. Thompson National Properties, LLC, et al., a securities class action filed on behalf of investors in the TNP 6700 Santa Monica Boulevard, a real estate investment program that raised approximately \$17 million from the investing public. Claims are predicated upon alleged material misrepresentations and omissions in the program’s offering documents by its sponsor and officers and directors of the sponsor.

In re Dental Supplies Antitrust Litigation, a class action lawsuit filed on behalf of dental practices, orthodontic practices, and dental laboratories alleging that the country’s three largest distributors of dental supplies and equipment agreed not to compete on price and caused injury to plaintiffs in the form of artificially inflated prices.

Matthew Fero et al. v. Excellus Health Plan Inc., a class action lawsuit filed on behalf of plaintiffs whose personal information was compromised as a result of a data breach that is alleged to have gone undetected for a 600-day period.

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ATTACHMENT 2

BAILEY GLASSER LLP



Partner

Michael L. Murphy

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mmurphy@baileyglasser.com

Michael Murphy has extensive experience in state and federal class action litigation, complex commercial litigation, *qui tam* and false claims matters, *parens patriae* litigation, antitrust litigation, First Amendment matters, and bankruptcy cases. He also serves as legal counsel to the family of Martin Luther King III and their not-for-profit Drum Major Institute (and its related entities).

Over nearly two decades, Mike has been involved in countless litigation matters ranging from multi-district litigation involving Fortune 100 corporations to commercial disputes between small companies. These proceedings have involved consumer data breach, antitrust, and products liability matters.

He has worked with public companies to develop antitrust compliance programs and codes of conduct to comply with the DOJ Antitrust Division's guidance.

Mike has also participated in a number of bankruptcy proceedings ranging from the *Blixseth v. Yellowstone Club Liquidating Trust* to assisting individuals with bankruptcy proceedings through the DC Bar's pro bono Bankruptcy Clinic.



BAILEY GLASSER LLP

MICHAEL L. MURPHY

Awards & Accolades

Chambers USA, District of Columbia - Band One; Litigation: Mainly Plaintiffs (2022 and 2023)

Government Service / Previous Employment

Judicial Extern, Hon. Paul L. Friedman, U.S. District Court for the District of Columbia (2001 - 2002)

Research Analyst; Staff Director, International Brotherhood of Teamsters (1993 - 1999)

Practice Areas

Appellate and Supreme Court Practice

Arbitration & Dispute Resolution

Bankruptcy & Business Reorganization

Class Actions

Commercial Litigation

Consumer Litigation

Electronically Stored Information (ESI)

Environmental

MDL Panels

Product Liability

Education

J.D., The Catholic University of America Columbus School of Law, 2002, *cum laude*, Law Review, Winner – John H. Fanning Labor Law Writing Competition

M.S., University of Wisconsin-Madison, 1993

B.S., California State University-Fresno, 1991

Admissions

District of Columbia

New York

West Virginia

Washington

U.S. Supreme Court

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, District of Columbia

U.S. District Court, Western District of Michigan

U.S. District Court, Southern District of New York

U.S. District Court, Northern District of Ohio
U.S. District Court, Western District of Washington
U.S. District Court, Northern District of West Virginia
U.S. District Court, Southern District of West Virginia

Case Studies

Drum Major Institute

Ramaco Resources, LLC v. Chubb INA Holdings, Inc. et al
07.10.2021

Representative Matters

- Obtained, as co-trial counsel, a verdict on behalf of Ramaco Resources Inc. of approximately \$32.7 million against Chubb related insurance companies for breach of contract in a denial of insurance coverage case. The trial court subsequently reduced the verdict. The Fourth Circuit restored a portion of the verdict and ordered a new trial on *Hayseeds* damages
- Serves on the plaintiffs' discovery committee in *In re Blue Cross Blue Shield Antitrust Litigation*, a multi-district litigation matter alleging nationwide market allocation and price-fixing antitrust violations by the Blue Cross Blue Shield Association and its members throughout the United States; currently pending before the US District Court for the Northern District of Alabama
- Serves on the management committee for a consortium of law firms representing a number of Governors, State Attorneys General, and Underground Storage Tank Funds in ongoing investigations, mediations, and litigations against the major oil companies in efforts to recoup improper overpayments obtained by the oil companies; through these efforts return more than \$100 million to the various states
- Served as pro bono counsel for the Two Rivers Public Charter School after it was targeted by protesters upset the school happened to be located next door to a Planned Parenthood facility that was under construction; defeated the multiple defendants' motions to dismiss as well as their Anti-SLAPP motions; currently on appeal and pending before the District of Columbia Court of Appeals
- Represented individual and institutional investors related to auction rate securities and other investment vehicles as a member of PIABA
- Represented the BSA | The Software Alliance, an association of leading software manufacturers including Apple, Adobe Systems, and Microsoft, in investigating and prosecuting software piracy and copyright infringement matters

News & Insights

Fourth Circuit Court of Appeals Upholds Ramaco Jury Verdict

07.25.2023

Bailey Glasser Awarded Top Rankings in Chambers USA 2023 and Achieves Nationwide Rankings in ERISA and Product Liability Litigation

06.15.2023

Partner Michael Murphy Quoted in National Law Journal About Facebook Effort "To Squeeze Every Penny Out Of Every Eyeball"

02.17.2023

Chambers and Partners USA Honors Bailey Glasser Lawyers in 2022 USA Guide

06.06.2022

Bailey Glasser Secures \$32.7M Jury Verdict on Behalf of Ramaco Resources

07.20.2021

US Small Business Administration Announces Shuttered Venue Operators Grant Program to Open April 8

03.24.2021

US Small Business Administration Issues Updated Guidance for Shuttered Venue Operators Grant (SVOG)

03.17.2021

Virginia Joining California With Adoption of Broad Data Privacy Protections: Controllers' Obligations Under Virginia's New Data Privacy Law

03.04.2021

Virginia Joining California With Adoption Of Broad Data Privacy Protections: Consumers' Rights Under Virginia's New Data Privacy Law

03.02.2021

The Small Business Administration Issues Guidance on Change of Ownership of Entities with Outstanding PPP Loans

10.09.2020

The District of Columbia's School Safety Omnibus Amendment Act of 2018: Public and Private Schools' Obligations to Implement Policies for Handling Reports of Sexual Abuse and Bullying

08.11.2020

PPP Loan Recipients: It Is Critical to Ensure Your Publicly-Available Data Is Accurate and That You Are Prepared to Respond to Government Investigations

08.03.2020

Bailey Glasser Obtains Relief Against Victory Solutions for Its Noncompliance with Court Orders

05.21.2020

The SBA Issues Additional Guidance Concerning the Paycheck Protection Program's "Safe Harbor"

05.13.2020

BAILEY GLASSER **LLP**

MICHAEL L. MURPHY

Continuing to Advance Discovery Through Remote Depositions During COVID-19 Pandemic
03.26.2020

Bailey Glasser Protects School from Misguided Protesters
07.27.2016

Bailey Glasser Helps School Protect its Students
12.21.2015

Washington State Supreme Court Unanimously Decided in Bailey Glasser Client's Favor
12.10.2015

Michael Murphy Joins Board of Directors for Open Hands Overflowing Hearts
05.05.2015

Bailey Glasser Files Herbal Supplement Class Action Against Walgreens
02.12.2015

Walgreens' 'herbal supplements' don't contain herbs, testing shows
02.12.2015

Bailey Glasser Files Herbal Supplement Class Action Against Walmart
02.09.2015

Bailey Glasser Investigating Herbal Supplement Class Action Claims
02.07.2015

Fifth Circuit Pans Company's Confidentiality Clause
05.01.2014

Community and Professional Activities

American Association for Justice

Public Justice

Public Investors Arbitration Bar Association

Webinars

How the American Rescue Plan Will Impact the Shuttered Venue Operators Grant (SVOG)

FIRM RESUME

Bailey & Glasser brings a trial-focused litigation approach to its wide-ranging and successful class action and mass torts practice. The firm has the resources, experience and expertise to go toe-to-toe with some of the wealthiest corporations in the world. We litigate class action cases involving predatory mortgage lending, illegal loan servicing, antitrust violations, breaches of warranty, employee rights, mismanaged pension funds, ERISA, and a host of other consumer and employee matters.

The firm concentrates its litigation practice in the areas of complex commercial mass torts and class action litigation. The firm currently represents among others the States of Florida, Montana, Ohio, Oklahoma, and West Virginia, individual consumers, and retirement plan investors throughout the United States. The firm has substantial experience in successfully prosecuting multi-million dollar cases, including complex class actions and mass torts.

Our lawyers are equally comfortable and adept in the role of plaintiff or defendant. We bring a trial-focused approach to litigation to vigorously protect the interests of clients. We represent government and businesses, as well as individual plaintiffs and defendants, and lawyers throughout the country call upon the firm to access our unique blend of resources and trial experience.

The firm concentrates its practice in the areas of complex commercial and class action litigation, with a particular emphasis in energy and finance. We currently represent individual and classes of consumers, and a variety of corporate entities throughout the United States. The firm has substantial experience in successfully prosecuting and defending multimillion-dollar cases, including complex class actions.

BAILEY GLASSER'S REPRESENTATIVE CASES

Loan Servicing and Lending Class Action Representation:

- *Montesi v. Seterus, Inc.*, Case No. 50-2015-CA-010910-XXXX-MB (Fla. Cir. Ct. Palm Beach Cty.) (final approval of class settlement of Florida borrowers who paid Pay-to-Pay fees for \$1.75 million).
- *In re Household Lending Litig.*, Case No. C 02-1240 CW (N.D. Cal.) (\$172 million settlement on behalf of nationwide class of home mortgage borrowers injured by predatory mortgage lending practices).
- *Bacardi v. Select Portfolio Servicing, Inc.*, Case No. 1:16-cv-23381-RNS (class counsel for settlement of case involving loan servicer's improper reinstatement quotes, resulting in \$380,000 recovery for borrowers). *Blake v. Seterus, Inc.*, Case No. 16-cv-21225-JLK (S.D. Fla. (2018 class action settlement of case involving loan servicer's improper reinstatement quotes, resulting in \$527,000 recovery for borrowers).
- *Paneque v. Bank of America, N.A.*, Case No. 1:16-cv-21212-DPG (S.D. Fla.) (2018 class action settlement of case involving challenge to reinstatement quotes, resulting in \$625,000 recovery for borrowers).
- *Shore v. JP Morgan Chase Bank, N.A., et al.*, Case No. 16-cv-60125-JIC (S.D. Fla.) (\$400,000 recovery for borrowers as a result of reinstatement quotes).
- *Pirillo v. PNC Mortgage Corp.*, Civil Action No. 11-C-751 (Circuit Court of Monongalia County, West Virginia) (consumer class action settlement).
- *Triplett v. NationStar Mortgage, LLC*, Civil Action No. 3:11-cv-238 (S.D. W. Va.) (loan servicing case settled for \$1.5 million).
- *Muhammad v. National City Mortgage, Inc.*, Case No. 2:07-cv-00423 (S.D. W. Va.) (\$700,000 settlement of West Virginia loan servicing class action alleging National City Bank charged late loan-payment fees in violation of state law).
- *Dunlap v. Wells Fargo Financial West Virginia, Inc.*, Case No. 04-C-101 (Lincoln County, W. Va.) (predatory lending class action for over 100 West Virginia mortgage borrowers, settled for just over \$9 million, including more than \$4.9 million write down in mortgage balances, \$4.15 million in cash, and credit repair).
- *Anderson v. Provident Bank*, Civil Action No. 04-C-199 (Circuit Court of Mercer County, West Virginia) (predatory mortgage lending class action settled for \$8.1 million on behalf of 140 class members).
- *Curry v. Fairbanks Capital Corporation*, Case No. 03-10875-DPW (D. Mass.) (\$55 million settlement on behalf of nationwide class of borrowers subject to predatory loan servicing practices).

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Other Class Action Representation:

- Jessop v. Bankers Trust Company, et al., Case No. 2:14-cv-00916 (D. Utah) (\$19.8 million settlement recovery in 2017 on behalf of employee stock ownership plan participants for ERISA claims).
- Krakauer v. Dish Network, L.L.C., Case No. 1:14-cv-00333 (M.D. N.C.) (\$20.5 million jury verdict in a class action trial against Dish Network, alleging Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry).
- Cummins v. H & R Block, Inc., Case No. 03-C-134 (Kanawha County, W. Va.) (in a case litigated for five years in venues ranging from the West Virginia trial and appellate courts, to federal district courts in West Virginia and Illinois, to the United States Supreme Court, firm lawyers served as lead counsel in winning a \$62.5 million multistate class action settlement against H&R Block. The case involved first-impression claims relating to the application of West Virginia's credit-services organization statute to Block's refund anticipation loan product. Other firms across the country litigated cases against Block alleging similar claims, without success, for more than ten years. West Virginia's share of the settlement was \$32.5 million).
- Tadepalli v. Uber Technologies, Inc., Case 3:15-cv-04348 (N.D. Cal.) (100% refunds made in class action settlement for California Uber riders charged approximately \$2.2 million in "airport fee tolls" which Uber did not pay to California airports).
- Navelski v. International Paper Company, Case No. Case No. 3:14-cv-445 MCR/CJK (N.D. Fla.) (certified class on behalf of homeowners of 317 homes in a neighborhood alleged to be flooded by Defendant's dam breaking).
- Wieland v. Bring Care Home, Inc., C.A. No. ESCV2013-01380 (Essex County, Mass.) (class action settlement for failure to pay all hours worked).
- Thomas v. Home Credit Corp., Inc., 11-CVS-1116 (Vance County, N.C.) (class action settlement in favor of state-wide class of borrowers denied consumer rights disclosures).
- Desai v. Charvat, Civil Action No. 1:11-cv-1925 (N.D. Ill.) (\$15 million TCPA class settlement).
- Roberts v. Walgreen Co., et al., Civil Action No. 12-C-337 (Circuit Court of Mercer County, West Virginia) (wage payment class settlement).
- Glover v. Bank of America, N.A., C.A. No. 13-40042-TSH (D. Mass.) (class action settlement for Massachusetts borrowers regarding late fees).
- Powers v. Santander Consumer USA, Inc., Civil Action No. 12-cv-11932-TSH (D. Mass.) (consumer class action resulting in the establishment of a \$750,000 settlement fund and \$20 million in debt relief).

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Other Class Action Representation (cont.):

- Ross v. CitiFinancial Auto Ltd., Case No. 12-1173-TJC (M.D. Fla.) (class action settlement in favor of state-wide class of borrowers denied consumer rights disclosures).
- Morris v. Merck Sharp & Dahme Corp., Civil Action No. 3:11-cv-00882 (S.D. W. Va.) (wage payment class action settlement totaling \$750,000).
- Hall v. Capital One Auto Fin., Inc., Case No. 08-1181 (N.D. Ohio) (\$37 million settlement on behalf of state-wide class of car owners sent allegedly flawed repossession notices).
- Brailsford v. Jackson Hewitt, Inc., Case No. 06-00700 (N.D. Cal.) (\$672,000 settlement on behalf of class of California consumers).
- Hardwick v. Rent-A-Center, Inc., Civil Action No. 3:06-0901 (S.D. W. Va.) (class action settlement worth more than \$5 million, alleging violations of state Consumer Goods Rental Protection Act).
- Shonk v. SG Sales Co., Case No. 07-C-1800 (Circuit Court of Kanawha County, West Virginia) (\$2.4 million nationwide settlement of class action brought under the Telephone Consumer Protection Act).
- Lowe v. Ford Motor Credit, Case No. 99 CVF 15806 (Cuyahoga County, Ohio) (\$22 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices).
- Brailsford v. Jackson Hewitt, Case No. C 06-00700 CW (N.D. Cal.) (class action against Jackson Hewitt, Inc. for class of California consumers who purchased the tax preparer's refund anticipation loan product, settled for \$672,000).
- Malacky v. Huntington Nat'l Bank, Case No. CV 03 491420 (Cuyahoga County, Ohio) (\$15 million settlement in favor of state-wide class of car owners sent flawed repossession notices).
- Mey v. Herbalife Int'l, Inc., Civil Action No. 01-C-263 (Circuit Court of Ohio County, West Virginia) (\$7 million nationwide class action settlement alleging violations of the federal Telephone Consumer Protection Act).
- Cooley v. F.N.B. Corp., Case No. 10010 of 2003, C.A. (Lawrence County, Penn.) (\$14 million settlement on behalf of state-wide class of car owners allegedly deprived of post-repossession disclosures).
- Dillon v. Chase, Civil Action No. 03-C-164-W (Circuit Court of Hancock County, West Virginia) (\$3.3 million consumer class action settlement).
- Deem v. Ames True Temper, Inc., Civil Action No. 6:10-cv-01339 (S.D. W. Va.) (\$405,000 class action settlement in an ERISA action).