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**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Lead Case No. 2:23-cv-07498-MWF
(DFMx)

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

**PLAINTIFFS' NOTICE OF MOTION
AND MEMORANDUM IN SUPPORT OF
MOTION FOR AWARD OF
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS**

Date: December 16, 2024
Time: 10:00 a.m.
Courtroom: 5A

**TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on December 16, 2024, at 10:00 a.m., or as soon thereafter as counsel may be heard, before the Honorable Michael W. Fitzgerald, at First Street Courthouse, 350 West First Street, Courtroom 5A, Los Angeles, California 90012, Plaintiffs will and hereby do move this Court for an Order pursuant to Rules 23(h) of the Federal Rules of Civil Procedure granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, and Service Awards.

Plaintiffs base their Motion for an Award of Attorneys' Fees and Costs, and Service Awards (the "Motion") on (a) this Notice; (b) the Memorandum filed in support thereof; (c) the Class Action Settlement Agreement and Release ("Settlement Agreement") and all exhibits attached thereto; (d) the Joint Declaration of Tyler Bean, Nicholas A. Migliaccio, and Kenneth Grunfeld in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, and Service Awards; (e) the Declarations of Tyler Bean, Nicholas A. Migliaccio, Kenneth Grunfeld, Marc Edelson, Robert Mackey, and John Nelson; (f) all other records and papers on file in

1 this action; (g) any oral argument on the Motion; and (h) all other matters properly
2 before the Court.

3
4 Dated: September 12, 2024.

/s/ Kyle McLean

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Interim Co-Lead Class Counsel

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2 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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5 *In re: Vivendi Ticketing US LLC,*
6 *d/b/a See Tickets Data Security*
7 *Incident*

8 **PLAINTIFFS' MEMORANDUM IN**
9 **SUPPORT OF MOTION FOR AN**
10 **AWARD OF ATTORNEYS' FEES,**
11 **EXPENSES, AND SERVICE**
12 **AWARDS**

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I. INTRODUCTION

Plaintiffs¹ Mandi Peterson, Scott Fitzgerald, Zachary Richmond, Tom Loughhead, Mason Verderame, Katie Jeziorny, Rian Bodner, Christopher Aragon, and Candice Zinner, through their undersigned counsel, respectfully move this Court for entry of an Order approving: (1) Class Counsel Fees, Costs, and Expenses of \$812,500 which represents 25% of the \$3,250,000 Settlement Fund obtained for the Settlement Class; and (2) service payments of \$2,500 to each Plaintiff.

This Action arises out of an alleged Data Security Incident of Defendant Vivendi Ticketing US LLC d/b/a See Tickets’ website in or about May 2023, wherein the hackers, using “skimmer” programs on checkout pages, were able to obtain the names, addresses, and payment card information for hundreds of thousands of See Tickets’ customers (collectively, “Private Information”). As a result of the Data Security Incident, Plaintiffs brought this class action against See Tickets for, *inter alia*, its failure to properly secure and safeguard their highly sensitive Private Information. *See* ECF No. 22, CCAC ¶¶2, 7, 22. Plaintiffs assert claims against See Tickets for negligence, breach of implied contract, unjust enrichment/quasi-contract, breach of confidence, and injunctive/declaratory relief, as well as violations of various state statutes. *Id.* at ¶¶17-18, 158-331.

On March 11, 2024, following an entire day of mediation, the Parties reached a resolution that—if finally approved by this Court—will resolve the litigation and provide considerable relief to the approximately 323,498 Settlement Class Members.

This Settlement Agreement reflects an excellent resolution of this high-risk, complex litigation. Under the Settlement Agreement, See Tickets will create a non-reversionary, all cash Settlement Fund worth \$3,250,000, which will be used to: (1) make considerable cash payments to Participating Settlement Class Members

¹ All capitalized terms herein shall have the same meanings as those defined in the Settlement Agreement.

1 who submit a valid claim; and (2) pay for Credit Monitoring Services or an
2 Alternative Cash Payment of up to \$100. See Tickets will also undertake significant
3 remedial measures to protect its data in the future. The Parties have worked
4 diligently and cooperatively to deliver the best Notice practicable to the Settlement
5 Class and are continuing to do so. The Settlement Agreement is fair, reasonable, and
6 adequate, as the Court preliminarily found when it granted preliminary approval and
7 authorized the Parties to disseminate Notice to the Settlement Class. *See* ECF No.
8 42.

9 For their efforts in achieving these results, and in accordance with Fed. R. Civ.
10 P. 23(h) and this Court's orders, Class Counsel's request for an award of attorneys'
11 fees, costs, and expenses of \$812,500 (i.e., 25% of the \$3,250,000 Settlement Fund)
12 should be granted. As detailed below and in the supporting Declarations of
13 Plaintiffs' Counsel, the attorneys involved in this litigation devoted significant time
14 and effort to bring this case to its current posture. In fact, a multiplier of just 2.44
15 must be applied to counsel's lodestar to approximate the award requested here.

16 The requested Class Counsel Fees and service payments to Plaintiffs are
17 reasonable when considered under applicable Ninth Circuit standards and are well
18 within the normal range of awards in contingent-fee class actions in this Circuit.
19 Therefore, Plaintiffs respectfully request that the Court grant this motion
20 accordingly.

21 **II. FACTUAL AND PROCEDURAL HISTORY**

22 **A. The Action**

23 In or around May 2023, See Tickets discovered it had experienced a Data
24 Security Incident that compromised its customers' personal and financial
25 information, specifically its customers' names, addresses, and payment card
26 information. *See* CCAC ¶¶2, 4, 7. Specifically, See Tickets asserts that an
27 unauthorized third party inserted multiple instances of malicious code into certain of
28

1 its checkout pages, containing Private Information, between February 28, 2023, and
2 July 2, 2023. *Id.* ¶4.

3 See Tickets did not send affected individuals breach notification letters until
4 on or around September 6, 2023. *Id.* ¶6. See Tickets sent notice of the Data Security
5 Incident to approximately 323,498 individuals. *Id.* ¶5.

6 On September 11, 2023, just eleven days after notices were sent out, Plaintiff
7 Mandi Peterson filed the instant action. ECF No. 1. An additional four complaints
8 were later filed, and on October 2, 2023, the Court consolidated all five cases. ECF
9 No. 12. Plaintiffs filed the Consolidated Class Action Complaint (“CCAC”) on
10 December 1, 2023. ECF No. 22. The CCAC alleges that See Tickets failed to: (i)
11 adequately protect the Private Information of Plaintiffs and Class Members; (ii) warn
12 Plaintiffs and Class Members of Defendant’s inadequate information security
13 practices; and (iii) effectively secure hardware containing protected Private
14 Information using reasonable and effective security procedures free of
15 vulnerabilities and incidents. *Id.* ¶2. Based on those facts, Plaintiffs asserted claims
16 for negligence, breach of implied contract, unjust enrichment/quasi-contract, breach
17 of confidence, injunctive/declaratory relief, and violation of various state consumer
18 protection statutes, and sought both monetary and injunctive relief. *Id.* ¶¶17-18, 158-
19 331.

20 This Court granted See Tickets additional time to respond to the CCAC in
21 order to permit the Parties time to explore mediation. ECF Nos. 26-27, 29-30. The
22 Parties selected Robert A. Meyer of JAMS, a well-regarded private mediator, to
23 conduct the mediation. Joint Declaration (“Joint Decl.”), ¶12. Prior to the March 11,
24 2024 mediation, the Parties exchanged informal discovery and mediation briefs. *Id.*
25 At the mediation, the Parties spent the entire day negotiating the material terms of a
26 resolution of the class claims, at the end of which, the Parties reached agreement on
27 all material terms of this settlement. *Id.* ¶19. The Parties quickly apprised the Court
28

1 of the Settlement. *See* ECF No. 31.

2 **B. The Settlement Agreement**

3 The Settlement Agreement provides substantial relief to Settlement Class
4 Members. See Tickets has agreed to establish a non-reversionary cash Settlement
5 Fund of \$3,250,000. SA, § II.E.2. From that Settlement Fund, Participating
6 Settlement Class Members will be reimbursed for documented, ordinary,
7 unreimbursed out-of-pocket expenses up to \$2,000 and for documented
8 extraordinary expenses up to \$5,000. *Id.* § II.H.2.b.(i)-(ii). California Settlement
9 Sub-Class Members will also receive a California Statutory Award benefit of \$100
10 pursuant to their claims under California law. *Id.* § II.H.2.a. All Participating
11 Settlement Class Members may also choose between: (1) 36 months of three-bureau
12 credit reporting, or (2) a cash payment equal to a *pro rata* distribution of the
13 remainder of the Settlement Fund, up to \$100 per person. *Id.* § II.H.2.b.(iii). To the
14 extent additional funds remain after calculating payment of the above distributions,
15 a second cash distribution on a *pro rata* basis may be added to the payment to every
16 claimant, so long as it will not be *de minimis*. *Id.* § II.H.2.c. Any remaining money
17 will be distributed as a *cy pres* award. *Id.* § II.H.3.

18 On May 24, 2024, Plaintiffs filed their Unopposed Motion for Preliminary
19 Approval of Class Action Settlement. ECF No. 39. The motion stated that Class
20 Counsel intend to seek 25% of the \$3,250,000 Settlement Fund as attorneys' fees.
21 ECF No. 39-1. On June 20, 2024, this Court granted preliminary approval of the
22 Settlement and authorized Kroll Settlement Administration LLC ("Kroll"), the
23 settlement administrator, to disseminate Notice to the Settlement Class. ECF No. 42.
24 Kroll did so on or before July 20, 2024, as provided for in the Settlement Agreement.
25 *See* Declaration of Scott M. Fenwick of Kroll Settlement Administration LLC in
26 Connection with Final Approval of Settlement ("Fenwick Decl.") ¶¶10-11. Among
27 other things, the short form notice states that Class Counsel intends to seek attorneys'
28

1 fees of \$812,500 and service payments of \$2,500 for each Plaintiff. ECF No. 39-2.

2 **C. Class Counsel’s Ongoing Efforts to Effectuate the Settlement**

3 Upon the Court’s preliminary approval of the Settlement Agreement, Class
4 Counsel immediately began working with Kroll to ensure Notice of the settlement
5 reached as broad a swath of the Settlement Class as possible. Under Class Counsel’s
6 supervision, Kroll successfully delivered email notice to 324,910 Settlement Class
7 Members, and sent physical mail notice to 30,769 Settlement Class members who
8 could not receive the emailed notice due to an invalid email address. *Id.* ¶¶11-12.
9 In addition, as the Court authorized, the Parties will send a reminder notice to all
10 Settlement Class Members. ECF No. 42. Kroll also created a settlement website
11 through which Settlement Class Members can learn about the settlement, access key
12 documents, and file claims, along with a toll-free number Settlement Class Members
13 can call to ask questions and receive essential information regarding the Settlement.
14 *Id.* ¶8. As of September 11, 2024, 8,407 Claim Forms have been filed electronically
15 through the Settlement Website, and the toll-free number had received 164 calls. *Id.*
16 ¶¶18,7.

17 In addition, Class Counsel has fielded questions and requests from Settlement
18 Class Members in order to ensure that each and every one secures the benefits to
19 which they are entitled under the Settlement. Joint Decl. ¶12.

20 **D. The Settlement Class’s Positive Reaction to the Settlement**

21 The deadline to submit a claim has yet to expire; Settlement Class Members
22 must file their claims before October 18, 2024, and based on Class Counsel’s
23 extensive experience overseeing data breach settlements, it is expected that
24 Settlement Class Members will do so at increasing rates as the claims deadline
25 approaches. *See* Joint Decl. ¶12, fn. 1. Even so, the Settlement Class’s reaction to
26 the Settlement to date has been positive.

27 As of September 11, 2024, Kroll has received 8,418 claim forms, which it is
28

1 currently reviewing and validating. Fenwick Decl. ¶18. Showing that Settlement
2 Class Members are satisfied with this settlement, Kroll has received no requests for
3 exclusion². *Id.* 21. As the Court has found previously, “[t]he lack of objections and
4 limited requests for exclusion further support approval of the settlement.” *See Gupta*
5 *v. Aeries Software, Inc.*, No. SA CV 20-0995 FMO (ADSx), 2023 U.S. Dist. LEXIS
6 36141, *17 (C.D. Cal. Mar. 3, 2023).

7 Although though this is Plaintiffs’ first request for Class Counsel Fees and
8 service payments, Plaintiffs previously advised in their Preliminary Approval
9 Motion that they intended to seek 25% of the non-reversionary Settlement Fund and
10 stated in the short form notice that they intended to seek Class Counsel Fees and
11 expenses of up to \$812,500 and service payments of \$2,500 for each Plaintiff. Thus,
12 Settlement Class Members are well aware of the amounts Plaintiffs seek here. Given
13 that there has so far been no objection of any kind, including to Class Counsel’s
14 anticipated request for Class Counsel Fees and service payments, the overwhelming
15 reaction to the Settlement is a positive one and supports granting Plaintiffs’ request.

16 **III. ARGUMENT**

17 Rule 23(h) of the Federal Rules of Civil Procedure provides that counsel may
18 request, and the Court may award, reasonable attorneys’ fees and nontaxable costs
19 in a certified class action, but the Court should “carefully assess the reasonableness
20 of” any such fee request. *Tamimi v. SGS N. Am. Inc.*, No. CV 19-965 PSG (KSx),
21 2021 U.S. Dist. LEXIS 262898, at *23 (C.D. Cal. Sept. 1, 2021) (internal quotations
22 omitted) (discussing the Court’s role in evaluating fees). Courts in this circuit are
23 permitted to “determine the reasonableness of a request for attorneys’ fees using
24 either the percentage-of-recovery method or the lodestar method.” *Id.* Under either
25 method, “the main inquiry is whether the end result is reasonable.” *Gaston v.*

26
27 ² Settlement Class Members were not instructed to submit their objection to the Settlement
28 Administrator, and none have been received by Kroll. *Id.*

1 *Fabfitfun, Inc.*, No. 2:20-cv-09534-RGK-E, 2021 U.S. Dist. LEXIS 250695, at *5
2 (C.D. Cal. Dec. 9, 2021).

3 “The percentage-of-recovery method is typically used when a common fund
4 is created.” *Gupta*, 2023 U.S. Dist. LEXIS 36141, at *18. Nevertheless,
5 “[w]hichever method is chosen, courts often employ the other method as a cross-
6 check that the award is reasonable.” *Id.* While Plaintiffs believe the percentage of
7 the fund method is appropriate, an analysis under either method establishes that the
8 Court should award Class Counsel’s request in the amount of \$812,500.

9 **A. Class Counsel’s Request for 25% of the Non-Reversionary**
10 **Settlement Fund is Presumptively Reasonable and Should be**
11 **Granted**

12 “Where the percentage-of-recovery method is used, it is well-established that
13 25 percent of a common fund is a presumptively reasonable amount of attorneys’
14 fees.” *Hermosillo v. Davey Tree Surgery Co.*, No. 18-CV-00393-LHK, 2021 U.S.
15 Dist. LEXIS 126604, at *2 (N.D. Cal. July 7, 2021) (holding that the 25% benchmark
16 was an appropriate fee after taking “into account all the circumstances of the case”
17) (internal quotations omitted). Nevertheless, the Court must assess whether that
18 presumptive fee is reasonable. *Id.* When assessing the reasonableness of an
19 attorneys’ fee award under the percentage of the common fund theory in the Ninth
20 Circuit, courts consider “(1) the size of the fund (and thus the resulting size of the
21 percentage fee award); (2) quality of the results obtained by counsel; (3) risk taken
22 on by counsel; (4) incidental or non-monetary benefits conferred by settlement;
23 (5) effort expended by counsel; and (6) counsel’s reasonable expectations based on
24 the circumstances of the case and fee awards in other cases.” *Gaston*, 2021 U.S. Dist.
25 LEXIS 250695 at *5 (citing *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047-50
26 (9th Cir. 2002)). *See also Tamimi*, 2021 U.S. Dist. LEXIS 262898 at *25 (analyzing
27 the *Vizcaino* factors under the percentage theory). In the instant matter, each of these
28

factors supports Class Counsel’s fee request.

1. Size of the Fund and Quality of the Result

“The overall result and benefit to the class from the litigation is the most critical factor in granting a fee award.” *In re Omnivision Techs.*, 559 F. Supp. 2d 1036, 1046 (N.D. Cal. 2007). Here, the size of the Settlement Fund and quality of the Settlement justifies the requested attorneys’ fees.

Class Counsel successfully obtained a \$3,250,000 non-reversionary all-cash Settlement Fund for the benefit of the Settlement Class Members, which is a significant result, especially considering that many data breach class actions are resolved on a claims-made basis. *See, e.g., Mackey v. Belden Inc.*, No. 4:21-cv-00149, Dkt. No. 72 (E.D. Mo. April 19, 2023) (approving claims made data breach settlement); *In re: Scripps Health Data Incident Litigation*, No. 37-2021-00024103 (Cal. Sup. Ct. Cnty. of San Diego April 7, 2023) (same); *Pagan, et al. v. Faneuil Inc.*, No. 3:22-CV-297, Dkt. No. 53 (E.D. Va. Feb. 17, 2023) (same).

The Settlement Fund will afford Participating Class Members the ability to obtain reimbursement for their losses incurred if they experienced identity theft, with the California Sub-Class eligible to receive an additional \$100. Settlement Class Members can also receive either three years of three-bureau credit monitoring or a *pro rata* cash payment up to \$100, and it is anticipated that after all these payments are made, there may still be money remaining in the non-reversionary Fund to make a second distribution to all Participating Class Members. S.A. ¶ II.H(iii)(c). As such, the Settlement Agreement will make Participating Class Members whole for damages caused to date by conveying tangible monetary benefits, as well as protecting Participating Class Members from future harm.

The instant Settlement Agreement also compares favorably to other data breach settlements when viewed on a per-person basis. With 323,498 Settlement Class Members, the Settlement Fund equates to \$10.05 per Settlement Class

1 Member on a gross basis. This per-person rate is greater than the ones approved in a
2 number of other recent data breach class action settlements, including an earlier
3 settlement involving See Tickets. *See Carter v. Vivendi Ticketing United States LLC*,
4 No. SACV 22-01981-CJC (DFMx), 2023 U.S. Dist. LEXIS 210744 (C.D. Cal. Oct.
5 30, 2023) (approving data breach non-revisionary common fund settlement of
6 \$3,000,000, which equated to \$6.86 per settlement class member on a gross basis);
7 *see also Dearing v. Magellan Health Inc. et al.*, No. CV2020-013648 (Supr. Ct. Az.,
8 Maricopa Cnty. Dec. 2, 2022) (approving \$1.43 million fund in data breach class
9 action with 273,000 class members, for a per class member rate of \$5.24); *Nelson v.*
10 *Bansley & Kiener, L.L.P.*, No. 2021CH06274, Dkt. No. 67 (1st J. Cir. Ct. Cook
11 Cnty., Ill Nov. 29, 2022) (approving \$900,000 fund in data breach settlement with
12 274,115 class members, for a per class member rate of \$3.28); *Gaston*, 2021 U.S.
13 Dist. LEXIS 250695 at *5 (comparable data breach case involving credit card
14 information that resulted in a \$625,000 settlement fund for 441,000 class members,
15 totaling \$1.42 per person);.

16 The quality of the settlement is further shown by the fact that most cases cited
17 in the preceding paragraph involved either Social Security numbers or protected
18 health information. Since that type of information is generally more valuable to
19 criminals, the loss thereof results in greater damages when compared to the payment
20 card information at issue here. *See Note: The (Possibly) Injured Consumer: Standing*
21 *In Data Breach Litigation*, 93 St. John's L. Rev. 461, 468 (2019) (citing 2017 study
22 for the proposition that "social security numbers, used by many institutions as
23 primary authenticators, are compromised in breaches even more often than credit or
24 debit card numbers"); *Article: Privacy by Deletion: The Need for a Global Data*
25 *Deletion Principle*, 16 Ind. J. Global Leg. Stud. 363, 378 (2009) (commenting that
26 credit card numbers are frequently changed, while Social Security numbers are not,
27 making the latter better targets for cyber criminals).

1 When viewed in totality, the fact that Class Counsel obtained an objectively
2 high per-class member settlement, despite the fact the information stolen was
3 arguably less valuable than other personal data, demonstrates the excellent result
4 they achieved and strongly supports their attorneys' fees award request.

5 **2. Risk Taken by Class Counsel**

6 "The risk that further litigation might result in no recovery is a significant
7 factor in assessing the fairness and reasonableness of an award of attorneys' fees."
8 *Tamimi*, 2021 U.S. Dist. LEXIS 262898 at *26. Although nearly all class actions
9 involve a high level of risk, expense, and complexity, data breaches are particularly
10 complex given the still developing caselaw, undergirding the strong judicial policy
11 favoring amicable resolutions. *Linney v. Cellular Alaska P'ship*, 151 F.3d 1234,
12 1238 (9th Cir. 1998)—"data breach class actions are among the riskiest and
13 uncertain of all class action litigation due to the absence of direct precedent
14 certifying data breach cases as class actions." *Gaston*, 2021 U.S. Dist. LEXIS
15 250695, at *7; *In re Sonic Corp. Customer Data Sec. Breach Litig.*, No. 1:17-md-
16 2807, 2019 U.S. Dist. LEXIS 135573, at *14 (N.D. Ohio Aug. 12, 2019) ("Data
17 breach litigation is complex and risky."). As such, the risks presented justify
18 rewarding counsel for taking on this action, representing Plaintiffs on a contingency
19 basis, and ultimately achieving an excellent result for the entire Class.

20 In addition, this Action, like many data breach actions, presented a real
21 increased risk that the Court would find that Plaintiffs' lacked Article III standing
22 given the information that was stolen. Here, several Plaintiffs experienced actual
23 fraud using the information stolen in this data breach, therefore, Class Counsel
24 believes Plaintiffs would have established standing had See Tickets made a Rule
25 12(b)(1) motion. Nevertheless, there was a chance the Court could have found
26 insufficient damages for Article III purposes. *See I.C. v. Zynga, Inc.*, 600 F. Supp.
27 3d 1034 (N.D. Cal. 2022) (finding plaintiffs lacked standing to bring data breach
28

1 claims because compromised PII, “without more, fail[ed] to satisfy the injury-in-fact
2 element in the absence of an identity theft”); *Ables v. Brooks Bros. Grp., Inc.*, No.
3 CV 17-4309-DMG (Ex) 2018 U.S. Dist. LEXIS 154681, at *12 (C.D. Cal. June 7,
4 2018) (finding a lack of Article III standing in data breach case).

5 Notwithstanding the aforementioned risks, Class Counsel collectively
6 invested over 430 hours into this matter up through August 27, 2024, to ensure the
7 Settlement Class Members were zealously represented and obtained an outstanding
8 result. In short, Class Counsel’s willingness to take on all the financial risk in a
9 challenging case supports the requested fee award.

10 **3. Incidental or Non-Monetary Relief**

11 “Apart from monetary benefits, Class Counsel successfully negotiated
12 substantial non-monetary benefits likely to protect current class members’ and future
13 customers’ data. Thus, this factor weighs in favor of a fee award.” *Gaston*, 2021
14 U.S. Dist. LEXIS 250695, at *8.

15 In addition to the injunctive relief it agreed to implement in *See Tickets I*,
16 Defendant has agreed to administer the following:

- 17 a. A position responsible for information security with a
18 person qualified for the position (“CISO”). The CISO
19 will lead the information security program with
20 responsibility to coordinate and be responsible for See
21 Tickets’ program(s) to protect the security of its
22 customers’ payment card data and PII, including See
23 Tickets’ compliance with PCI DSS.
- 24 b. Performance of a security assessment for the
25 organization based on an established industry standard
26 conducted at least annually by an independent third
27 party.

- c. A company-wide encryption policy that provides for encryption of customer payment card data to include encryption and tokenization of payment card data at rest and in movement.
- d. A firewall on all See Tickets US websites.
- e. Retention of an established third-party IT security vendor to conduct penetration testing at least twice a year.
- f. Endpoint protection and anti-malware software or tools on all servers and employee laptops with monitoring, reporting, and alerts for malware.
- g. Multi-factor authentication for employee access to corporate systems or other systems containing payment card data.
- h. Training for all employees regarding safe cyber security practices, provided twice a year.
- i. Encourage personnel to report any concerns about See Tickets' information security systems to the CISO or some other designated employee of the company.
- j. Review and update data retention policy annually.

SA, ¶II.E. 3. See Tickets agrees to the implementation of the aforesaid security measures for a period of at least two years from the date of implementation, which shall be fully administered within six months of the Effective Date of the settlement. Once fully implemented, these changes will protect current Class Members' and future customers' data. Thus, this factor also weighs in favor of the requested fee award.

1 **4. Effort Expended by Class Counsel**

2 Class Counsel expended meaningful effort to secure a favorable settlement
3 for the Class. Prior to the settlement, Class Counsel investigated the claims at issue
4 and quickly prepared and filed a consolidated complaint containing the individual
5 Plaintiffs’ claims, which metaphorically brought See Tickets to the “mediation
6 table.” Class Counsel then conducted informal discovery with See Tickets, prepared
7 a mediation brief, negotiated with See Tickets during the mediation, and thereafter
8 negotiated a complex settlement agreement. Joint Decl., ¶ 12 (detailing the specific
9 efforts expended by Class Counsel). Class Counsel then prepared the preliminary
10 approval motion, oversaw the notice process, answered questions from Settlement
11 Class Members, and prepared the instant motion. *Id.* Class Counsel further
12 anticipates undertaking additional work in finalizing its confirmatory discovery,
13 preparing the final approval papers, attending the final approval conference, and
14 issuing payment to the Participating Class Members. *Id.* ¶13.

15 **5. Class Counsel’s Reasonable Expectations**

16 Class Counsel took this matter on contingency with the reasonable
17 expectation that, if they were successful, they would receive fees comparable to
18 those in other recent data breach class action cases. Particularly, Class Counsel’s
19 request to receive 25% of the Settlement Fund is consistent with the fees awarded in
20 numerous other common fund data breach class action settlements. *See, e.g., Gupta*,
21 2023 U.S. Dist. LEXIS 36141 at *20 (holding that 25% of the common fund was
22 reasonable in settlement of a data breach class action); *Pfeiffer v. Radnet, Inc.*, No.
23 2:20-cv-09553-RGK-SK, 2022 U.S. Dist. LEXIS 125933, at *8 (C.D. Cal. Feb. 15,
24 2022) (same); *Gaston*, 2021 U.S. Dist. LEXIS 250695, at *9 (same); *see also Desue*
25 *v. 20/20 Eye Care Network, Inc.*, No. 21-CIV-61275-RAR, 2023 U.S. Dist. LEXIS
26 117355, at *11 (S.D. Fla. July 8, 2023) (approving data breach settlement with
27 common fund of \$3,000,000 and attorneys’ fees of 25%, *i.e.*, \$750,000); *Ivo Kolar*

1 *v. CSI Financial Services LLC*, No. 37-2021-00030426, Dkt. No. 82 (Supr. Ct. Cal.
2 Jan. 20, 2023) (approving data breach settlement worth up to \$2,650,000, along with
3 \$750,000 in attorneys’ fees). As a result, this final factor also weighs in favor of
4 Class Counsel’s fee request.

5 In sum, each of the relevant factors weigh in favor of awarding Class Counsel
6 the requested 25% of the non-reversionary Settlement Fund (i.e., \$812,500).

7 **B. Applying a Lodestar Cross Check Supports’ Class Counsel’s**
8 **Requested Fee Amount**

9 Pursuant to the above discussion, the percentage of the fund analysis
10 demonstrates that Class Counsel seek a reasonable fee for their services, and that
11 conclusion is further confirmed by performing a lodestar crosscheck. “The lodestar
12 figure is calculated by multiplying the number of hours the prevailing party
13 reasonably expended on the litigation (as supported by adequate documentation) by
14 a reasonable hourly rate for the region and for the experience of the lawyer.” *Alfred*
15 *v. Pepperidge Farm*, No. LA CV14-07086 JAK (x), 2022 U.S. Dist. LEXIS 210622,
16 at *40-41 (C.D. Cal. Mar. 4, 2022) (quoting *In re Bluetooth Headset Prods. Liab.*
17 *Litig.*, 654 F.3d 935, 941 (9th Cir. 2011)). “After the lodestar amount is determined,
18 a trial court may adjust the lodestar upward or downward using a ‘multiplier’ based
19 on factors not subsumed in the initial calculation of the lodestar.” *Id.* (internal
20 quotations omitted).

21 ***1. Class Counsel’s Lodestar is Reasonable and Represents An***
22 ***Appropriate Valuation of the Time They Spent Litigating This***
23 ***Matter***

24 Class Counsel’s total hours are reasonable. Specifically, as of August 27,
25 2024, Class Counsel have invested 436.4 hours which was necessary to secure a
26 swift resolution. Joint Decl., ¶16. The tasks that Class Counsel undertook in this
27 matter are summarized above, *supra* III.A.4., and generally in the Joint Declaration.

Furthermore, Class Counsel expect to expend additional time drafting the final approval motion, preparing for and appearing at the Final Approval Hearing, and overseeing the final weeks of the claims administration process. *Id.* ¶ 12.

Based on the firms' hourly rates (explicitly set forth in the Joint Declaration), Class Counsel's current lodestar is \$325,944.10. *Id.* ¶15. Notably, Class Counsel are well regarded as a leaders in data breach litigation and have extensive experience in class action cases and other forms of complex litigation. *Id.* ¶13. As such, Class Counsel were able to efficiently prosecute this Action because they brought to it their prior experience and knowledge gained through years of practice. *Id.* Thus, Class Counsel should be compensated at hourly rates that reflect this experience and the reasonable market value of their legal services, based on their skill, proficiency, and expertise. *See Sarabia v. Ricoh United States, Inc.*, No. 8:20-cv-00218-JLS-KES, 2023 U.S. Dist. LEXIS 85742, at *20-21 (C.D. Cal. May 1, 2023).

The hourly rates sought by Class Counsel are between \$239 and \$240 for paralegals and staff, \$413 and \$878 for associates, and \$878 and \$1,100 for partners. Joint Decl., ¶6-11. These rates are consistent with the prevailing market in this forum for attorneys of comparable experience, reputation, and ability and have been accepted by judges in this District. *See Medina v. Nat'l Stores Inc.*, No. LA CV 2:20-07269 JAK (JPRx), 2024 U.S. Dist. LEXIS 107443, at *8 (C.D. Cal. June 14, 2024) (accepting partner's rate of \$1,000); *see also Hashemi v. Bosley, Inc.*, No. CV 21-946 PSG (RAOx), 2022 U.S. Dist. LEXIS 210946, at *28 (C.D. Cal. Nov. 21, 2022) (noting that "partners litigating consumer-related matters, such as data breach class actions, have hourly rates ranging from \$304 to \$965"); *Correa v. Zillow, Inc.*, No. 8:19-cv-00921-JLS-DFM, 2021 U.S. Dist. LEXIS 113227, at * 20 (C.D. Cal. June 14, 2021) (finding \$850 per hour for a senior partner involved in class action reasonable). Given that the hours expended and total lodestar are both reasonable, this Court should "defer to the winning lawyer's professional judgment as to how

1 much time he was required to spend on the case...” and find Class Counsel’s lodestar
2 is reasonable and supports an appropriate valuation of the time spent on this
3 litigation. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008); *see*
4 *also Rodriguez v. County of L.A.*, 96 F. Supp. 3d 1012, 1024 (C.D. Cal. 2014)
5 (“Courts generally accept the reasonableness of hours supported by declarations of
6 counsel.”).

7 **2. Class Counsel’s Requested Fee Represents a Reasonable**
8 **Multiplier**

9 To offset the risks of non-payment, and thereby encourage attorneys to take
10 on risky class action cases on a contingency basis, the Court is permitted to increase
11 the lodestar by applying a positive multiplier to “take into account a variety of other
12 factors, including the quality of the representation, the novelty and complexity of the
13 issues, the results obtained, and the contingent risk presented.” *Bendon v. DTG*
14 *Operations, Inc.*, No. ED CV 16-0861 FMO (AGRx), 2018 U.S. Dist. LEXIS
15 143027, at *19 (C.D. Cal. Aug. 22, 2018). Here, each of these factors weighs in favor
16 of the conclusion that Class Counsel’s fee request of \$812,500³ is reasonable in that
17 it only represents a 2.44 multiplier over the current lodestar of \$325,944.10. Joint
18 Decl., ¶¶16, 22.

19 “In the Ninth Circuit, a multiplier ranging from 1.0 to 4.0 is considered
20 ‘presumptively acceptable.’” *Gutierrez v. Amplify Energy Corp.*, No. 8:21-CV-
21 01628-DOC(JDEx), 2023 U.S. Dist. LEXIS 72861, at *30 (C.D. Cal. Apr. 24, 2023)
22 (citing *Dyer v. Wells Fargo Bank, N.A.*, 303 F.R.D. 326, 334 (N.D. Cal. 2014));
23 *Hopkins v. Stryker Sales Corp.*, No. 11-CV-02786-LHK, 2013 U.S. Dist. LEXIS
24 16939, at *12 (N.D. Cal. Feb. 6, 2013) (noting that “[m]ultipliers of 1 to 4 are
25 commonly found to be appropriate in complex class action cases”). In fact, courts
26 have repeatedly accepted multipliers of 3.0 and greater. *See Alston v. NCAA*, 768 F.

27 ³ \$16,889.13 in expenses were subtracted from the fee request, thus providing the 2.44 multiplier.
28

App’x 651, 654 (9th Cir. 2019) (holding that the district court did not abuse its discretion when awarding fees that represented a lodestar multiplier of 3.66); *Vizcaino*, 290 F.3d at 1051 (affirming 25% fee recovery, which was supported by lodestar cross-check with a multiplier of 3.65, and explaining that multiplier “was within the range of multipliers applied in common fund cases”); *see also Retta v. Millennium Prods.*, No. CV15-1801 PSG AJWx, 2017 U.S. Dist. LEXIS 220288, at *37-38 (C.D. Cal. Aug. 22, 2017) (finding attorneys’ fees request for 3.65 lodestar multiplier reasonable under both the common fund and lodestar theories).

3. The Complex Nature of the Litigation and Contingent Risks

In the Ninth Circuit, “presumption in favor of voluntary settlement agreements exists, and ‘this presumption is especially strong in class actions and other complex cases . . . because they promote the amicable resolution of disputes and lighten the increasing load of litigation faced by the federal courts.’” *In re NCAA Ath. Grant-In-Aid Cap Antitrust Litig.*, No. 4:14-cv-02758-CW, 2017 U.S. Dist. LEXIS 201104, at *9-10 (N.D. Cal. Dec. 6, 2017). Moreover, courts “have recognized that the novelty, difficulty and complexity of the issues involved are significant factors in determining a fee award.” *Bendon*, 2018 U.S. Dist. LEXIS 143027, at *21-22.

As noted above, this District considers data breach cases particularly complex and inherently risky, given the evolution of applicable legal principles and dearth of direct precedent certifying data breach cases. *See Schellhorn v. Timios, Inc.*, No. 2:21-cv-08661-VAP-(JCx), 2022 U.S. Dist. LEXIS 184949, at *18 (C.D. Cal. May 10, 2022) (“data breach cases are among the riskiest and uncertain of all class action litigation.”); *Pfeiffer*, 2022 U.S. Dist. LEXIS 125933 at *6-7 (“Historically, data breach cases have had great difficulty in moving past the pleadings stage and receiving class certification. . . . Because Class Counsel took this case on a contingency basis in a risky and still-developing area of law, this factor weighs in

1 favor of the proposed attorneys' fee award.”)

2 As a novel area of the law, the certification of prospective classes and the
3 outcome of data breach class action cases at trial is largely unexplored.
4 Consequently, the Settlement Class Members may have never secured any relief,
5 financial or otherwise, absent this Settlement. In addition, Class Counsel has
6 foregone the ability to devote time to other cases and faced a substantial risk that the
7 litigation would yield no or very little recovery and leave them uncompensated for
8 their time and out-of-pocket expenses. Despite these substantial risks, Class Counsel
9 nevertheless chose to represent Plaintiffs on contingency. *See Brulee v. Dal Global*
10 *Servs., LLC*, No. CV 17-6433 JVS(JCGx), 2018 U.S. Dist. LEXIS 211269, at *28
11 (C.D. Cal. Dec. 13, 2018) (“Attorneys are entitled to a larger fee award when their
12 compensation is contingent in nature”).

13 **4. Class Counsel Quickly Obtained an Excellent Result**

14 Notwithstanding the foregoing concerns and risks, the Settlement affords the
15 Class Members timely relief that adequately remedies the impact (and potential
16 impact) of the Security Incident via injunctive and monetary benefits carefully
17 negotiated by Class Counsel. *Supra* II.B. As shown above, this represents an
18 excellent result for the Class. Therefore, Class Counsel believes the result supports
19 the requested fee award.

20 **5. Class Counsel Demonstrated the Skill Required to Effectively**
21 **Prosecute this Action**

22 Class Counsel's skills and experience in complex class action litigation also
23 favor the requested fee award. Class Counsel's background and that of the
24 supporting attorneys and staff demonstrate their experience in this highly specialized
25 field of litigation. *See generally* Joint Decl. Class Counsel's fee request is
26 commensurate with that experience, which was leveraged here to procure the
27 Settlement. The skill demonstrated by Class Counsel in developing the Consolidated
28

1 Complaint, cooperating to move the action forward for the good of the Settlement
2 Class Members, mediating the case, and settling the action early further support their
3 request. *Bendon*, 2018 U.S. Dist. LEXIS 143027 at *22 (finding that experienced
4 class counsel weighs in favor of granting the fee request).

5 Class Counsel were also equal to the experience and skill of the attorneys
6 representing See Tickets – a factor to be considered here. *See In re Am. Apparel, Inc.*
7 *S’holder Litig.*, No. CV 10-06352 MMM (JCGx) 2014 U.S. Dist. LEXIS 184548, at
8 *72 (C.D. Cal. July 28, 2014) (“In addition to the difficulty of the legal and factual
9 issues raised, the court should also consider the quality of opposing counsel as a
10 measure of the skill required to litigate the case successfully.”). See Tickets was
11 represented in this case by Orrick Herrington and Sutcliffe LLP, a nationally known
12 and highly respected law firm with significant resources and substantial experience
13 defending class actions in the cyber security arena. This factor, therefore, weighs in
14 favor of the requested fee award.

15 Given the foregoing, Class Counsel’s fee request of \$812,500 is reasonable
16 when analyzed under the lodestar method.

17 **C. Class Counsel’s Expense Request is Justified Here**

18 “Class Counsel are also entitled to reimbursement of reasonable out-of-
19 pocket expenses.” *Stewart v. Apple Inc.*, No. 19-cv-04700-LB, 2022 U.S. Dist.
20 LEXIS 139222, at *21 (N.D. Cal. Aug. 4, 2022). Here, Class Counsel has incurred
21 expenses in the prosecution of this Action in the total amount of \$16,889.13. Joint
22 Decl., ¶18. The expenses incurred adequately reflect Class Counsel’s experience and
23 expertise in litigating this matter efficiently.

24 Specifically, Class Counsel seeks reimbursement for standard expenses
25 incurred, as “reimbursement for travel, meals, lodging, photocopying, long-distance
26 telephone calls, computer legal research, postage, courier service, mediation,
27 exhibits, documents scanning, and visual equipment are typically recoverable.”
28

1 *Metrow v. Liberty Mut. Managed Care LLC*, No. EDCV 16-01133 JGB (KKx), 2018
2 U.S. Dist. LEXIS 100835, at *34 (C.D. Cal. June 14, 2018). Thus, the previously
3 mentioned expenses are aligned with those approved by courts in this District. *See*
4 *Sudunagunta v. NantKwest, Inc.*, No. CV 16-1947-MWF (JEMx), 2019 U.S. Dist.
5 LEXIS 81337, at *18-19 (C.D. Cal. May 13, 2019) (finding class counsel’s
6 reimbursement request for routine litigation expenses fair and reasonable). As a
7 result, Class Counsel’s request for \$16,889.13 in litigation costs and expenses is
8 similarly reasonable here.

9 **D. Timing of Attorneys’ Fees Payment**

10 Paragraph II.H.4 of the Settlement Agreement provides that the “Initial
11 Distributions being made to those Approved Settlement Class members will occur
12 within forty-five (45) days from the Effective Date, or as soon thereafter as is
13 reasonably practical.” *Id.* Paragraph II.F calls for the payment of the attorneys’ fee
14 award and service awards to occur “within thirty-five (35) days from the Effective
15 Date.” In its June 20, 2024 preliminary approval Order [Doc. 42], the Court found
16 the Settlement lacked any indication of collusion and took no issue with the amount
17 requested. Hence, Class Counsel asks that the Court permit the proposed payment
18 schedule to proceed in accordance with the Settlement Agreement.

19 **E. The Requested Service Awards for Plaintiffs Are Reasonable**

20 Plaintiffs seek nine service awards, each in the amount of \$2,500. Service
21 awards are “intended to compensate class representatives for work undertaken on
22 behalf of a class” and “are fairly typical in class action cases.” *In re Online DVD-*
23 *Rental Antitrust Litig.*, 779 F.3d 934, 943 (9th Cir. 2015) (internal quotation marks
24 omitted); *Brightk Consulting Inc. v. BMW of N. Am., LLC*, No. SACV 21-02063-
25 CJC (JDEx), 2023 U.S. Dist. LEXIS 38391, at *28, (C.D. Cal. Jan. 3, 2023) (“Courts
26 routinely approve this type of award to compensate representative plaintiffs for the
27 services they provide and the risks they incur during class action litigation.”). But
28

1 Plaintiffs' requests are below the typical amount awarded in the Ninth Circuit and
2 this District, as the Ninth Circuit has commonly approved settlements awarding each
3 class representative \$5,000. *Id.*, at 947. "Generally, in the Ninth Circuit, a \$5,000
4 incentive award is presumed reasonable." *Bravo v. Gale Triangle, Inc.*, No. CV 16-
5 03347 BRO (GJSx), 2017 U.S. Dist. LEXIS 77714, at *60 (C.D. Cal. Feb. 16, 2017);
6 see also *Pauley v. CfEntm't*, No. 2:13-CV-08011-RGK-CW, 2020 U.S. Dist. LEXIS
7 187614, at *9 (C.D. Cal. July 23, 2020) (finding \$5,000 service awards reasonable).

8 The Class Representatives seek a total modest sum of just \$22,500 in
9 recognition of their invaluable contributions to this matter. This amount represents
10 far less than 1% of the total Settlement Fund, and as such it comports with this
11 Court's prior application of the Ninth Circuit benchmark, the Court should grant
12 their request. See *Martin v. Toyota Motor Credit Corp.*, No. 2:20-cv-10518 JVS
13 (MRW) 2022 U.S. Dist. LEXIS 208358, at *20 (C.D. Cal. Nov. 15, 2022) (approving
14 service awards of \$2,500 each for two class representatives); *Abdullah v. United*
15 *States Sec. Assocs.*, No. CV 09-9554 PSG (Ex), 2017 U.S. Dist. LEXIS 235743, *32
16 (C.D. Cal. Dec. 4, 2017) (holding that a total service award of \$15,000, which
17 represented less than 1% of the settlement fund, was reasonable); *Luna v. Universal*
18 *City Studios, LLC*, No. CV 12-9286 PSG (SSx), 2016 U.S. Dist. LEXIS 194527, *29
19 (C.D. Cal. Sep. 13, 2016) (finding reasonable a service award that comprised 2.2%
20 of the settlement amount).

21 **IV. CONCLUSION**

22 For the foregoing reasons, Plaintiffs respectfully request that the Court grant
23 the instant Motion for entry of an Order approving Class Counsel's request for: (i) an
24 attorneys' fees and expenses award in the amount of \$812,500; and (ii) Service
25 Award Payments of \$2,500 to each of the Representative Plaintiffs.

1 Dated: September 12, 2024
2

3 /s/ Kyle McLean

4 Kyle McLean (SBN 330580)

5 kmclean@sirillp.com

6 Tyler Bean (*pro hac vice*)

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Interim Co-Lead Class Counsel

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Co-Lead Counsel for the Proposed Class

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Lead Case No. 2:23-cv-07498-MWF
(DFMx)

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

**JOINT DECLARATION IN SUPPORT
OF MOTION FOR AWARD OF
ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS**

1 Tyler Bean, Nicholas A. Migliaccio, and Kenneth Grunfeld “(Class
2 Counsel”) being duly sworn, hereby declare under the penalty of perjury as follows:

3 1. I, Tyler Bean, am duly licensed to practice in the State of Oklahoma,
4 as well as other federal courts. I am also a member of the law firm of Siri & Glimstad
5 LLP (“S&G”), and I have been appointed to leadership positions in numerous state
6 and federal courts, including leadership positions in other data breach cases,
7 complex litigations, multidistrict litigations, and consumer class action litigations.

8 2. I, Nicholas A. Migliaccio, am an attorney duly licensed to practice
9 before all courts of the State of New York as well as other state and federal courts.
10 I am a founding member of the law firm Migliaccio & Rathod LLP (“M&R”), and
11 I have been appointed to leadership positions in numerous state and federal courts,
12 including in other data breach cases.

13 3. I, Kenneth Grunfeld, am an attorney duly licensed to practice in the
14 Commonwealth of Pennsylvania and the State of New Jersey. I am a member of
15 Kopelowitz and Ostrow P.A. (“K.O.”), and I have been appointed to leadership
16 positions in numerous state and federal courts, including leadership positions in
17 other data breach cases, complex litigation, multidistrict litigation, and consumer
18 class action litigation.

19 4. Class Counsel were appointed by the Court as Interim Co-Lead
20 Counsel for the Proposed Class in these proceedings against Defendant Vivendi
21 Ticketing US LLC, d/b/a See Tickets (“Defendant” or “See Tickets”). We have
22 personal knowledge of the matters stated herein and, if called upon, we could and
23 would competently testify regarding those matters. We submit this Joint Declaration
24 in support of Plaintiffs’ Motion for Award of Attorneys’ Fees and Costs, and Service
25 Awards (“Motion”).

26 5. As discussed below, Class Counsel believe the proposed settlement
27 provides a substantial recovery in a case presenting novel and complex issues and
28

1 substantial risks, and is a fair, reasonable, and adequate result for the Class.

2 6. Attached as **Exhibit 1** is a true and correct copy of the Declaration of
3 Tyler Bean, which describes the tasks engaged in by S&G and hours and lodestar
4 devoted to the case to date as well as the expenses incurred. Annexed to that
5 Declaration are the S&G Lodestar Chart (Exhibit 1) the itemized list of expenses
6 incurred to date (Exhibit 2) and the S&G firm resume (Exhibit 3), which includes
7 the curriculum vitae of Tyler Bean.

8 7. Attached as **Exhibit 2** is a true and correct copy of the Declaration of
9 Nicholas A. Migliaccio, which describes the tasks engaged in by M&R and hours
10 and lodestar devoted to the case to date as well as the expenses incurred. Annexed
11 to that Declaration are the M&R Lodestar Chart (Exhibit 1), the itemized list of
12 expenses incurred to date (Exhibit 2) and the M&R firm resume (Exhibit 3), which
13 includes the curriculum vitae of Nicholas A. Migliaccio.

14 8. Attached as **Exhibit 3** is a true and correct copy of the Declaration of
15 Kenneth Grunfeld, which describes the tasks engaged in by K.O. and hours and
16 lodestar devoted to the case to date, as well as the expenses incurred. Annexed to
17 that Declaration is the K.O. Lodestar Chart (Exhibit 1), the itemized list of expenses
18 incurred to date (Exhibit 2) and the K.O. firm resume (Exhibit 3), which includes a
19 page for Kenneth Grunfeld.

20 9. Attached as **Exhibit 4** is a true and correct copy of the Declaration of
21 Marc H. Edelson, a principal of Edelson Lechtzin LLP (“Edelson”), which describes
22 the tasks engaged in by Edelson and hours and lodestar devoted to the case to date,
23 as well as the expenses incurred. Annexed to that Declaration is the Edelson Lodstar
24 Chart (Exhibit 1), the itemized list of expenses incurred to date (Exhibit 2) and the
25 Edelson firm resume (Exhibit 3), which includes a page for Marc Edelson.

26 10. Attached as **Exhibit 5** is a true and correct copy of the Declaration of
27 Robert A. Mackey, the principal of the Law Offices of Robert Mackey (“Mackey
28 Law”), which served as additional counsel for the Class and certain Named

1 Plaintiffs, and which describes the tasks engaged in by Mackey Law and hours and
2 lodestar devoted to the case to date as well as the expenses incurred. Annexed to
3 that Declaration is Mackey Law's lodestar and expenses information (Exhibit 1).

4 11. Attached as **Exhibit 6** is a true and correct copy of the Declaration of John J.
5 Nelson, a member of Milberg Coleman Bryson Phillips Grossman PLLC
6 ("Milberg") which describes the tasks engaged in by Milberg and the hours and
7 lodestar devoted to the case to date, as well as the expenses incurred. Annexed to
8 that Declaration is the Milberg Lodestar Chart (Exhibit "1"), the itemized list of
9 expenses incurred to date (Exhibit 2), and the Milberg firm resume (Exhibit 3).

10 12. As co-lead counsel for the Class, the attorneys of the above-referenced
11 firms were involved in performing the following tasks: pre-litigation investigation
12 of the facts herein; drafting and redrafting of the initial complaint; vetting of and
13 communications with clients, prospective class members and class members;
14 drafting the 23(g) Motion and Motion to Consolidate; drafting and researching
15 portions of the Consolidated Complaint; participating in negotiations; attention to
16 litigation strategy with co-counsel; exchanging informal discovery with Defendant;
17 researching and reviewing files to prepare pre-mediation briefing; preparing for and
18 participating in a mediation session with Robert A. Meyer, Esq., JAMS mediator;
19 participating in numerous settlement discussions post-mediation session;
20 participating in the preparation and negotiation of the corresponding term sheet in
21 connection with the substantive Settlement; legal research, review of file, reviewing
22 comparable settlements in ECF, LEXIS and CourtLink databases; participating in
23 the preparation and revision of the Settlement Agreement; participating in the
24 review, revision and negotiation of language for Settlement Agreement exhibits
25 (drafts of class notice, settlement claim form, and proposed Preliminary Approval
26 Order and Final approval Order); participating in numerous conferences with
27 counsel for Defendant regarding the mechanics of the Settlement claims process and
28

1 Settlement documents; preparation of Request For Proposal(s) with multiple
2 potential Claims Administrators; reviewing proposals from multiple Claims
3 Administrators and drafting of comparison chart of same; meetings with Claims
4 Administrators, preparation of Preliminary Approval Motion and joint certification
5 of counsel in support thereof; coordinating and completing exhibits to Motion for
6 Preliminary Approval; preparing and revising memorandum of law in support of
7 Preliminary Approval; discussions with Kroll Settlement Administration, LLC as
8 Claims Administrator; and reviewing the notice program and claims process with
9 Claims Administrator. It is also our experience that substantial work in this Action
10 will continue. In addition to helping prepare, research, and draft the Final Approval
11 motion papers, the attorneys of the appearing firms will engage in the multitude of
12 communications and/or email discussions with Class Members as to the status of
13 settlement administration, address issues relating to Class Members' individual
14 qualification for reimbursement; attend to deficiencies in Class Members' filed
15 claims and assist in curing such deficiencies¹; engage in the attorney review of
16 denied claims with respect to administrative appeals of such denials; review opt outs
17 and objections, if any; prepare documents in opposition to any objections; prepare
18 for the Final Approval hearing; attend the Final Approval hearing; engage in post-
19 approval coordination of payment of claims; address issues with claims, and
20 additional emails and communications with Class Members post-Settlement
21 Effective Date.

22 13. In our experience with numerous consumer class action settlements
23 involving large class sizes, we anticipate that Class Counsel will incur hundreds of
24

25 ¹ Settlement Class Members must file their claims before October 18, 2024. Based
26 on our extensive experience overseeing data breach settlements, we expect that
27 Settlement Class Members will do so at increasing rates as the claims deadline
28 approaches, thereby requiring significant attention.

1 additional hours on this matter. Notwithstanding the above, the lodestar calculations
2 annexed hereto (Exhibits 1-6) were prepared from contemporaneous daily time
3 records regularly prepared and maintained by the respective firms, which are
4 available at the request of the Court. As previously noted, any amount of time
5 anticipated to be spent on preparation, finalizing, and filing of the Final Approval
6 motion papers, preparing for argument of that motion; attending and presenting at
7 the Final Approval hearing, and preparing the oppositions to any objections is
8 estimated based on our experience with prior consumer class action settlements.

9 14. Prior to the Final Approval Hearing, which is scheduled for December
10 16, 2024, Class Counsel intend to supplement the record herein and submit the
11 actual additional time expended up through that point prior to the Final Approval
12 hearing.

13 15. The hourly rates for the attorneys and professional support staff at the
14 above-referenced firms included in Exhibits 1-6 attached hereto are the same rates
15 which have been accepted in other consumer class action matters the firms have
16 successfully litigated.

17 16. As of August 27, 2024, the total number of hours expended on this
18 Action by Plaintiffs' counsel to date (not inclusive of that anticipated to be incurred
19 through the conclusion of this matter) is 436.4. Plaintiffs' counsel's total lodestar
20 for that period is \$325,944.10. *See* Exhibits 1-6.

21 17. These lodestar figures are based upon the respective firms' billing
22 rates, which do not include charges for expense items. Expense items are billed
23 separately, and such charges are not duplicated in the firms' billing rates.

24 18. The Court preliminarily approved the proposed Settlement of this
25 action, and the Settlement Administrator has disseminated notice to Class Members
26
27
28

1 in accordance with the Notice Plan.² Now, Plaintiffs respectfully request an award
2 of \$812,500 in attorneys' fees, \$16,889.13 in costs and expenses, as well as service
3 awards of \$2,500 to each of the Class Representatives (\$22,500 in total) in
4 accordance with the terms of the preliminarily approved Settlement between
5 Plaintiffs and Vivendi Ticketing US LLC, d/b/a See Tickets.

6 19. After the consolidation of five (5) different cases, months of litigation,
7 and a full-day mediation session with Robert A. Meyer, Esq. of JAMS, the parties
8 reached an exceptional Settlement that compensates Class Members for their losses
9 and protects them against future risks caused by the Data Breach. As explained in
10 greater detail in Plaintiffs' motion and attached exhibits, this includes the
11 \$3,250,000 non-reversionary Settlement Fund, and the value of Defendant's
12 changes in security practices resulting from this litigation. The requested attorneys'
13 fees (\$812,500) amount just to 25% of the Settlement value.

14 20. The requested fees are fair and reasonable considering Class Counsel's
15 Lodestar. Over months of litigation, Plaintiffs' counsel devoted more than 430 hours
16 and incurred a conservatively calculated, collective lodestar of \$325,944.10 to
17 secure relief for the Class. The time spent by Plaintiffs' Counsel in this litigation
18 included consolidating all filed cases before the Court and seeking the appointment
19 of Class Counsel; researching and drafting the consolidated complaint; and
20 negotiating an extremely favorable Settlement for the Class.

21 21. Further, Class Counsel is expected to devote additional time that will
22 be entirely uncompensated, just like the work done for this Motion, as they work to
23 secure final approval of the Settlement and assist Class Members through the claims
24 process.

25 22. The requested fee award represents a current lodestar multiple of 2.44,
26

27 ² Unless otherwise noted, capitalized terms have the meaning ascribed to them in
28 the Settlement Agreement.

1 which is fair and reasonable in light of the significant risks Class Counsel faced, the
2 complexity of the issues presented, and the excellent results and benefits achieved,
3 in part due to the knowledge and experience of Class Counsel.

4 23. Plaintiffs similarly request the Court award costs in the amount of
5 \$16,889.13, which reflects reasonable costs necessary to pursue this litigation and
6 secure the Settlement. All applicable factors support the requested award.

7 24. As detailed in Exhibits 1-6 attached hereto, Class Counsel has incurred
8 a total of \$16,889.13 in unreimbursed expenses to date in connection with the
9 prosecution of this Action. It is expected that additional expenses will be incurred
10 in the future in the Action and such additional expenses, if any, will be submitted in
11 Plaintiffs' supplemental submissions.

12 25. The expenses incurred in this Action are reflected on the books and
13 records of the respective firms. These books and records are prepared from expense
14 vouchers, check records, and other source materials and are an accurate record of
15 the expenses incurred.

16 26. Class Counsel also respectfully request the Court award Service
17 Awards of \$2,500 to each of the Class Representatives for a total of \$22,500. As
18 explained by Class Counsel further in each of their declarations submitted in support
19 of this Motion, each Class Representative did everything in their power to represent
20 the best interests of the Class and devoted a significant amount of time
21 communicating with attorneys, gathering evidence, reviewing and approving the
22 Consolidated Complaint, and ultimately examining, approving, and executing the
23 Settlement Agreement. No Settlement would have been possible without their vital
24 role.

25
26 We hereby declare under penalty of perjury that the foregoing facts are true
27 and correct.
28

1 Dated: September 12, 2024
2

3 /s/ Tyler Bean

4 Tyler Bean (*pro hac vice*)

5 tbean@sirillp.com

6 **SIRI & GLIMSTAD LLP**

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10 /s/Nicholas A. Migliaccio

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17 /s/Kenneth Grunfeld

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25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2024, I caused the foregoing to be filed electronically using the Court's electronic case filing (ECF) system, which will automatically send a notice of electronic filing to the email addresses of all counsel of record.

Dated: September 12, 2024

/s/ Kyle McLean
Kyle McLean

Exhibit 1

1 Kyle McLean (SBN 330580)
2 kmclean@sirillp.com
3 Mason Barney (*pro hac vice*)
4 mbarney@sirillp.com
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23 *Interim Co-Lead Class Counsel*
24
25
26
27
28

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Lead Case No. 2:23-cv-07498

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

**DECLARATION OF TYLER BEAN IN
SUPPORT OF MOTION FOR AWARD
OF ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS**

DATE: December 16, 2024
TIME: 10:00 a.m.
CTRM: 5A

I, Tyler Bean, being duly sworn, hereby declares under the penalty of perjury
as follows:

1. I am an associate with the law firm of Siri & Glimstad ("S&G"), Co-
Lead Class Counsel for Plaintiffs Mandi Peterson, Scott Fitzgerald, Zachary
Richmond, Tom Loughhead, Mason Verderame, Katie Jezierny, Rian Bodner,
Christopher Aragon, and Candice Zinner, in the above matter, together with my co-
counsel, Mason Barney of S&G, Nicholas A. Migliaccio of Migliaccio & Rathod,
LLP ("M&R") and Kenneth Grunfeld of Kopelowitz Ostrow P.A. ("K.O." and
collectively "Co-Lead Class Counsel"). As one of the three Co-Lead Class Counsel,
I am fully familiar with the facts contained herein based upon my personal
knowledge and the books and records kept in the ordinary course of S&G's business.
I submit this declaration in support of Co-Lead Class Counsel's application for an
award of attorneys' fees in above-captioned action (the "Action"), as well as for
reimbursement of expenses incurred by my firm in connection with the Action.

2. S&G served as Co-Lead Class Counsel in this Action, along with M&R
and K.O. As co-counsel for the Class, the attorneys of our firms were involved in

1 performing the following tasks: pre-litigation investigation of the facts herein;
2 drafting and redrafting of the initial complaint, vetting of and communications with
3 clients, prospective class members and class members; researching and drafting the
4 motion for consolidation; drafting and researching portions of the Consolidated
5 Amended Complaint; researching and drafting mediation statements and conducting
6 informal discovery in preparation of the same; negotiating with defense counsel and
7 drafting a settlement agreement; researching and drafting the Motion for Preliminary
8 Approval; fielding questions and issues from Settlement Class Members; and
9 working with the Settlement Administrator to ensure notice was effective and in
10 accordance with the Settlement Agreement; and researching and drafting this instant
11 motion.

12 3. The schedule attached hereto as **Exhibit 1** is a summary indicating the
13 amount of time spent by each attorney and professional support staff employee of
14 S&G who was involved in the Action based on the various tasks, and the lodestar
15 calculation based on their current billing rates. The lodestar schedule annexed hereto
16 (Exhibit 1) was prepared from contemporaneous daily time records regularly
17 prepared and maintained by our firm, which are available at the request of the Court.
18 As noted, the time that will be spent on preparation, finalizing and filing of the Final
19 Approval motion papers, preparing for argument of that motion; attending and
20 presenting at the Final Approval hearing and preparing the oppositions to any
21 objections has not yet been included in this calculation.

22 4. Prior to the Final Approval Hearing, scheduled for December 16, 2024,
23 Co-Lead Class Counsel intends to supplement the record herein and submit the
24 actual additional time expended up through that point prior to the Final Approval
25 hearing.

26 5. The hourly rates for the attorneys and professional support staff at S&G
27 included in **Exhibit 1** are the same rates which have been accepted in other consumer
28

1 class action litigations the firm has successfully litigated.

2 6. The total number of hours expended on this Action by S&G through
3 August 27, 2024, is 142.1 hours. The total lodestar for our firm for that period is
4 \$71,182.50

5 7. S&G's lodestar figures are based upon the firms' billing rates, which
6 rates do not include charges for expense items. Expense items are billed separately,
7 and such charges are not duplicated in S&G's billing rates.

8 8. As detailed in the schedule attached hereto as **Exhibit 2**, S&G has
9 incurred a total of \$6,109.20 in unreimbursed expenses to date in connection with
10 the prosecution of this Action. It is expected that additional expenses will be
11 incurred in the future in the Action and such additional expenses, if any, will be
12 submitted in Plaintiffs' supplemental submissions.

13 9. The expenses incurred in this Action are reflected on the books and
14 records of my firm. These books and records are prepared from expense vouchers,
15 check records and other source materials and are an accurate record of the expenses
16 incurred.

17 I hereby declare under penalty of perjury that the foregoing facts are true and
18 correct.

19 Dated: September 12, 2024

/s/Tyler Bean

Tyler Bean, Esq.

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Facsimile: 646-417-5967

Email: tbean@sirillp.com

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2024, I caused the foregoing to be filed electronically using the Court's electronic case filing (ECF) system, which will automatically send a notice of electronic filing to the email addresses of all counsel of record.

Dated: September 12, 2024

/s/ Kyle McLean
Kyle McLean

Exhibit 1

EXHIBIT 1

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident

Case No. 2:23-cv-07498

TIME & LODESTAR CHART (By Category)

SIRI & GLIMSTAD LLP

PERIOD: Inception to August 27, 2024

Name/Position	Pre-Litigation Investigation, Complaint Drafting, and Complaint Service	Draft and File Stipulations and Pro Hac Vice Applications	Mediation Communications, Preparation, and Attendance at Mediation Session	Settlement Negotiations and Settlement Agreement Drafting	Draft and File Motion for Preliminary Approval and Ancillary Documentation	Draft and File Motion for Final Approval and Ancillary Documentation	Draft and File Motion for Attorneys' Fees and Service Awards	Settlement Administration	Miscellaneous Administrative Tasks	Hours	Hourly Rate	Lodestar
Alcira Pena (PL)	11.70	12.40	1.20	0.20	11.20				10.40	47.10	\$ 240.00	\$ 11,304.00
Cassie Jernigan (PL)									0.30	0.30	\$ 240.00	\$ 72.00
Enrica Peters (PL)	2.40	0.20							3.50	6.10	\$ 240.00	\$ 1,464.00
Gabrielle Williams (A)		2.00		3.00						5.00	\$ 575.00	\$ 2,875.00
Kyle McLean (A)	1.40	0.30		0.10					0.10	1.90	\$ 675.00	\$ 1,282.50
Mason Barney (P)	1.30	0.10	3.00	13.90	6.20		0.70	1.10	0.40	26.70	\$ 975.00	\$ 26,032.50
Neil Williams (A)				2.40				1.60		4.00	\$ 575.00	\$ 2,300.00
Tyler Bean (A)	16.90	0.80	3.70	8.60	6.90	0.30	0.30	0.40	0.40	38.30	\$ 675.00	\$ 25,852.50
TOTAL	33.70	15.80	7.90	28.20	24.30	0.30	1.00	3.10	15.10	129.40		\$ 71,182.50

Position Key

P = Partner
SA = Senior Associate
A = Associate
PL = Paralegal

Exhibit 2

EXHIBIT 2

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident

Category	Amount
Computer Research and Electronic Document Retrieval	\$ 40.53
Travel, Hotel, Meals and Related Expenses	\$ -
Photocopying (including commercial or internal copying)	\$ -
Facsimilie and Long Distance Telephone	\$ -
Postage and Overnight Delivery (Fed Ex, UPS)	\$ -
Court Filing Fees/Service of Process Fees	\$ 1,902.00
Mediation Fees	\$ 4,166.67
Process Service	\$ -
TOTAL	\$ 6,109.20

Exhibit 3

Siri | Glimstad



FIRM RESUME



Class Action Practice Group

With attorneys across the country, Siri & Glimstad LLP represents clients from coast to coast in class actions and mass torts in state and federal courts. Utilizing decades of experience at major global law firms, we tackle each dispute with a sophisticated, strategic approach, and we fight hard for every one of our clients.

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New Mexico • New York • North Carolina • North Dakota • Oklahoma • Pennsylvania
South Carolina • Tennessee • Texas • Virginia

Attorney Profiles

Aaron Siri

Managing Partner

Aaron Siri is the Managing Partner of Siri & Glimstad LLP and has extensive experience in a wide range of complex civil litigation matters, with a focus on civil rights, class actions, and commercial litigation.

Mr. Siri has successfully litigated numerous civil rights cases, prosecuted class actions against large corporations resulting in payments to hundreds of thousands of Americans, and has acted as counsel to clients in multiple commercial disputes exceeding one billion dollars, including regarding Oracle Team's challenge for the America's Cup and the collapse of the World Trade Center.



Prior to founding Siri & Glimstad, Mr. Siri was a litigation attorney at Latham & Watkins for over five years. Before Latham, Mr. Siri clerked for the Chief Justice of the Supreme Court of Israel from 2004-2005 where he advised the Chief Justice of relevant American, English (including Commonwealth Countries), and International Law precedents for cases of first impression.

Mr. Siri has also been involved in various pro-bono matters, including representation of asylum applicants, housing discrimination victims, and non-profit organizations in tenant-landlord disputes, as well as being chosen as a Frank C. Newman delegate to present a paper he authored before the United Nations Human Rights Sub-Commission.

Mr. Siri earned his law degree at the University of California, Berkeley School of Law where he received four Prosser Prizes and ten High Honors. He was also the Editor-in-Chief and founder of the Berkeley Business Law Journal, which he developed into a nationally recognized publication, and was ranked as the leading commercial law journal in the country.

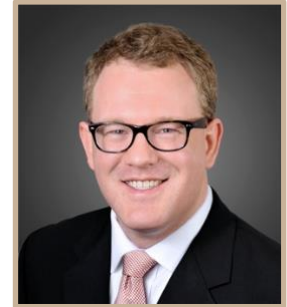
Prior to law school, Mr. Siri was an auditor at Arthur Andersen LLP, where he examined internal controls and audited corporate documents for private and public micro-cap technology companies. Mr. Siri is a Certified Public Accountant and an attorney admitted in federal and state courts across the country.

Mr. Siri is regularly interviewed on national television for his expertise regarding certain legal issues. He has also been published in the Washington Post, Stat News, and Bloomberg.

Mason A. Barney

Partner

Mason A. Barney is an experienced trial attorney who for nineteen years has represented both individuals and corporations in complex litigations. Mr. Barney received his J.D., *summa cum laude* from Brooklyn Law School, in 2005, where he graduated second in his class of nearly 500 students, and received numerous academic honors, in addition to being an editor on the Brooklyn Law Review. He then served as a law clerk to the Honorable Judge David G. Trager in the U.S. District Court for the Eastern District of New York. After clerking, he joined the litigation department at Latham & Watkins LLP, and later joined Olshan Frome Wolosky LLP a large established New York City law firm. Before law school, Mr. Barney earned his B.A. from Bowdoin College, where he double majored in Computer Science and Studio Art, and after college he served as a lead database developer for three years at a successful Internet start-up in Washington D.C.



Mr. Barney focuses his practice on class actions and representing individuals in complex litigations. In this practice he has won tens of millions of dollars for his clients. Among other matters, Mr. Barney has fought to stop companies from illegally spamming consumers with unwanted phone calls, has worked to stop companies from illegally obtaining their customers' biometric information (e.g., facial scans and fingerprints), and obtained recovery for numerous victims of data breaches. Mr. Barney has also served as counsel of record for numerous lawsuits involving alleged violations of the Illinois Genetic Information Privacy Act, successfully opposing dispositive motions and defeating improperly raised affirmative defenses.

Mr. Barney is recognized by the New York Legal Aid Society for his outstanding pro bono work representing indigent individuals in matters concerning prisoners' rights, immigration, and special education.

Mr. Barney has published a number of articles concerning a variety of legal issues. These include authoring or co-authoring: *The FBI vs. Apple: What Does the Law Actually Say?*, Inc. Magazine (February 2016); *Can Lawyers Be Compelled to Produce Data They Compile? An Emerging Front in the Trenches of e-Discovery Battles*, Bloomberg BNA (May 2015); *Legal Landscape for Cybersecurity Risk is Changing as Federal Government and SEC Take Action*, Inside Counsel Magazine (May 2015); *Tellabs v. Makor, One Year Later*, Securities Law 360 (July 2008); *Not as Bad as We Thought: The Legacy of Geier v. American Honda Motor Co. in Product Liability Actions*, 70 Brooklyn L. Rev. 949 (Spring 2005). Mr. Barney serves as an adjunct professor at Brooklyn College in New York, teaching Education Law in its graduate studies program, and separately has presented continuing legal education instruction regarding the Foreign Corrupt Practices Act.

Elizabeth Brehm

Partner

Elizabeth Brehm graduated from Boston University with a Bachelor of Science and earned her master's degree from Long Island University at C.W. Post. She attended Hofstra Law School and obtained a Juris Doctorate, graduating *magna cum laude*, in 2008.

After law school, Ms. Brehm spent a year at Winston & Strawn LLP where she focused on products liability litigation. For nine years prior to joining Siri & Glimstad, Ms. Brehm worked for a New York law firm where she focused on antitrust class action lawsuits, health care fraud, and qui tam and whistleblower litigations.

Ms. Brehm has been an attorney at Siri & Glimstad for over two years and has handled numerous complex litigation matters, including class action matters.

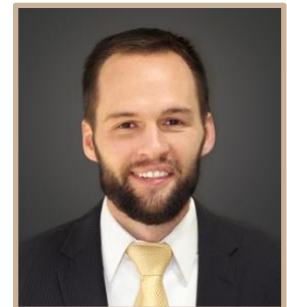


Walker Moller

Partner

Before law school, Walker Moller worked and volunteered for three years in 15 countries throughout Southeast Asia, Oceania, and Africa. While at Mississippi College School of Law, Walker clerked at the Mississippi Supreme Court and was on the Law Review. He graduated *summa cum laude* in 2014 and earned the highest grade in eight courses. After graduation, Walker clerked for a federal judge at the United States District Court, Western District of Louisiana, where he gained exposure to a large volume of employment discrimination matters, products liability cases, and constitutional litigation.

Walker then worked for the U.S. Army Corps of Engineers from 2015 to 2021, where his practice focused on federal contracts and civil litigation in various administrative courts. Immediately before joining Siri & Glimstad, Walker achieved full dismissal of a lawsuit against the Corps of Engineers that implicated \$68M worth of federal contracts.





Lisa Considine

Partner

Lisa R. Considine is counsel at Siri & Glimstad LLP and has broad litigation experience, having successfully litigated various class action cases involving violations of State and Federal consumer protection laws, including representing consumers against many of the world's largest companies.



Ms. Considine graduated from Rutgers College with a Bachelor of Arts and attended Seton Hall University School of Law and obtained her J.D., with Honors, in 2004.

Prior to joining Siri & Glimstad, Ms. Considine was a founding member of her own practice that focused exclusively on consumer class actions and individual matters against major auto rental companies, banks, mortgage lenders, auto finance companies, payday lenders and other consumer finance companies in litigation involving the Consumer Fraud Act, Electronic Fund Transfer Act, Truth in Lending Act, Real Estate Settlement Procedures Act, Fair Credit Reporting Act, Fair and Accurate Credit Transaction Act, Truth-in-Consumer Contract, Warranty and Notice Act, predatory lending, loan origination and servicing, banking operations and consumer fraud claims.

Ms. Considine serves on the Board of Directors of the Consumer League of New Jersey and is also Co-Chair of the New Jersey State Bar Association's Class Actions Special Committee. Ms. Considine also serves at the pleasure of the New Jersey Supreme Court on the District IIB Ethics Committee and is President of the Worrall F. Mountain Inn of Court. Ms. Considine is a member of the National Association of Consumer Advocates, the Complex Litigation e-Discovery Form (CLEF), and the New Jersey State Bar Association's Consumer Protection Committee.

David DiSabato

Partner

David J. DiSabato is counsel at Siri & Glimstad LLP and focuses his practice on complex class actions and consumer protection law. With over two decades of class action experience, Mr. DiSabato has led successful class actions against many of the country's largest financial institutions, retailers, service providers and employers. In addition, Mr. DiSabato has extensive experience handling patients' rights class actions and civil rights claims. Mr. DiSabato has also represented dozens of individuals in Illinois for class actions alleging violations of the Illinois Genetic Information





Privacy Act. As counsel of record, he has secured multiple victories in state and federal court by successfully opposing motions to dismiss and defeating improperly raised affirmative defenses.

Mr. DiSabato graduated from Tufts University and received his J.D. from Boston University School of Law. Named to the New Jersey Super Lawyers List in 2022 and 2023, Mr. DiSabato is the New Jersey Chair of the National Association of Consumer Advocates and sits on NACA's Judicial Nominations Committee. He also is a member of both the American Association for Justice and the New Jersey Association for Justice (Civil Rights Committee), and sits on the Board of Directors of the Consumer League of New Jersey, where he serves as the Director of Litigation. Mr. DiSabato is also a member of the Class Actions Special Committee and the Consumer Protection Law Committee of the New Jersey State Bar Association, as well as the Complex Litigation e-Discovery Forum (CLEF). He also serves as the Vice Chair of the Land Use Board of the Borough of Peapack and Gladstone.

In addition, Mr. DiSabato regularly lobbies in both Washington D.C. and Trenton, New Jersey on consumer issues such as predatory lending, manufactured housing and forced arbitration, and is a frequent speaker on Constitutional issues, class action practice and consumer rights.

Prior to joining Siri & Glimstad, Mr. DiSabato was a founding member of his own practice where he represented consumers, workers, tenants, patients and other individuals in complex class actions.

Tyler J. Bean

Attorney

Tyler J. Bean graduated from the University of Oklahoma's Michael F. Price College of Business in 2015 and obtained a Juris Doctorate from the University of Oklahoma in 2019, where he served as editor for the Oil and Gas, Natural Resources, and Energy Law Review Journal. Mr. Bean also received numerous academic honors as a law student, including being named to the Faculty Honor Roll and Dean's List.



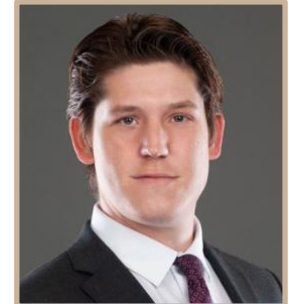
After graduating law school and serving as in-house counsel for a large, multi-billion-dollar retail organization, Mr. Bean turned his focus to complex civil litigation and consumer class actions, with a particular emphasis on data breach and privacy matters. He has years of experience as a data breach and privacy lawyer, having played a significant role as class counsel in successfully litigating numerous data breach and privacy class actions from inception through discovery and court approved settlements, recovering millions of dollars for hundreds of thousands of consumers, patients, students, and employees across the country who have been victims of negligent data security and privacy practices.



Kyle McLean

Attorney

Kyle McLean obtained his J.D. in 2019 from the University of California, Hastings College of the Law, with an emphasis in Civil Litigation and Alternative Dispute Resolution. He was selected to participate in the Hastings Appellate Program, where he was one of only two students chosen to represent a pro bono client before the Ninth Circuit Court of Appeals and deliver oral and written argument before the Court. He received his B.A. in History and Economics from California Polytechnic University, Pomona in 2015. Prior to joining Siri & Glimstad, Mr. McLean defended a wide variety of complex civil matters.



Mr. McLean presently represents individuals in complex class action privacy litigations, including claims for illegally spamming consumers with unwanted telephone advertisements, unlawful requests for employees' genetic information (e.g., family medical history), and numerous victims of data breaches. Mr. McLean has served as counsel in approximately 40 cases alleging violations of the Illinois Genetic Information Privacy Act, through which Siri & Glimstad has successfully opposed several motions to dismiss, including *Taylor, et al. v. Union Pacific Railroad Company*, No. 23-cv-16404 (N.D. Ill.), *Williams v. The Peoples Gas Light and Coke Company*, No. 2023-CH-08058 (Cir. Ct. of Cook Cty.), *Basden v. OSF Healthcare System, et al.*, No. 2023-CH-07646 (Cir. Ct. of Cook Cty.), and *Henry v. The Segerdahl LLC*, No. 2023-CH-09167 (Cir. Ct. of Cook Cty.). He has also prevailed on multiple motions to strike the affirmative defenses raised in response to the allegations of the complaints in these matters.

Oren Faircloth

Attorney

Oren Faircloth graduated from McGill University in 2009 with a Bachelor of Arts degree in Political Science. Before attending law school, he served in the armed forces from 2010 to 2011. Mr. Faircloth graduated from Quinnipiac University School of Law, *magna cum laude*, in 2016.

Prior to joining Siri & Glimstad, Mr. Faircloth worked for a boutique law firm where he spearheaded ERISA class action lawsuits against Fortune 500 companies, including: Huntington Ingalls, Rockwell Automation, Raytheon, UPS, U.S. Bancorp, Delta Air Lines, and Sprint. Mr. Faircloth

was involved in the prosecution of numerous successful class actions in which over \$100 million dollars have been recovered for tens of thousands of employees around the country. In 2022, Mr. Faircloth was recognized by Super Lawyers magazine as a Rising Star in the field of class action.





Mr. Faircloth focuses his practice on class actions and representing individuals in complex litigations. He presently represents individuals who have been denied reimbursement for work-related expenses from their employers, denied sufficient lactation accommodations in the workplace, and denied actuarially equivalent pension benefits. Mr. Faircloth has also represented several individuals on a pro bono basis, negotiating favorable settlements for violations of their constitutional rights.

Wendy Cox

Attorney

Prior to joining Siri & Glimstad, Ms. Cox served for 21 years in the United States Army as an Army Nurse Corps officer and as an Army Judge Advocate. As a nurse corps officer, Ms. Cox worked in several clinical settings to include a pediatric unit, a specialty surgical unit, and an orthopedic surgical unit. During her last year as an Army Nurse Corps officer, she taught Army medics in basic life-saving skills before being selected by the Army to attend law school. After graduating law school in 2005, Ms. Cox prosecuted soldiers, advised on operational law issues, taught Constitutional Law at West Point, and advised senior leaders on a variety of legal issues. Following her retirement from the United States Army in 2018, she went on to continue serving soldiers as an attorney for the Office of Soldiers' Counsel.



Wendy Cox graduated *cum laude* from the State University at Buffalo Law School in New York and *summa cum laude* from Norwich University with a Bachelor of Science in Nursing. She went on to get her Master of Laws (L.L.M.) degree in Military Law in 2008.

Catherine Cline

Attorney

Catherine Cline has extensive experience in a wide range of civil law, including constitutional, administrative, employment, and election law. Prior to joining Siri & Glimstad, Ms. Cline served as a judicial law clerk for judges in the U.S. District Court for the Middle District of Pennsylvania, the Commonwealth Court of Pennsylvania, and the Supreme Court of Pennsylvania.

Ms. Cline attended law school on a full tuition scholarship, during which time she served as the Editor-in-Chief of the law review and as intern for a U.S. District Court Judge in the Middle District of Florida. Before attending law school, Ms. Cline received her Bachelor of Arts in Economics with a Minor in Business and the Liberal Arts from Penn State University and worked in the Tax Credit Division of the Pennsylvania Department of Community and Economic Development.



Dana Smith

Attorney

Dana Smith is a seasoned litigator. Prior to joining Siri & Glimstad, Ms. Smith focused most of her legal career on personal injury litigation, including representing individuals harmed due to corporate negligence. Ms. Smith is also experienced in various domestic areas of practice, including divorce, high-conflict custody disputes, and child welfare law.

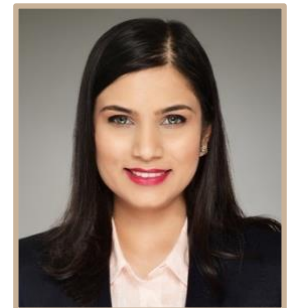
Ms. Smith graduated *cum laude* from the North Carolina Central University School of Law. Additionally, she received her Bachelor of Arts in Romance Languages from the University of North Carolina at Chapel Hill.



Sonal Jain

Attorney

Sonal Jain has experience in complex commercial litigations as well as class actions. Ms. Jain graduated from the New York University School of Law with an LLM in International Business Regulation, Litigation and Arbitration in 2020 where she gained experience with international dispute resolution. She received her first degree in law (B.A. LL.B.) from ILS Law College, Pune, a prime legal education institution in India. Prior to joining Siri & Glimstad, Ms. Jain held various internships with top-tier law firms in India where she specialized in complex dispute resolution ranging from consumer and corporate litigation to domestic arbitrations.



Jack Spitz

Attorney

Jack R. Spitz is a graduate of Rutgers School of Law where he was a member of the Rutgers Law Record Journal and interned with the Essex County Public Defender's Office. Following law school, he served as Law Clerk for two judges at the Middlesex County Superior Court in New Brunswick, New Jersey. Subsequently, Mr. Spitz defended a wide variety of personal injury and property damage matters, as well as represented Plaintiffs in employment litigation matters. Prior to law school, Mr. Spitz graduated from Clemson University in South Carolina.





Gabrielle Williams

Attorney

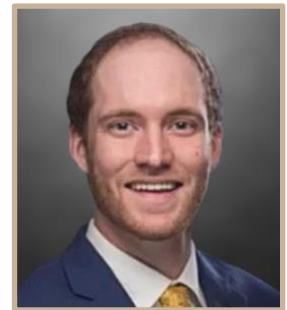
Ms. Williams obtained her J.D. from the University of Maryland Francis King Carey School of Law. During her time in law school, she represented clients in state court through the Justice for Victims of Crime Clinical Law Program. She also served as an Associate Editor on the Journal of Healthcare Law and Policy, Executive Board Member of the Black Law Students Association, and Class Representative for the Student Bar Association. Prior to joining Siri and Glimstad, Ms. Williams served as a Judicial Law Clerk on the Appellate Court of Maryland.



Neil Williams

Attorney

With a robust background in data breach litigation, Mr. Williams is a seasoned legal professional dedicated to protecting the interests of clients in the digital age. Leveraging his extensive experience in cybersecurity law and privacy regulations, he has successfully represented numerous individuals in complex data breach cases. Mr. Williams meticulously navigates the intricate legal landscape surrounding data breaches, providing strategic counsel and vigorous advocacy to achieve favorable outcomes for his clients.



Mr. Williams received his J.D. from Charleston School of Law, where he was awarded CALI Awards on two occasions for the top grade in his class. He also worked alongside several South Carolina Pro Bono Services to ensure that competent legal representation was reaching the most at need populations in the area. Mr. Williams received his undergraduate degree from the University of South Carolina



Notable Class Actions Handled By Siri & Glimstad LLP

Buchanan v. Sirius XM Radio, Inc.

Case No. 3:17-cv-00728 (N.D. Tex.)

Appointed co-lead class counsel in a case alleging violations of the TCPA, which resulted in a settlement of \$25,000,000, plus free satellite radio service, to a class of 14.4 million members.

Thomas v. Dun & Bradstreet Credibility Corp.

Case No. 15-cv-3194 (S.D. Cal.)

Appointed co-lead class counsel in a case alleging violations of the TCPA which resulted in a settlement of \$10,500,000.

Gatto v. Sentry Services, Inc., et al.

Case No. 13 CIV 05721 (S.D. N.Y.)

Appointed co-lead class counsel in a case involving ERISA claims relating to an ESOP which resulted in a settlement of \$11,138,938.

Kindle v. Dejana

Case No. 14-cv-06784 (E.D. N.Y.)

Appointed co-lead trial counsel for plaintiffs in an ERISA matter filed as a class action involving breaches of fiduciary duty related to the management and termination of an ESOP, which settled after the beginning of trial for \$1,080,000 for the class.

MacNaughton v. Young Living Essential Oils, LC,

67 F.4th 89 (2d Cir. 2023)

Successfully reversed motion to dismiss, creating a significant precedent regarding the definition of “puffery” in N.Y. false advertising cases.

MacNaughton v. Young Living Essential Oils, LC,

Case No. 24LA0329 (Cir. Ct. Ill.)

Received final approval of settlement in false advertising class action valued at \$10,000,000.

California Pizza Kitchen Data Breach Litigation

Case No. 8:21-cv-01928 (C.D. Cal.)

Appointed co-lead class counsel for plaintiffs in a data breach class action where the district court granted final approval to a settlement that provided \$2,100,000 in value to over 100,000 class members, subject to current appeal.



Carter, et al. v. Vivendi Ticketing US LLC d/b/a See Tickets

Case No. 8:22-cv-01981 (C.D. Cal.)

Final approval granted, appointing firm as sole class counsel, in a data breach class action settlement involving 437,310 class members and a \$3,000,000 non-reversionary settlement fund.

Armstrong et al. v. Gas South, LLC

Case No. 22106661 (Ga. Sup. Ct., Cobb Cty.)

Obtained final approval of a class settlement involving approximately 40,000 class members and valued at over \$9,000,000.

Medina v. Albertsons Companies, Inc.

Case No. 1:23-cv-00480 (D. Del.)

Obtained final approval of a class settlement involving 33,000 class members and a \$750,000 non-reversionary settlement fund.

In re Sovos Compliance Data Security Incident Litigation

Case No. 1:23-cv-12100-AK (D. Mass.)

Obtained final approval of a class settlement that includes a non-reversionary settlement fund of \$3,534,128.50 involving 490,000 individuals, and separate from the settlement fund, requires the defendant to pay for data security improvements.

Owens v. US Radiology Specialists, Inc.,

Case No. 22 CVS 17797 (N.C. Super. Ct.)

Received final approval for settlement in data breach involving 1,309,429 customer's private health information, creating non-reversionary settlement fund of \$5,050,000 to compensate class members.

In re: Planet Home Lending, LLC Data Breach

Case No. 3:24-cv-127 (D. Conn.)

Preliminary approval granted for data breach settlement affecting 285,000 individuals, which will create a non-reversionary settlement fund valued at \$ 2,425,000.

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident

Case No. 2:23-cv-07498 (C.D. Cal.)

Obtained preliminary approval of settlement in second data breach affecting 323,498 individuals, where the settlement agreement calls for the creation of a non-reversionary settlement fund in the amount of \$3,250,000.

Forta File Transfer Software Data Security Breach Litigation

Case No. 24-MD-03090-RAR (S.D. Fl.).

Appointed to leadership team in nationwide multi-district litigation concerning data breach affecting more than 4,000,000 individual's personal and health information.

Exhibit 2

<p>Kyle McLean (SBN 330580) kmclean@sirillp.com Mason Barney (<i>pro hac vice</i>) mbarney@sirillp.com Tyler Bean (<i>pro hac vice</i>) tbean@sirillp.com SIRI & GLIMSTAD LLP 700 S. Flower Street, Suite 1000 Los Angeles, CA 90017 Tel: (213) 376-3739</p>	<p>Nicholas A. Migliaccio (<i>pro hac vice</i>) nmigliaccio@classlawdc.com Jason S. Rathod (<i>pro hac vice</i>) jrathod@classlawdc.com MIGLIACCIO & RATHOD LLP 412 H Street NE, Suite 302 Washington, DC, 20002 Tel: (202) 470-3520</p>
<p>Kristen Lake Cardoso (SBN 338762) cardoso@kolawyers.com Jeff Ostrow (<i>pro hac vice</i>) ostrow@kolawyers.com Kenneth Grunfeld (<i>pro hac vice</i>) grunfeld@kolawyers.com KOPELOWITIZ OSTROW P.A. One West Las Olas Blvd., Suite 500 Fort Lauderdale, FL 33301 Tel: (954) 525-4100</p>	

Interim Co-Lead Class Counsel

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

Lead Case No. 2:23-cv-07498

Case No.: 3:22-cv-04823

**DECLARATION OF NICHOLAS A.
MIGLIACCIO IN SUPPORT OF
MOTION FOR AWARD OF
ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS**

DATE: DECEMEBER 16, 2024

TIME: 10:00 AM

CTRM: 5A

Nicholas A. Migliaccio, being duly sworn, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Migliaccio & Rathod (“M&R”), co-counsel for Plaintiffs Mandi Peterson, Scott Fitzgerald, Zachary Richmond, Tom Loughead, Mason Verderame, Katie Jezierny, Rian Bodner, Christopher Aragon, and Candice Zinner, in the above matter, together with my co-counsel at Siri & Glimstad LLP (“Siri”), and Kopelowitz Ostrow P.A. (“K.O.”). As one of the three Interim Co-Lead Class Counsel, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course of M&R’s business. I submit this declaration in support of Class Counsel’s application for an award of attorneys’ fees in above-captioned action (the “Action”), as well as for reimbursement of expenses incurred by my firm in connection with the Action.

2. As Co-Lead Counsel for the Class, the attorneys of my firm were involved in performing numerous tasks, including but not limited to: pre-litigation investigation of the facts herein; drafting and redrafting of the initial complaint, vetting of and communications with clients, prospective class members and class members; drafting and researching portions of the Consolidated Amended Complaint, participating in negotiations; attention to litigation strategy with co-counsel; exchanging informal discovery with Defendant; researching and reviewing files to prepare pre-mediation briefing; preparing for and participating in a mediation session before Robert A. Meyer, Esq., JAMS mediator; participating in numerous settlement discussions post-mediation session; participating in the preparation and negotiation of the corresponding term sheet in connection with the substantive Settlement; legal research, review of file,

reviewing comparable settlements in ECF, LEXIS and Courtlink databases; participating in the preparation and revision of the Settlement Agreement; participating in the review, revision and negotiation of language for Settlement Agreement exhibits (drafts of class notice, Settlement claim form, and proposed Preliminary Approval Order and Final approval Order); participating in numerous conferences with counsel for Defendant regarding the mechanics of the Settlement claims process and Settlement documents; preparation of Request For Proposal(s) with multiple potential Claims Administrators; reviewing proposals from multiple Claims Administrators and drafting of comparison chart of same; meetings with Claims Administrators, preparation of Preliminary Approval Motion and joint certification of counsel in support thereof; coordinating and completing exhibits to Motion for Preliminary Approval; preparing and revising memorandum of law in support of Preliminary Approval; discussions with Kroll Settlement Administration, LLC as Claims Administrator; and reviewing notice program and claims process with the Claims Administrator.

3. The schedule attached hereto as **Exhibit 1** is a summary indicating the amount of time spent by each attorney and professional support staff employee of M&R who was involved in the Action based on the various tasks, and the lodestar calculation based on M&R's current billing rates. The lodestar schedule annexed hereto (Exhibit 1) was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. I anticipate that scores of additional hours will need to be spent on preparation, finalizing and filing of the Final Approval motion papers, preparing for argument of that motion; attending and presenting at the Final Approval hearing and preparing the oppositions to any objections is estimated based on my experience with prior consumer class action settlements.

4. Prior to the Final Approval Hearing, scheduled for December 16,

2024, Class Counsel intend to supplement the record herein and submit the actual additional time expended up through that point prior to the Final Approval hearing.

5. The hourly rates for the attorneys and professional support staff at M&R included in **Exhibit 1** are the same rates which have been accepted in other consumer class action litigation the firm has successfully litigated.

6. The total number of hours expended on this Action by M&R to date (and anticipated to be incurred through the conclusion of this matter) is 154.9. The total lodestar for my firm for that period is \$122,643.90.

7. M&R's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

8. As detailed in the schedule attached hereto as **Exhibit 2**, M&R has incurred a total of \$4,570.49 in unreimbursed expenses to date in connection with the prosecution of this Action. It is expected that additional expenses will be incurred in the future in the Action and such additional expenses, if any, will be submitted in Plaintiffs' supplemental submissions.

9. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

10. With respect to the standing of M&R, attached hereto as **Exhibit 3** is a brief biography of my firm and attorneys in my firm who were principally involved in this Action.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.

Dated: September 12, 2024

/s/ Nicholas A. Migliaccio
Nicholas A. Migliaccio

Exhibit 1

EXHIBIT 1

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident

Case No. 2:23-cv-07498

TIME & LODESTAR CHART (By Category)
Migliaccio & Rathod LLP

PERIOD: Inception to August 27, 2024

Name/Position	Pre-Litigation Investigation, Complaint Drafting, and Complaint Service	Draft and File Stipulations and Pro Hac Vice Applications	Mediation Communications, Preparation, and Attendance at Mediation Session	Settlement Negotiations and Settlement Agreement Drafting	Draft and File Motion for Preliminary Approval and Ancillary Documentation	Draft and File Motion for Final Approval and Ancillary Documentation	Draft and File Motion for Attorneys' Fees and Service Awards	Settlement Administration	Miscellaneous Administrative Tasks	Hours	Hourly Rate	Lodestar
Nicholas A. Migliaccio (P)	2.2	0.7	11.0	7.2	4.8		2.5	4.5		32.9	\$1,057.00	\$34,775.30
Jason S. Rathod (P)	2.5	0.7	2.9	8.6						14.7	\$878.00	\$12,906.60
Saran Q. Edwards (SA)	8.5		10.0	12.8	15.6		9.2	9.8		65.9	\$878.00	\$57,860.20
Tess Russell (A)	36.4									36.4	\$437.00	\$15,906.80
Christian Huggard (PL)	5.0									5.0	\$239.00	\$1,195.00
												\$0.00
												\$0.00
												\$0.00
												\$0.00
TOTAL										154.9		\$122,643.90

Position Key	
P = Partner	
SA = Senior Associate	
A = Associate	
PL = Paralegal	

Exhibit 2

EXHIBIT 2

*In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security
Incident*

Case No. 2:23-cv-07498

EXPENSE CHART (By Category)

MIGLIACCIO & RATHOD LLP

PERIOD: Inception to August 27, 2024

Category	Amount
Computer Research and Electronic Document Retrieval	\$
Travel, Hotel, Meals and Related Expenses	\$
Photocopying (including commercial or internal copying)	\$
Facsimilie and Long Distance Telephone	\$
Postage and Overnight Delivery (Fed Ex, UPS)	\$
Court Filing Fees/Service of Process Fees	403.83
Mediation Fees	\$4,166.66
Process Service	\$
TOTAL	4570.49

Exhibit 3



MIGLIACCIO&RATHODLLP

SUMMARY

The attorneys at Migliaccio & Rathod LLP (“M&R”) have decades of experience in complex civil litigation and have successfully prosecuted a number of noteworthy consumer protection, data breach and privacy, civil rights, and wage theft cases. The firm’s attorneys, located in Washington D.C. and San Francisco, focus primarily on class or collective actions and take all of their cases on a contingent basis. The attorneys at the firm have litigated cases leading to recoveries of hundreds of millions of dollars for consumers, workers, and other victims of corporate misconduct. M&R has a track record of investing the time, energy, and resources necessary to develop cases which implicate significant economic, societal, privacy, and health concerns.

NOTABLE MATTERS AND SUCCESSES

- *In Re: Kia Hyundai Vehicle Theft Litigation*, No. 8:22-ml-03052-JVS-KES (C.D. Cal.). Represent plaintiffs in MDL concerning a security vulnerability in millions of vehicles manufactured by Hyundai and Kia that made them susceptible to theft. A non-reversionary common fund settlement totaling \$80-\$145 million is pending approval and the litigation resulted in a software update being provided to class members to address the underlying security vulnerability.
- *Valsartan N-Nitrosodimethylamine (NDMA) Products Liability Litigation*, MDL Case No: 1:19-md-02875-RBK-JS (D.N.J.). Represent plaintiffs in multi-district litigation arising from worldwide recalls of generic Valsartan that had been found to be contaminated with probable human carcinogens. M&R was appointed to the Plaintiffs’ Steering Committee and serves as co-chair of the medical monitoring committee. The court granted class certification for medical monitoring for several states and appointed M&R attorney as one of two class counsel.
- *In re: Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation*, MDL No. 3014 (W.D. Pa.). Represent plaintiffs in MDL. M&R attorney one of 12 appointed to Plaintiff Steering Committee and co-chairs the Science and Experts Committee as well as chairs the Class Action and Experts Subcommittee.
- *Young v. Nationwide Mut. Ins. Co.*, 693 F.3d 532, 535 (6th Cir. 2012). Represented classes of insureds against several major insurance companies for the failure to use technological advances in verifying the addresses of insureds, leading to overcharges. The Sixth Circuit opinion was foundational for a relaxed standard for ascertainability in that circuit. Litigation culminated in several multi-million dollar settlements.
- *Carmack v. Snap-On Inc.*, 2:22-cv-695 (E.D. Wis.). M&R was sole settlement class counsel in settlement for nationwide class of employees whose information was compromised in a data breach. The settlement provided for reimbursement of certain categories of losses as well as enhancement of cybersecurity practices.



- *McHenry v. Advent Health Partners, Inc.*, 3:22-cv-00287 (M.D. Tenn.). M&R was settlement class counsel, along with one other firm, in settlement for nationwide class of patients whose private information was exposed in a cyberattack. The settlement provided for reimbursement of certain categories of losses as well as enhancement of cybersecurity practices.
- *Carlotti v. ASUS Computer International, et al*, No. 18-cv-00369 (N.D. Cal.). Represented plaintiffs in a class action suit brought on behalf of purchasers of ASUS Rog Strix GL502VS or GL502VSK laptops with defective batteries or which overheat due to their insufficient cooling system. Benefits of the resulting settlement include cash payment of up to \$110 or credit certificate of up to \$210 for any impacted individual. Settlement valued at \$16 million.
- *Brown et al. v. Hyundai Motor America, et ano.*, Case. No. 2:18-cv-11249 (D.N.J.) M&R was appointed co-lead class counsel in an action brought arising from Hyundai's alleged manufacture, design, marketing and sale of vehicles with a piston-slap defect. The case settled on a class-action basis, and class members were provided with an extended warranty, and reimbursement of expenses.
- *In re National Security Agency Telecommunications Records Litigation*, Case No. 3:06-md-01791 (N.D. Cal.). Represented Sprint subscribers in privacy suit against telecom companies to enjoin the alleged disclosure to the National Security Agency of telephone calling records. Appointed, with co-counsel, interim lead counsel for the Sprint subscriber class in the MDL proceedings. The litigation was ultimately dismissed after Congress granted retroactive immunity to the telecom companies.
- *Wheeler et al. v. Lenovo (United States) Inc.*, Case No. 13-0007150 (D.C. Sup. Ct.) and *Kacsuta v. Lenovo (United States), Inc.*, Case No. 13-00316 (C.D. Cal.). Represented plaintiffs in a class action brought on behalf of purchasers of Lenovo laptops that suffered from Wi-Fi connectivity problems. Served among the Court-appointed class counsel in a nationwide settlement where Lenovo agreed to refund \$100 cash or issue a \$250 voucher (which required no purchase to use) to owners of the laptops.
- *Fath et al. v. Honda North America, Inc.*, Case No. 0:18-cv-01549 (D. Minn.). M&R served on the Plaintiff Steering Committee in this nationwide action arising from Honda's alleged manufacture, design, marketing and sale of vehicles with a fuel dilution defect. The case settled on a class action basis, and class members were provided with an extended warranty, reimbursement of expenses, and a product update where applicable.
- *Washington v. Navy Federal Credit Union*, Case No. 2019 CA 005735 B (D.C. Super. Ct.). Represented a settlement class of individuals whose rights were allegedly violated by Navy Federal Credit Union when they had their vehicles repossessed. The court granted approval of the \$800,000 common fund class action settlement in the Fall of 2020. Each class member received no less than \$748.12.



- *Hill v. County of Montgomery et al.*: Case No.: 9:14-cv-00933 (N.D.N.Y.). M&R served as co-lead counsel in this conditions of confinement civil rights class action for the alleged provision of insufficient sustenance in the Montgomery County Jail in upstate New York. After years of litigation, the case settled on a class action basis for \$1,000,000, providing significant relief to the class of inmates and detainees.
- *Vasquez et al. v. Libre by Nexus, Inc. et al.*: Case No. 4:17- cv-00755 (N.D.Cal.). Represented migrants released from detention who allegedly suffered from unfair and deceptive practices – including having to wear an ankle monitor – by the middleman that arranged for bond to be posted. A nationwide class action settlement has been granted final approval.
- *In re: JUUL Labs, Inc. Products Litigation*, Case No. 3:18-cv-02499 (N.D. Cal.) M&R was appointed as co-lead interim class counsel prior to formation of an MDL in action brought on behalf of a nationwide class arising from marketing and sale of electronic cigarettes by JUUL, the world’s largest e-cigarette manufacturer. M&R wrote key aspects of the motion to dismiss briefing, which was later relied on in MDL opinions. In the MDL, M&R assisted with class representative discovery.
- *Adeli v. Silverstar Automotive, Inc.*, Case No. 5:17-cv-05224 (W.D. Ark.). M&R was co-lead trial counsel in this individual consumer fraud suit for economic losses that resulted in a trial verdict of over \$5.8 million, the vast majority of which was in punitive damages (judgment later reduced to \$533,622, inclusive of a reduced but sizable punitive damages amount, which was affirmed by the Eighth Circuit Court of Appeals).
- *Bendetowies et al. v. Facebook, Inc.*: Case No. 1:18-cv-06263 (N.D.Cal.). Represented consumers in a class action against Facebook for its failure to exercise reasonable care in securing and safeguarding its account holders’ Private Information. Plaintiffs alleged that Facebook’s security failures exposed Plaintiffs’ and Class members’ Private Information to a massive security breach affecting approximately 50 million Facebook users. The failures put Plaintiffs’ and Class members’ personal and financial information and interests at serious, immediate, and ongoing risk.
- *Sonya O. Carr v. Transit Employee Federal Credit Union*: Case No. 19-cv-005735 (D.C. Super. Ct.). Represented a settlement class of individuals whose rights were allegedly violated by Transit Employee Federal Credit Union when they had their vehicles repossessed. The court granted approval of a \$215,000 common fund class action settlement. Each class member received no less than \$1,000.
- *Matthews v. TCL Communications et al.*, Case No. 3:17-cv-95 (W.D.N.C.). Represented plaintiffs in a class action brought on behalf of purchasers of Alcatel OneTouch Idol 3 smartphones who alleged that a firmware update removed Band 12 LTE functionality from their phones, greatly reducing their functionality. Served as Court-appointed class counsel in a class action settlement which provided class members with either the reinstatement of Band 12 LTE functionality on their phones, or new phones with LTE Band 12 functionality.



- *Snodgrass v. Bob Evans*, Case No. 2:12-cv-768 (S.D. Ohio). Represented Bob Evans’ Assistant Managers in a case alleging that Bob Evans, a restaurant chain with hundreds of locations predominantly in the Midwest, had misclassified its Assistant Managers as exempt from federal and state overtime laws. After a landmark ruling on the application of the so-called “fluctuating workweek” method of payment, the lawsuit settled for \$16.5 million. The gross recovery per class member was approximately \$6,380. In issuing its order approving the settlement, the court took special note of the “competence of class counsel in prosecuting this complex litigation.”
- *Corbin v. CFRA, LLC*, Case No. 1:15-cv-00405 (M.D.N.C.). Represented 1,520 servers in collective action against major IHOP franchise for wage theft violations, culminating in \$1.725 million settlement.
- *Craig v. Rite Aid*, Case No. 4:08-CV-2317 (M.D. Pa.). Represented Rite Aid Assistant Managers in a case alleging that Rite Aid had misclassified its Assistant Managers as exempt from federal and state overtime laws. Plaintiffs alleged that their primary duties involved manual labor such as loading and unloading boxes, stocking shelves, cashiering and other duties which are not exempt under federal and state overtime laws. After extensive litigation, the case settled for \$20.9 million, covering over 1,900 current and former assistant store managers. In issuing its order approving the settlement, the court stated that the settlement “represents an excellent and optimal settlement award for the Class Members” resulting from “diligent, exhaustive, and well-informed negotiations.”
- *Peppler, et al. v. Postmates, Inc.*, Case No. 2015 CA 006560 (D.C. Sup. Ct.) and *Singer, et al. v. Postmates, Inc.*, 4:15-cv-01284-JSW (N.D. Cal.). Represented plaintiffs in a wage theft class action against application-based courier startup company, alleging that the couriers were misclassified as independent contractors. M&R was named class counsel in the settlement agreement providing for \$8.75 million in relief to a nationwide class.
- *Bland v. Calfrac Well Services*, Case No. 2:12-cv-01407 (W.D. Pa.). Represented oil field workers in a nationwide collective and class action lawsuit against Defendant Calfrac Well Services for its alleged failure to properly pay overtime to its field operators. After extensive litigation, the case settled for \$6 million, which provided a gross recovery per class member of between \$250 and approximately \$11,500.
- *Nelson v. Sabre Companies LLC*, Case No. 1:15-cv-0314 (N.D.N.Y.). M&R was lead counsel in this nationwide collective action that settled for \$2.1 million on behalf of oil and gas workers for unpaid overtime.
- *Beture v. Samsung Electronics America*, Case No. 17-cv-05757 (D.N.J.). M&R was appointed as co-lead interim class counsel in action brought on behalf of a nationwide class arising from a hardware defect affecting hundreds of thousands of Samsung Galaxy Note 4 smartphones.



- *McFadden et al. v. Microsoft Corporation*, Case No. 2:20-cv-00640 (W.D. Wash.) M&R was appointed as co-lead interim class counsel in an action brought on behalf of a nationwide class arising from a hardware defect affecting Microsoft X-Box video game controllers.
- *Restaino et al. v. Mario Badescu, Inc.*, Case No. MID-L-5830-14 (N.J. Super. Ct.). Represented 36 individuals who had become physically addicted to undisclosed corticosteroids in a purportedly botanical face cream, and sought damages for personal injuries arising from the symptoms of topical steroid withdrawal. After three years of litigation, the case settled for significant relief to the plaintiffs.
- *Walsh et al. v. Globalstar, Inc.*, Case No. 3:07-cv-01941 (N.D. Cal.), represented Globalstar satellite telephone service customers who brought claims that Globalstar knew that it was experiencing failures in its satellite constellation and its satellite service was rapidly deteriorating and was no longer useful for its intended purpose, yet failed to disclose this information to its potential and existing customers. Served as Court-appointed class counsel in a nationwide settlement that provided an assortment of benefit options, including, but not limited to, monetary account credits, free minutes, or cash back for returned equipment.
- *Delandro v. County of Allegheny*, Case No. 06-927 (W.D. Pa.). Represented pre-trial detainees who were subjected to unlawful strip searches prior to their admission at Allegheny County Jail, located in Pittsburgh, PA. After winning class certification, partial summary judgment on liability, and an injunction, the case settled for \$3 million.
- *Nnadili v. Chevron*, Case No. 02-1620 (D.D.C.). Represented owners and residents of properties in the District of Columbia that were contaminated with gasoline constituents from leaking underground storage tanks that were installed by Chevron. The plaintiffs, who resided in over 200 properties in the Riggs Park neighborhood of Northeast Washington, D.C., alleged that Chevron's contamination interfered with the use and enjoyment of their property, impacted their property values, constituted a trespass on their land, and caused fear and emotional distress. The United States Environmental Protection Agency conducted an extensive investigation into the contamination. After approximately five years of litigation, the case settled for \$6.2 million.
- *Ousmane v. City of New York*, Case No. 402648/04 (NY Sup. Ct.). Represented New York City Street vendors in a pro bono class action suit against the City of New York for excessive fines and helped secure a settlement with a value of over \$1 million.
- *Stillman v. Staples*, Case No. 07-849 (D.N.J.). Represented Staples Assistant Managers in Fair Labor Standards Act Claims for unpaid overtime. Served as a member of the trial team where the plaintiffs won a nearly \$2.5 million verdict against Staples for unpaid overtime on behalf of 342 sales managers after a six-week jury trial. After the verdict, nearly a dozen wage and hour cases against Staples from across the country were consolidated in a multi-district litigation. Served in a central role in the consolidated litigation, which lasted nearly two years after the *Stillman* verdict. The consolidated litigation ultimately settled for \$42 million.



ATTORNEYS

Nicholas A. Migliaccio

Nicholas Migliaccio has been practicing for over 20 years and litigates across the firm's practice areas. He has successfully prosecuted numerous noteworthy class and mass action cases over the course of his career, and has been appointed class counsel in both litigation and settlement classes. He has been recognized by his peers as a Superlawyer in 2016 - 2023.

Mr. Migliaccio graduated from the State University of New York at Binghamton in 1997 (B.A., *cum laude* in Environmental Studies and Philosophy) and received his law degree from Georgetown University Law Center in 2001, where he was an Editor of the Georgetown International Environmental Law Review.

Notable Cases Include:

- Represented assistant managers in a Fair Labor Standards Act misclassification case and served as a member of the trial team for a six-week jury trial that resulted in a \$2.5 plaintiffs' verdict. After the verdict, nearly a dozen wage and hour cases against the defendant from across the country were consolidated in a multi-district litigation. Served in a central role in the consolidated litigation, which ultimately settled for \$42 million.
- Represented worker class in wage theft assistant manager misclassification case against national restaurant chain that culminated in a \$16.5 million settlement
- Represented worker class in wage theft rate miscalculation case against multinational fracking company, resulting in \$6 million settlement
- Represented plaintiffs in a consumer class in defective laptop case against multinational computer manufacturer, resulting in a nationwide settlement where defendant agreed to refund \$100 cash or issue a \$250 voucher (which required no purchase to use) to owners of the laptops.
- Represented pre-trial detainees who were subjected to unlawful strip searches prior to their admission at Allegheny County Jail, located in Pittsburgh, PA. After winning class certification, partial summary judgment on liability, and an injunction, the case settled for \$3 million.
- Represented owners and residents of properties in the District of Columbia that were contaminated with gasoline constituents from leaking underground storage tanks that were installed by a major oil company. The plaintiffs alleged that the contamination interfered with the use and enjoyment of their property, impacted their property values, constituted a trespass on their land, and caused fear and emotional distress. After extensive litigation, the case settled for \$6.2 million.
- Represented New York City street vendors in a pro bono class action suit against the City of New York for excessive fines and helped secure a settlement with a value of over \$1 million.
- Appointed to leadership in recent major data breach cases involving hospitals and health records, including in *In re Netgain Technology, LLC, Consumer Data Breach Litigation*,



No. 0:21-cv-01210 (D. Minn.) and in *In re Eskenazi Health Data Incident Litigation*, No. 49D01-2111-PL-038870 (Ind. Sup. Ct.)

Admissions:

- New York
- Washington, D.C.
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the District of Colorado
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York
- United States District Court for the Western District of Pennsylvania

Education:

- Georgetown University Law Center, J.D., 2001
- State University of New York at Binghamton, BA, 1997

Publications and Speaking Engagements:

- Co-authored “Environmental Contamination Treatise: Overview of the Litigation Process,” in R. Simons, Ph.D, *When Bad Things Happen to Good Property* (Environmental Law Institute, 2005).
- Presentation on *The Motor Carrier Act Exception to the FLSA’s Overtime Provisions - 13(b)(1) and the SAFETEA-LU Amendments*, Worker’s Injury Litigation Group / Ohio Association of Justice Meeting, Winter 2014.
- Presentation on *Litigating Fair Labor Standards Act Collective Action Cases*, Worker’s Injury Litigation Group / Ohio Association of Justice Convention, Fall 2011.

Awards:

- SuperLawyers, 2016, 2017, 2018, 2019, 2020, and 2021



Jason S. Rathod

Jason S. Rathod is a founding partner of Migliaccio & Rathod LLP and regarded as one of the most accomplished plaintiff-side class action litigation lawyers under the age of 40, particularly in the areas of consumer protection and defective products. Mr. Rathod has been appointed to leadership teams in some of the most high-profile cases in the country. In *In Re: Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation*, he is among a small group of lawyers appointed to the Plaintiffs' Steering Committee and serves as the co-chair of the Science and Experts Committee. He was also recently appointed to serve on the experts committee in the *In Re: Kia Hyundai Vehicle Theft* MDL. Mr. Rathod has been quoted in the national press, including in *The Wall Street Journal* and *Washington Post*. In addition to his consumer protection work, Mr. Rathod also prosecutes data privacy, wage theft, civil rights, and environmental protection cases.

Mr. Rathod has been recognized as a leader in his field beyond the courtroom. He is the author of several published works, including a law review article on aggregate litigation in poor countries. Another recent law review article that he co-authored, comparing public and private enforcement in the United State and Europe, was cited by the Consumer Financial Protection Bureau in its proposed rule prohibiting class action waivers in the fine print of consumer contracts.

Mr. Rathod graduated from Grinnell College in 2006 (B.A. with honors in Political Science and Religious Studies). After college, he traveled to Fiji, Mauritius, South Africa, Trinidad & Tobago, Guyana, and Suriname on a Watson Fellowship, studying the Indian Diaspora. He graduated law school from the Duke University School of Law in 2010, where he was an Articles Editor of the *Duke Law Journal*. In law school, he also worked for the Self-Employed Women's Association in Ahmedabad, India on behalf of street vendors seeking an injunction against the city government for unlawful harassment and evictions.

Notable Cases Include:

- Representing consumer classes in insurance overcharge cases, including by drafting appellate briefs about the propriety of class certification. The Sixth Circuit Court of Appeals affirmed order for the classes 3-0, leading to several multi-million-dollar settlements;
- Representing consumer in consumer fraud trial for economic losses that resulted in verdict for the Plaintiff on all counts and a multimillion dollar punitive damages award (later reduced on remittitur, but still totaling in the hundreds of thousands of dollars and representing a 25:1 ratio of punitive to economic damages);
- Representing consumer class of laptop purchasers against multinational corporation in nationwide class action settlement valued at over \$16 million;
- Representing consumer class of vehicle purchasers and lessees in nationwide class action settlement, following allegations of engine defect;



- Representing consumer class of vehicle purchasers and lessees in nationwide class action settlement, alleging oil dilution defect;
- Representing consumer classes in two cases in D.C. Superior Court arising from the alleged unlawful repossession of vehicles, resulting in classwide settlements with significant pro rata payments and injunctive relief, including debt relief;
- Representing consumer class at trial in product defect class action;
- Representing worker class in wage theft assistant manager misclassification case against national restaurant chain that culminated in a \$16.5 million settlement;
- Representing worker class and collective against multinational startup company for independent contractor misclassification claims, resulting in \$8.75 million settlement;
- Representing worker class in wage theft rate miscalculation case against multinational fracking company, resulting in \$6 million settlement;
- Representing over 1,500 servers in multistate collective action, resulting in \$1.72 million settlement;
- Representing consumer class in defective laptop case against multinational computer manufacturer; and
- Representing consumer class in defective construction case against multinational home builder, drafting key briefs leading to class certification and maintenance of suit in court, rather than arbitration.
- Appointed to leadership in recent major data breach cases involving hospitals and health records, including in *In re Netgain Technology, LLC, Consumer Data Breach Litigation*, No. 0:21-cv-01210 (D. Minn.) and in *In re Eskenazi Health Data Incident Litigation*, No. 49D01-2111-PL-038870 (Ind. Sup. Ct.)

Education:

- Duke University School of Law, J.D. 2010
- Grinnell College, B.A., 2006

Admissions:

- Illinois
- Washington, D.C.
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Eighth Circuit
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the District of Nebraska
- United States District Court for the Northern District of Illinois
- United States District Court for the Western District of Pennsylvania
- United States District Court for the District of Colorado



- United States District Court for the Eastern District of Michigan
- United States District Court for the Western District of Michigan

Publications and Speaking Engagements:

- *Arbitration Tactics and Strategy* (July 2020) (CLE presentation), American Association for Justice (“AAJ”)
- *Fighting for Food Policy Progress Across Legal Arenas* (panelist), Food Systems Virtual Summit with CUNY Urban Food Policy Institute (April 2020)
- *Human Capital and Fragmentation* (Nov. 15, 2019) (panelist), ClassCrits Conference
- *Plaintiffs, Procedure & Power* (Nov. 3, 2018) (panelist), ClassCrits Conference
- *DNA Barcoding analysis of seafood accuracy in Washington, D.C. restaurants*, PeerJ (April 25, 2017) (co-authored)
- *The Arc and Architecture of Private Enforcement Regimes in the United States and Europe: A View Across the Atlantic*, 14 U.N.H. L. Rev. 303 (2016) (co-authored)
- *Trying the Class Action: Practical Tips from the Pros* (AAJ) (June 4, 2015) (panelist)
- *Emerging Markets, Vanishing Accountability: How Populations in Poor Countries Can Use Aggregate Litigation to Vindicate Their Rights*, 24 Transnat’l L. & Contemp. Probs. 69 (2014)
- *Note: Not Peace, But a Sword: Navy v. Egan and the Case Against Judicial Abdication in Foreign Affairs*, 59 Duke L.J. 595 (2009)

Awards

- SuperLawyers Rising Stars, 2017, 2018, 2019, 2020, 2021, 2022, and 2023

***Mark Patronella***

Mark Patronella is an Associate at the firm and litigates class actions across the firm's practice areas. He takes particular pride in helping consumers obtain fair compensation for predatory behavior on the part of large corporations.

Mr. Patronella has been recognized for his considerable commitment to pro bono practice. He dedicated well over one thousand hours to representing asylum-seekers, tenants facing eviction, and environmental initiatives.

Mr. Patronella graduated magna cum laude from Drew University in 2015 (B.A. with honors in Economics). He graduated law school from Duke University School of Law in 2018, where he was a Staff Editor of the Duke Environmental Law and Policy Forum and served as a teaching assistant for an environmental law course. Throughout law school, he provided legal services for a number of local and national environmental organizations.

Education:

- Duke University School of Law, J.D., 2018
- Drew University, B.A., 2015

Admissions:

- New Jersey
- Washington D.C.
- United States District Court for the Southern District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Eastern District of Michigan



Eugenie Montague

Eugenie Montague is Of Counsel to the firm and litigates cases across the firm's areas of practice including in consumer protection, data breach, and wage theft class actions.

Education:

- Duke University School of Law, J.D. 2009
- UC Irvine, Master of Fine Arts, Fiction, 2010
- Colby College, B.A.

Admissions:

- California

***Bryan Faubus***

Bryan Faubus is Senior Counsel at the firm and litigates cases across the firm's areas of practice including in consumer protection, data breach, and wage theft class actions.

Mr. Faubus received a B.A. in Urban Studies, with Honors, from the University of Texas at Austin in 2005, and a J.D., *cum laude*, from Duke University School of Law, where he was the Online Editor of the Duke Law Journal. Mr. Faubus authored *Narrowing the Bankruptcy Safe Harbor for Derivatives to Combat Systemic Risk*, 59 DUKE L.J. 801 (2010). Prior to joining Migliaccio & Rathod LLP, he practiced commercial litigation and real estate law at two large, international law firms and securities, antitrust, and consumer protection law at a California-based plaintiff's law firm.

Education:

- Duke University School of Law, J.D. 2010
- University of Texas – Austin, B.A. 2005

Admissions:

- New York

***Matthew Smith***

Matthew (“Matt”) Smith Faubus is Senior Counsel at the firm and litigates in the firm’s consumer protection and civil rights practice areas. He joined M&R after practicing with nationally recognized plaintiffs' firms based in Washington D.C. and the San Francisco Bay Area. Previous successes include an \$18 million trial judgment on behalf of a class of retired steelworkers, as well as contributions to antitrust, civil rights, and employee benefits cases that have resulted in substantial settlements and judgments in favor of the class. After graduating *magna cum laude* from Duke Law School where he was inducted into the honor's society, he clerked for the Hon. Rosemary Barkett on the United States Court of Appeals for the Eleventh Circuit.

Education:

- Duke University School of Law, J.D., *magna cum laude*, Order of the Coif, 2011
 - LLM, International and Comparative Law
 - Notes Editor, Duke Law Journal
- UC Santa Cruz, MA, History of Consciousness
- Columbia University, BA, *cum laude*

Admissions:

- New York
- California

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Interim Co-Lead Class Counsel

THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

*In re: Vivendi Ticketing US LLC, d/b/a See
Tickets Data Security Incident,*

Lead Case No. 2:23-cv-07498

Case No.: 3:22-cv-04823

**DECLARATION OF KENNETH
GRUNFELD IN SUPPORT OF MOTION
FOR AWARD OF ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS**

DATE: December 16, 2024
TIME: 10:00 a.m.
CTRM: 5A

1 I, Kenneth Grunfeld, being duly sworn, hereby declares under the penalty of perjury as
2 follows:

3 1. I am a member of the law firm of Kopelowitz and Ostrow P.A. (“KO”), co-counsel
4 for Plaintiffs Mandi Peterson, Scott Fitzgerald, Zachary Richmond, Tom Loughhead, Mason
5 Verderame, Katie Jezierny, Rian Bodner, Christopher Aragon, and Candice Zinner, in the above
6 matter, together with my co-counsel, Tyler Bean of Siri & Glimstad LLP (“Siri”) and Nicholas A.
7 Migliaccio of Migliaccio & Rathod, LLP (“M&R”). As one of the three Co-Lead Counsel, I am
8 fully familiar with the facts contained herein based upon my personal knowledge and the books and
9 records kept in the ordinary course of KO’s business. I submit this declaration in support of Class
10 Counsel’s application for an award of attorneys’ fees in above-captioned action (the “Action”), as
11 well as for reimbursement of expenses incurred by my firm in connection with the Action.

12 2. KO served as Co-Lead Counsel in this Action. As co-counsel for the Class, the
13 attorneys of my firm were involved in performing the following tasks: pre-litigation investigation
14 of the facts herein, including investigation of the data breach, the history of the company; drafting
15 and redrafting of the initial complaint, vetting of and communications with clients, prospective class
16 members and class members; drafting and researching portions of the Consolidated Amended
17 Complaint; communicating with opposing counsel regarding the case and consolidation, preparing
18 for and attending mediation, and preparing and edits the settlement agreement and motion for
19 preliminary approval.

20 3. The schedule attached hereto as Exhibit 1 is a summary indicating the amount of
21 time spent by each attorney and professional support staff employee of KO who was involved in the
22 Action based on the various tasks, and the lodestar calculation based on the firm’s current billing
23 rates. The lodestar schedule annexed hereto (Exhibit 1) was prepared from contemporaneous daily
24 time records regularly prepared and maintained by my firm, which are available at the request of
25 the Court. As noted, we anticipate spending additional time and expenses on preparation, finalizing
26 and filing of the Final Approval motion papers, preparing for argument of that motion, attending
27 and presenting at the Final Approval hearing and preparing the oppositions to any objections. Based
28

1 on my experience with prior data breach consumer class action settlements, I estimate approximately
2 20 additional hours.

3 4. Prior to the Final Approval Hearing, scheduled for December 16, 2024, I am prepared
4 to supplement the record herein and submit the actual additional time worked and estimated
5 expenses up through that point prior to the Final Approval hearing.

6 5. The hourly rates for the attorneys and professional support staff at KO included in
7 Exhibit 1 are the same rates which have been accepted in other consumer class action litigation the
8 firm has successfully litigated.

9 6. The total number of hours expended on this Action by KO to date is 119.7 hours.
10 This does not include the anticipated time to be incurred through the conclusion of this matter. The
11 total lodestar for my firm for that period is \$84,019.00.

12 7. KO 's lodestar figures are based upon the firm's billing rates, which rates do not
13 include charges for expense items. Expense items are billed separately, and such charges are not
14 duplicated in my firm's billing rates.


15 8. As detailed in the schedule attached hereto as Exhibit 2, KO has incurred a total of
16 \$5,003.44 in unreimbursed expenses to date in connection with the prosecution of this Action. It is
17 expected that additional expenses will be incurred in the future in the Action, including the cost of
18 travel to California to attend and present Final Approval, and any additional expenses, will be
19 submitted in Plaintiffs' supplemental submissions.

20 9. The expenses incurred in this Action are reflected on the books and records of my
21 firm. These books and records are prepared from expense vouchers, check records and other source
22 materials and are an accurate record of the expenses incurred.

23 10. With respect to KO, attached hereto as Exhibit 3 is a brief firm resume regarding my
24 firm and the attorneys in my firm who were principally involved in this Action.

25 I hereby declare under penalty of perjury that the foregoing facts are true and correct.
26
27
28

1
2
3 Dated: September 11, 2024



Kenneth Grunfeld
Executed in Bala Cynwyd, Pennsylvania

4
5
6 **CERTIFICATE OF SERVICE**

7 I hereby certify that on September 11, 2024, I caused the foregoing to be filed
8 electronically using the Court's electronic case filing (ECF) system, which will automatically send
9 a notice of electronic filing to the email addresses of all counsel of record.

10
11 /s/ Ken Grunfeld
Kenneth Grunfeld

EXHIBIT 1

EXHIBIT 1

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident
Case No. 2:23-cv-07498
TIME & LODESTAR CHART (By Category)
KOPELOWIT OSTROW P.A.
PERIOD: Inception to August 27, 2024

Name/Position	Pre-Litigation Investigation, Complaint Drafting, and Complaint Service	Draft and File Stipulations and Pro Hac Vice Applications	Mediation Communicaitons, Preperation, and Attendance at Mediation Session	Settlement Negotiations and Settlement Agreement Drafting	Draft and File Motion for Preliminary Approval an Ancillary Documentation	Draft and File Motion for Final Approval and Ancillary Documentation	Draft and File Motion for Attorneys' Fees and Service Awards	Settlement Administration	Miscallaneous Administrative Tasks	Hours	Hourly Rate	Lodestar
Jeff Ostrow/P	0.2		13.0	1.5		1.5		2.8		19.0	\$795.00	\$15,105.00
Kenneth J. Grunfeld/P	13.7	3.8	18.6	19.7	16.7	5.0		16.6	1.1	95.2	\$695.00	\$66,164.00
Kristen L. Cardoso/P	1.7	0.6	0.5	2.4	0.2			0.1		5.5	\$500.00	\$2,750.00
TOTAL										119.7		\$84,019.00

Position Key
P = Partner
SA = Senior Associate
A = Associate
PL = Paralegal

EXHIBIT 2

EXHIBIT 2

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident

Category	Amount
Computer Research and Electronic Document Retrieval	\$
Travel, Hotel, Meals and Related Expenses	\$
Photocopying (including commercial or internal copying)	\$
Facsimilie and Long Distance Telephone	\$
Postage and Overnight Delivery (Fed Ex, UPS)	\$124.79
Court Filing Fees/Service of Process Fees	\$427.00
Mediation Fees	\$4,291.25
Process Service	\$160.40
TOTAL	\$5,003.44

EXHIBIT 3



FIRM RESUME

One West Las Olas Boulevard, Suite 500
Fort Lauderdale, Florida 33301

Telephone: 954.525.4100

Facsimile: 954.525.4300

Website: www.kolawyers.com

Miami – Fort Lauderdale – Boca Raton

OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 25 attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include Board Certified in their specialty; serving as in-house counsel for major corporations, as city and county attorneys handling government affairs, and as public defenders and prosecutors; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

CLASS ACTION PLAINTIFF

Since its founding, KO has initiated and served as lead class counsel in dozens of high-profile class actions. Although the actions are diverse by subject area, KO has established itself as one of the leading firms that sue national and regional banks and credit unions related to the unlawful assessment of fees. Their efforts spanning a decade plus have resulted in recoveries in excess of \$500 million and monumental practices changes that have changed the industry and saving clients billions of dollars.

Additionally, other past and current cases have been prosecuted for breaches of insurance policies; data breaches; data privacy; wiretapping; biometric privacy; gambling; false advertising; defective consumer products and vehicles; antitrust violations; and suits on behalf of students against colleges and universities arising out of the COVID-19 pandemic.

The firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other insurance cases include auto insurers failing to pay benefits owed to insureds with total loss vehicle claims. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

CLASS ACTION DEFENSE

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, advertising conglomerates, aircraft manufacturer and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

MASS TORT LITIGATION

The firm also has extensive experience in mass tort litigation, including serving as Lead Counsel in the Zantac Litigation, one of the largest mass torts in history. The firm also has handled cases against 3M related to defective earplugs, several vaginal mesh manufacturers, Bayer in connection with its pesticide Roundup, Bausch & Lomb for its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained tens of millions in recoveries for its clients.

OTHER AREAS OF PRACTICE

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit www.kolawyers.com.

CLASS ACTION AND MASS TORTS

FINANCIAL INSTITUTIONS

Aseltine v. Bank of America, N.A., 3:23-cv-00235 (W.D.N.C.) – Preliminary Approval - \$21 million

McNeil v. Capital One, N.A., 1:19-cv-00473 (E.D.N.Y.) – Preliminary Approval - \$16 million

Devore, et al. v. Dollar Bank, GD-21-008946 (Ct. Common Pleas Allegheny 2024) - \$7 million

Nimsey v. Tinker Federal Credit Union, C1-2019-6084 (Dist. Ct. Oklahoma 2024) - \$5.475 million

Precision Roofing of N. Fla. Inc., et al. v. CenterState Bank, 3:20-cv-352 (S.D. Fla. 2023) - \$2.65 million

Checchia v. Bank of America, N.A., 2:21-cv-03585 (E.D. Pa. 2023) - \$8 million

Quirk v. Liberty Bank, X03-HHD-CV20-6132741-S (Jud. Dist. Ct. Hartford 2023) - \$1.4 million

Meier v. Prosperity Bank, 109569-CV (Dist. Ct. Brazoria 2023) - \$1.6 million

Abercrombie v. TD Bank, N.A., 0:21-cv-61376 (S.D. Fla. 2022) - \$4.35 million

Perks, et al. v. TD Bank, N.A., 1:18-cv-11176 (E.D.N.Y. 2022) - \$41.5 million

Fallis v. Gate City Bank, 09-2019-CV-04007 (Dist. Ct., Cty. of Cass, N.D. 2022) - \$1.8 million

Glass, et al. v. Delta Comm. Cred. Union, 2019CV317322 (Sup. Ct. Fulton Ga. 2022) - \$2.8 million

Roy v. ESL Fed. Credit Union, 19-cv-06122 (W.D.N.Y. 2022) - \$1.9 million

Wallace v. Wells Fargo, 17CV317775 (Sup. Ct. Santa Clara 2021) - \$10 million

Doxey v. Community Bank, N.A., 8:19-CV-919 (N.D.N.Y. 2021) - \$3 million

Coleman v. Alaska USA Federal Credit Union, 3:19-cv-0229-HRH (Dist. of Alaska 2021) - \$1 million

Smith v. Fifth Third Bank, 1:18-cv-00464-DRC-SKB (W.D. Ohio 2021) - \$5.2 million

Lambert v. Navy Federal Credit Union, 1:19-cv-00103-LO-MSN (S.D. Va. 2021) - \$16 million

Roberts v. Capital One, N.A., 16 Civ. 4841 (LGS) (S.D.N.Y. 2021) - \$17 million

Lloyd v. Navy Federal Credit Union, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - \$24.5million

Farrell v. Bank of America, N.A., 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - \$66.6 million

Bodnar v. Bank of America, N.A., 5:14-cv-03224-EGS (E.D. Pa. 2015) - \$27.5 million

Morton v. Green Bank, 11-135-IV (20th Judicial District Tenn. 2018) - \$1.5 million

Hawkins v. First Tenn. Bank, CT-004085-11 (13th Jud. Dist. Tenn. 2017) - \$16.75 million

Payne v. Old National Bank, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - \$4.75 million

Swift. v. Bancorpsouth, 1:10-CV-00090 (N.D. Fla. 2016) - \$24.0 million

Mello v. Susquehanna Bank, 1:09-MD-02046 (S.D. Fla. 2014) – \$3.68 million

Johnson v. Community Bank, 3:11-CV-01405 (M.D. Pa. 2013) - \$1.5 million

McKinley v. Great Western Bank, 1:09-MD-02036 (S.D. Fla. 2013) - \$2.2 million

Blabut v. Harris Bank, 1:09-MD-02036 (S.D. Fla. 2013) - \$9.4 million

Wolfgeher v. Commerce Bank, 1:09-MD-02036 (S.D. Fla. 2013) - \$18.3 million

Case v. Bank of Oklahoma, 09-MD-02036 (S.D. Fla. 2012) - \$19.0 million

Hawthorne v. Umpqua Bank, 3:11-CV-06700 (N.D. Cal. 2012) - \$2.9 million

Simpson v. Citizens Bank, 2:12-CV-10267 (E.D. Mich. 2012) - \$2.0 million

Harris v. Associated Bank, 1:09-MD-02036 (S.D. Fla. 2012) - \$13.0 million

LaCour v. Whitney Bank, 8:11-CV-1896 (M.D. Fla. 2012) - \$6.8 million

Orallo v. Bank of the West, 1:09-MD-202036 (S.D. Fla. 2012) - \$18.0 million

Taulava v. Bank of Hawaii, 11-1-0337-02 (1st Cir. Hawaii 2011) - \$9.0 million

DATA BREACH AND PRIVACY

In re: Fortra, MDL No. 3090 (S.D. Fla.) – Co-Lead Counsel

Crowe, et al. v. Managed Care of North America, Inc., 0:23-cv-61065-AHS (S.D. Fla.) – Co-Lead Counsel

Malinowski, et al. v. IBM Corp. and Johnson & Johnson, 7:23-cv-08421 (S.D.N.Y.) – Co-Lead Counsel

Gordon, et al. v. Zeroed-In Technologies, LLC, et al., 1:23-CV-03284 (D. Md.) – Co-Lead Counsel

Harrell, et al. v. Webtpa Employer Services LLC, 3:24-CV-01158 (N.D. Tex.) - Co-Lead Counsel

Gambino, et al. v. Berry Dunn Mcneil & Parker LLC, 2:24-CV-00146 (D. Me.) - Co-Lead Counsel

Isaac v. Greylock McKinnon Associates, Inc., 1:24-CV-10797 (D. Mass.) - Co-Lead Counsel

Rodriguez, et al. v. Caesars Entertainment, Inc., 2:23-CV-01447 (D. Nev.) - Steering Committee Chair

Owens v. MGM Resorts International, 2:23-cv-01480-RFB-MDC (D. Nev.) - Executive Committee

Doyle v. Luxottica of America, Inc., 1:20-cv-00908-MRB (S.D. Ohio) - Executive Committee

Doe, et al. v. Highmark, Inc., 2:23-cv-00250-NR (W.D. Penn.) - Executive Committee

Silvers, et al. v. HCA Healthcare, Inc., 1:23-cv-01003-LPH (S.D. In.) - Executive Committee

In re: 21st Century Oncology, MDL No. 2737 (M.D. Fla. 2021) - \$21.8 million

In re: CaptureRx Data Breach, 5:21-cv-00523 (W.D. Tex. 2022) - \$4.75 million

Lopez, et al. v. Volusion, LLC, 1:20-cv-00761 (W.D. Tex. 2022) - \$4.3 million

Mathis v. Planet Home Lending, LLC, 3:24-CV-00127 (D. Conn.) - Preliminary Approval - \$2.425 million

Stadnik v. Sovos Compliance, LLC, 1:23-CV-12100 (D. Mass.) - Preliminary Approval - \$3.5 million

Turner v. Johns Hopkins, et al., 24-C-23-002983 (Md. Cir. Ct.) - Preliminary Approval - \$2.9 million

Peterson v. Vivendi Ticketing US LLC, 2:23-CV-07498 (C.D. Cal.) - Preliminary Approval - \$3.25 million

Katz et al. v. Einstein Healthcare Network, No. 02045 (Phila C.P.) - \$1.6 million

Opris et al v. Sincera Reproductive Medicine et al, No. 2:21-cv-03072 (E.D. PA) - \$1.2 million

Ostendorf v. Grange Indemnity Ins. Co., 2:19-cv-01147-ALM-KAJ (E.D. Ohio 2020) - \$12.6 million

Paris, et al. v. Progressive Select Ins. Co., et al., 19-21760-CIV (S.D. Fla. 2023) - \$38 million

Spielman v. USAA, et al., 2:19-cv-01359-TJH-MAA (C.D. Ca. 2023) - \$3 million

Walters v. Target Corp., 3:16-cv-1678-L-MDD (S.D. Cal. 2020) - \$8.2 million

Papa v. Grieco Ford Fort Lauderdale, LLC, 18-cv-21897-JEM (S.D. Fla. 2019) - \$4.9 million

In re Disposable Contact Lens Antitrust Litig., MDL 2626 (M.D. Fla.) - \$88 million

Vandiver v. MD Billing Ltd., 2023LA000728 (18th Jud. Dist. Ill. 2023) - \$24 million

Skerandel v. Costco Wholesale Corp., 9:21-cv-80826-BER (S.D. Fla. 2024) - \$1.3 million

Evans v. Church & Dwight Co., Inc., 1:22-CV-06301 (N.D. Ill. 2023) - \$2.5 million

In Re: Farm-Raised Salmon & Salmon Prod. Antitrust Litig., No. 1:19-cv-21551 (S.D. Fla. 2023) - \$75 million

Perry v. Progressive Michigan, et al., 22-000971-CK (Cir. Ct. Washtenaw) - Class Counsel

In re Apple Simulated Casino-Style Games Litig., MDL No. 2958 (N.D. Cal.) - Executive Committee

In re Google Simulated Casino-Style Games Litig., MDL No. 3001 (N.D. Cal.) - Executive Committee

In re Facebook Simulated Casino-Style Games Litig., No. 5:21-cv-02777 (N.D. Cal.) - Exec. Committee

In re Zantac Prods. Liab. Litig., MDL No. 2924 (S.D. Fla.) - Co-Lead Counsel

In re: National Prescription Opiate Litigation, No. MDL No. 2804 (N.D. Ohio) - \$100 million

In re: Juul Labs, No. MDL No. 2913 (N.D. Cal.) - \$26 million

In re: Davenport Hotel Building Collapse, LACE137119 (Dist. Ct. Scott Cty., Iowa) - Class Counsel

In re: 3M Combat Arms Earplug Prod. Liab. Litig., MDL No. 2885 (N.D. Fla.) - Numerous Plaintiffs

In re: Stryker Prod. Liab. Lit., 13-MD-2411 (Fla. Cir Ct.) - Numerous Plaintiffs

CONSUMER PROTECTION

MASS TORT



JEFF OSTROW

Managing Partner

ostrow@kolawyers.com

954.332.4200

Bar Admissions

Florida Bar

District of Columbia Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

U.S. District Court, Western District of Kentucky

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

U.S. District Court, District of Colorado

U.S. District Court, Southern District of Indiana

U.S. District Court, Eastern District of Texas

U.S. District Court, District of Nebraska

Education

Nova Southeastern University, J.D. - 1997

University of Florida, B.S. - 1994

Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice in 1997 immediately upon graduation from law school and has since grown the firm to 30 attorneys in 3 offices throughout south Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the area of consumer class actions. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, which is the highest possible rating by the most widely recognized attorney rating organization in the world.

Mr. Ostrow is an accomplished trial attorney who has experience representing both Plaintiffs and Defendants. He has successfully tried many cases to verdict involving multi-million-dollar damage claims in state and federal courts. He is currently court-appointed lead counsel and sits on plaintiffs' executive committees in multiple high profile nationwide multi-district litigation actions involving cybersecurity breaches and related privacy issues.

Additionally, he has spent the past 15 years serving as lead counsel in dozens of nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$1 billion for tens of millions of bank and credit union customers, as well as monumental changes in the way they assess fees. Those changes have forever revolutionized an industry, resulting in billions of dollars of savings. In addition, Mr. Ostrow has served as lead class counsel in many consumer class actions against some of the world's largest airlines, pharmaceutical companies, clothing retailers, health and auto insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies. A selection of

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, Fox, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic swimming, professional boxing, the NFL, NBA and MLB.

Mr. Ostrow received a Bachelor of Science in Business Administration from the University of Florida in 1994 and Juris Doctorate from Nova Southeastern University in 1997. He is a licensed member of The Florida Bar and the District of Columbia Bar, is fully admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Ninth Circuit and Eleventh Circuit, the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, District of Colorado, Southern District of Indiana, Western District of Kentucky, Eastern District of Michigan, Northern District of Illinois, District of Nebraska, Northern District of New York, Western District of Tennessee, Eastern District of Texas, and Western District of Wisconsin. Mr. Ostrow is also member of several bar associations.

In addition to the law practice, he is the founder and president of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic Gold Medalist Swimmers, World Champion Boxers, and select NFL athletes, and is licensed by both the NFL Players Association as a certified Contract Advisor. At the agency, Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing and NIL engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating, and arbitrating a wide range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the World Anti-Doping Agency. He has been an invited sports law guest speaker at New York University and Nova Southeastern University and has also served as a panelist at many industry-related conferences.

He is a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have had multi-million dollar jury verdicts. Additionally, he is consistently named as one of the top lawyers in Florida by Super Lawyers®, a publication that recognizes the best lawyers in each state. Mr. Ostrow is an inaugural recipient of the University of Florida's Warrington College of Business Administration Gator 100 award for the fastest growing University of Florida alumni- owned law firm in the world.

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is the Managing Member of One West LOA LLC, a commercial real estate development company with holdings in downtown Fort Lauderdale. He has previously sat on the boards of a national banking institution and a national healthcare marketing company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. Mr. Ostrow resides in Fort Lauderdale, Florida, and has 3 sons.



DAVID L. FERGUSON

Partner

Bar Admissions

The Florida Bar

Court Admissions

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

Education

Nova Southeastern University, J.D. - 1993

Nova Southeastern University, B.S. – 1990

Email: ferguson@kolawyers.com

David L. Ferguson is an accomplished trial attorney and chairs the firm's litigation department. He routinely leads high stakes litigation across a wide array of practice areas, including, but not limited to, employment law, complex business litigation, class actions, product liability, catastrophic personal injury, civil rights, and regulatory enforcement actions.

Mr. Ferguson is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, a testament to the fact that his peers (lawyers and judges in the community) have ranked him at the highest level of professional excellence. Mr. Ferguson is well regarded as a formidable advocate in court and for providing creative and insightful strategic advice, particularly in emergency and extremely complex situations.

While in law school, Mr. Ferguson served as a Staff Member of the Nova Law Review. He was also a member of the Moot Court Society and the winner of the Moot Court Intramural Competition.

Representation of the Broward Sheriff's Office

Since 2013, Mr. Ferguson has had the privilege of representing the Broward Sheriff's Office ("BSO") in over 150 matters involving many different types of disputes and issues, including: defense of civil rights lawsuits in state and federal court; negotiating collective bargaining agreements with unions; and arbitrations brought by unions or employees subjected to termination or other significant discipline. Mr. Ferguson has had many arbitration final hearings and state and federal jury trials for BSO representing the agency as well as the Sheriff and numerous Deputies individually.

Class/Mass Actions

Mr. Ferguson has experience in class actions against large banks and some of the world's largest companies, including technology companies and oil conglomerates.

Additionally, during his career Mr. Ferguson has defended many large companies in MDL's, and mass and class actions, including medical equipment manufacturers, pharmaceutical companies, an aircraft parts and engine manufacturer and defense contractor, nationwide retailers, and a massive sugar manufacturer.

Mr. Ferguson has a great deal of experience litigating cases involving massive fraud claims, most often for victims, but also for select defendants. Mr. Ferguson's clients have included individual victims who have lost multiple millions of dollars in fraud schemes to large businesses with tremendous damages, including one international lending institution with damages in excess of \$150 million. Additionally, Mr. Ferguson successfully represented several individuals and entities subjected to significant claims by a receiver and the United States Marshals Service in a massive billion-dollar Ponzi scheme involving a notorious Ft. Lauderdale lawyer and his law firm.

Regulatory Agency Enforcement Actions

Mr. Ferguson has extensive experience defending individuals and entities in significant enforcement actions brought by regulatory agencies, including the CFTC, FTC, and SEC.

Employment, Human Resources, and Related Matters

Mr. Ferguson has represented numerous business and individuals in employment and human resource related matters. Mr. Ferguson has represented several Fortune 50 companies, including Pratt & Whitney/UTC, Home Depot, and Office Depot in all phases of employment related matters. Mr. Ferguson has litigated virtually every type of discrimination and employment related claim, including claims based upon race, pregnancy, disability, national origin, religion, age, sexual preference, sexual harassment, worker's compensation, unemployment, FMLA leave, FLSA overtime, unpaid wages, whistleblower, and retaliation.

Mr. Ferguson primarily represents companies, but also represents select individuals who have claims against their present or former employers. In addition to the wide variety of employment claims discussed above, as plaintiff's counsel Mr. Ferguson has also handled federal False Claims Act (Qui Tam) and the Foreign Corrupt Practices Act claims brought by individuals.

Business Disputes

Throughout his legal career, as counsel for plaintiffs and defendants, Mr. Ferguson has handled a myriad of commercial cases involving all types of business disputes, including claims for breach of partnership agreements, breach of shareholder or limited liability company operating agreements; dissolution of corporations and limited liability companies; appointment of receivers; breaches of fiduciary duty; conversion; constructive trust; theft; negligent or intentional misrepresentation or omissions; fraudulent inducement; tortious interference; professional negligence or malpractice; derivative actions, breach of contract, real estate disputes, and construction disputes.

Noncompetition and Trade Secret Litigation

Mr. Ferguson routinely represents companies and individuals in commercial disputes involving unfair and deceptive trade practices, unfair competition and/or tortious interference with contracts or valuable business relationships. Often these cases involve the enforcement of noncompetition agreements and protection of valuable trade secrets. Mr. Ferguson has extensive experience representing businesses seeking to enforce their noncompetition agreements and/or protect trade secrets through suits for injunctive relief and damages and representing subsequent employers and individuals defending against such claims. He has obtained numerous injunctions for his clients and has also successfully defended against them numerous times, including getting injunctions dissolved that were entered against his clients without notice or prior to his representation. Mr. Ferguson has also obtained contempt sanctions and entitlement to punitive damages against individuals and entities who have stolen trade secrets from his clients.

ROBERT C. GILBERT

Partner

Bar Admissions

The Florida Bar

District of Columbia Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the 11th Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

Education

University of Miami School of Law, J.D. - 1985

Florida International University, B.S. - 1982

Email: gilbert@kolawyers.com



Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Breach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



JONATHAN M. STREISFELD

Partner

Bar Admissions

The Florida Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the First, Second, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Michigan

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

U.S. District Court, Western District of Tennessee

Education

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

Email: streisfeld@kolawyers.com

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast and successful experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$500,000,000 for tens of millions of bank and credit union customers, as well as profound changes in the way banks assess fees. Additionally, he has and continues to serve as lead and class counsel for consumers in many class actions involving false advertising and pricing, defective products, data breach and privacy, automobile defects, airlines, mortgages, and payday lending. Mr. Streisfeld has also litigated class actions against some of the largest health and automobile insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships and resolving disputes. Mr. Streisfeld has also provided legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters. As a member of The Florida Bar, Mr. Streisfeld served for many years on the Executive Council of the Appellate Practice Section and is a past Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.

ID #: 549

KEN GRUNFELD

Partner

***Bar Admissions***

The Pennsylvania Bar

The New Jersey Bar

Court AdmissionsU.S. Court of Appeals for the Third, Fourth, Fifth, Ninth,
Tenth and Eleventh Circuits

U.S. District Ct, Eastern District of Pennsylvania

U.S. District Ct, Middle District of Pennsylvania

U.S. District Ct, Western District of Pennsylvania

U.S. District Ct, District of New Jersey

U.S. District Ct, Eastern District of Michigan

U.S. District Ct, Western District of Wisconsin

Education

Villanova University School of Law, J.D., 1999

University of Michigan, 1996

Email: grunfeld@kolawyers.com

Ken Grunfeld is one of the newest KO partners, having just started working at the firm in 2023. Having worked at one of Philadelphia's largest and most prestigious defense firms for nearly a decade defending pharmaceutical manufacturers, national railroads, asbestos companies and corporate clients in consumer protection, products liability, insurance coverage and other complex commercial disputes while working, Mr. Grunfeld "switched sides" about 15 years ago.

Since then, he has become one of the city's most prolific and well-known Philadelphia class action lawyers. His cases have resulted in the recovery of hundreds of millions of dollars for injured individuals.

Mr. Grunfeld brings with him a wealth of pre-trial, trial, and appellate work experience in both state and federal courts. He has successfully taken many cases to verdict. Currently, he serves as lead counsel in a number of nationwide class actions. Whether by settlement or judgment, Mr. Grunfeld makes sure the offending companies' wrongful practices have been addressed. He believes the most important part of bringing a wrongdoer to justice is to ensure that it never happens again; class actions can be a true instrument for change if done well.

Mr. Grunfeld has been named a Super Lawyer numerous times throughout his career. He has been a member of the Philadelphia, Pennsylvania, and American Bar Associations, as well as a member of the American Association for Justice (AAJ). He was a Finalist for AAJ's prestigious Trial Lawyer of the Year Award in 2012 and currently serves as AAJ's Vice Chair of the Class Action Law Group. To his strong view that attorneys should act ethically, he volunteers his time as a Hearing Committee Member for the Disciplinary Board of the Supreme Court of Pennsylvania.

Mr. Grunfeld received his undergraduate degree from the University of Michigan. He is an active member of the Michigan Alumni Association, Philadelphia chapter and serves as a Michigan Alumni Student recruiter for local high schools. He received his Juris Doctor from the Villanova University School of Law. He was a member of the Villanova Law Review and graduated Order of the Coif.

Ken is a life-long Philadelphian. He makes his home in Bala Cynwyd, Pennsylvania, where he resides with his wife, Jennifer, and his year-old twins.

KRISTEN LAKE CARDOSO

Partner

***Bar Admissions***

The Florida Bar
The State Bar of California

Court Admissions

U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of Illinois
U.S. District Court, Eastern District of Michigan

Education

Nova Southeastern University, J.D., 2007
University of Florida, B.A., 2004

Email: cardoso@kolawyers.com

Kristen Lake Cardoso is a litigation attorney focusing on consumer class actions and complex commercial litigation. She has gained valuable experience representing individuals and businesses in state and federal courts at both the trial and appellate levels in a variety of litigation matters, including contractual claims, violations of consumer protection statutes, fraud, breach of fiduciary duty, negligence, professional liability, real estate claims, enforcement of non-compete agreements, trade secret infringement, shareholder disputes, deceptive trade practices, and other business torts.

Currently, Ms. Cardoso serves as counsel in nationwide and statewide class action lawsuits concerning violations of state consumer protection statutes, false advertising, defective products, data breaches, and breaches of contract. Ms. Cardoso is actively litigating cases against major U.S. airlines for their failure to refund fares following flight cancellations and schedule changes, as well as cases against manufacturers for their sale and misleading marketing of products, including defective cosmetics and nutritional supplements. Ms. Cardoso has also represented students seeking reimbursements of tuition, room and board, and other fees paid to their colleges and universities for in-person education, housing, meals, and other services not provided when campuses closed during the COVID-19 pandemic. Additionally, Ms. Cardoso has represented consumers seeking recovery of gambling losses from tech companies that profit from illegal gambling games offered, sold, and distributed on their platforms.

Ms. Cardoso is admitted to practice law throughout the states of Florida and California, as well as in the United States District Courts for the Southern District of Florida, Middle District of Florida, Central District of California, Eastern District of California, Northern District of Illinois, and Eastern District of Michigan.

Ms. Cardoso attended the University of Florida, where she received her Bachelor's degree in Political Science, cum laude, and was inducted as a member of Phi Beta Kappa honor society. She received her law degree from Nova Southeastern University, magna cum laude. While in law school, Ms. Cardoso served as an Articles Editor for the Nova Law Review, was on the Dean's List, and was the recipient of a scholarship granted by the Broward County Hispanic Bar Association for her academic achievements. When not practicing law, Ms. Cardoso serves as a volunteer at Saint David Catholic School, including as a member of the school Advisory Board and an executive member of the Faculty Student Association. She has also served on various committees with the Junior League of Greater Fort Lauderdale geared towards improving the local community through leadership and volunteering.

STEVEN SUKERT

Partner

***Bar Admissions***

The Florida Bar

The New York Bar

Court Admissions

United States District Court, Southern District of Florida

United States District Court, Middle District of Florida

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States District Court, Northern District of Illinois

United States District Court, Central District of Illinois

Education

Georgetown University Law Center, J.D., 20018

Northwestern University, B.S., 2010

Email: sukert@kolawyers.com

Steven Sukert has experience in all aspects of complex litigation in federal and state court, including drafting successful dispositive motions and appeals, handling discovery, and arguing court hearings. Steven focuses his practice at KO on complex class actions and multi-district litigations in courts around the country, including in data privacy, bank overdraft fee, and other consumer protection cases.

Before joining KO, Steven gained experience at Gunster, Yoakley & Stewart, P.A. in Miami in high-stakes commercial cases often involving trade secret and intellectual property claims, consumer contract claims, and legal malpractice claims, as well as in international arbitrations. Steven co-authored an amicus brief in the Florida Supreme Court case *Airbnb, Inc. v. Doe* (Case No. SC20-1167), and helped organize the American Bar Association's inaugural International Arbitration Masterclass, in 2021.

Steven was born and raised in Miami. He returned to his home city after law school to clerk for the Honorable James Lawrence King in the U.S. District Court for the Southern District of Florida.

In 2018, Steven earned his J.D. from Georgetown University Law Center. While living in the nation's capital, he worked at the U.S. Department of Labor, Office of the Solicitor, where he won the Gary S. Tell ERISA Litigation Award; the Civil Fraud Section of the U.S. Department of Justice, where he worked on large Medicare fraud cases and pioneered the use of the False Claims Act in the context of pharmaceutical manufacturers who engaged in price fixing; and the Lawyers' Committee for Civil Rights Under Law, where his proposal for writing an amicus brief in the *Janus v. AFSCME* U.S. Supreme Court case was adopted by the organization's board of directors.

Steven has a degree in Molecular Biology from Northwestern University. Prior to his legal career, he worked as a biomedical laboratory researcher at the Diabetes Research Institute in Miami.

CAROLINE HERTER

Associate

***Bar Admissions***

The Florida Bar

Court Admissions

U.S. District Court, Middle District of Florida

U.S. District Court, Southern District of Florida

U.S. Bankruptcy Court, Southern District of Florida

Education

University of Miami School of Law, J.D. - 2020

University of Miami, B.S. – 2016

Email: Herter@kolawyers.com

Caroline Herter is a litigation attorney at the firm's Fort Lauderdale office. Caroline focuses her practice on consumer class actions, mass torts, and white-collar commercial litigation in state and federal courts nationwide. She has gained valuable experience representing individuals and businesses to hold wrongdoers accountable through claims involving personal injury, wrongful death, consumer fraud, products liability, breach of fiduciary duty, civil theft/conversion, corporate veil-piercing, fraudulent transfer, tortious interference, False Claims Act violations, and the like.

Before joining KO, Caroline worked at a boutique law firm in Miami where she represented plaintiffs in matters involving creditor's rights, insolvency, and asset recovery. She now applies this experience throughout her practice at KO, often combining equitable remedies with legal claims to ensure the best chance of recovery for her clients.

Notable cases that Caroline has been involved in include *In Re: Champlain Towers South Collapse Litigation*, where she was a member of the team serving as lead counsel for the families of the 98 individuals who lost their lives in the tragic condominium collapse. The case resulted in over \$1 billion recovered for class members, the second-largest settlement in Florida history. She also co-authored a successful petition for certiorari to the United States Supreme Court in *Olhausen v. Arriva Medical, LLC et al.*, a False Claims Act case involving the standard for determining a defendant's scienter, which led the high Court to reverse the Eleventh Circuit Court of Appeal's earlier ruling against her client.

Caroline earned her law degree from the University of Miami School of Law, summa cum laude, where she received awards for the highest grade in multiple courses. During law school Caroline was an editor of the University of Miami Law Review and a member of the Moot Court Board.

Outside of her law practice, Caroline serves on the Board of Directors of the non-profit organization Americans for Immigrant Justice.

Exhibit 4

Kyle McLean (SBN 330580)

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Mason Barney (*pro hac vice*)

mbarney@sirillp.com

Tyler Bean (*pro hac vice*)

tbean@sirillp.com

SIRI & GLIMSTAD LLP

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Los Angeles, CA 90017

Tel: (213) 376-3739

Nicholas A. Migliaccio (*pro hac vice*)

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Jason S. Rathod (*pro hac vice*)

jrathod@classlawdc.com

MIGLIACCIO & RATHOD LLP

412 H Street NE, Suite 302

Washington, DC, 20002

Tel: (202) 470-3520

Kristen Lake Cardoso (SBN 338762)

cardoso@kolawyers.com

Jeff Ostrow (*pro hac vice*)

ostrow@kolawyers.com

Kenneth Grunfeld (*pro hac vice*)

grunfeld@kolawyers.com

KOPELOWITZ OSTROW P.A.

One West Las Olas Blvd., Suite 500

Fort Lauderdale, FL 33301

Tel: (954) 525-4100

Interim Co-Lead Class Counsel

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

Lead Case No. 2:23-cv-07498

Case No.: 3:22-cv-04823

**DECLARATION OF MARC H. EDELSON
IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS**

DATE: DECEMBER 16, 2024

TIME: 10:00 AM

CTRM: 5A

I, Marc H. Edelson, being duly sworn, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Edelson Lechtzin LLP ("EL"), co-counsel for Plaintiffs Mandi Peterson, Scott Fitzgerald, Zachary Richmond, Tom Loughhead, Mason Verderame, Katie Jezierny, Rian Bodner, Christopher Aragon, and Candice Zinner, in the above matter, together with my co-counsel, Tyler Bean of Siri & Glimstad LLP ("Siri"), Nicholas A. Migliaccio of Migliaccio & Rathod, LLP ("M&R") and Kenneth Grunfeld of Kopelowitiz Ostrow P.A. ("K.O."). As one of the additional class counsel, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course of EL's business. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in above-captioned action (the "Action"), as well as for reimbursement of expenses incurred by my firm in connection with the Action.

2. EL served as additional class counsel in this Action. As co-counsel for the Class, the attorneys of my firm were involved in performing the following tasks: pre-litigation investigation of the facts herein; drafting and redrafting of the initial complaint, vetting of and communications with clients, prospective class members and class members; drafting and researching portions of the Consolidated Amended Complaint; assisting in litigation strategy and drafting settlement approval papers.

3. The schedule attached hereto as **Exhibit 1** is a summary indicating the amount of time spent by each attorney and professional support staff employee of EL who was involved in the Action based on the various tasks, and the lodestar calculation based on EL's current billing rates. The lodestar schedule annexed hereto (Exhibit 1) was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. As noted, an amount of time anticipated to be spent on preparation, finalizing and filing of the Final Approval motion papers, preparing for argument of that motion; attending and presenting at the Final Approval hearing and preparing the oppositions to any objections is estimated based on my experience with prior automobile defect consumer class action settlements.

4. Prior to the Final Approval Hearing, scheduled for December 16, 2024, Class Counsel intend to supplement the record herein and submit the actual additional time expended up through that point prior to the Final Approval hearing.

5. The hourly rates for the attorneys and professional support staff at EL included in **Exhibit 1** are the same rates which have been accepted in other consumer class action litigation the firm has successfully litigated.

6. The total number of hours expended on this Action to date (and anticipated to be incurred through the conclusion of this matter) is 21.9. The total lodestar for my firm for that period is \$21,695.00, consisting of \$21,695.00 for

attorneys' time and \$0.00 for professional support staff time.

7. EL's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates.

8. As detailed in the schedule attached hereto as **Exhibit 2**, EL has incurred a total of \$402.00 in unreimbursed expenses to date in connection with the prosecution of this Action. It is expected that additional expenses will be incurred in the future in the Action and such additional expenses, if any, will be submitted in Plaintiffs' supplemental submissions.

9. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

10. With respect to the standing of EL, attached hereto as **Exhibit 3** is a brief biography of my firm and attorneys in my firm who were principally involved in this Action.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.

Dated: September 12, 2024

/s/ Marc H. Edelson

Marc H. Edelson

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2024, I caused the foregoing to be filed electronically using the Court's electronic case filing (ECF) system, which will automatically send a notice of electronic filing to the email addresses of all

counsel of record.

Dated: September 12, 2024

/s/ Marc H. Edelson

Exhibit 1

EXHIBIT 1

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident
Case No. 2:23-cv-07498
TIME & LODESTAR CHART (By Category)
EDELSON LECHTIZIN LLP
PERIOD: Inception to August 27, 2024

Name/Position	Pre-Litigation Investigation, Complaint Drafting and Complaint Service	Draft and File Stipulations and Pro Hac Vice Applications	Mediation Communications, Preparation, and Attendance at Mediation Session	Settlement Negotiations and Settlement Agreement Drafting	Draft and File Motion for Preliminary Approval and Ancillary Documentation	Draft and File Motion for Final Approval and Ancillary Documentation	Draft and File Motion for Attorneys' Fees and Service Awards	Settlement Administration	Miscellaneous Administrative Tasks	Hours	Hourly Rate	Lodestar
Marc Edelson, P	6.8		0.6	3.3						10.7	\$1,100.00	\$11,770.00
Eric Lechtzin, P	2.4		0.3							2.7	\$1,000.00	\$2,700.00
Liberato Verderame, SA	8.5									8.5	\$850.00	\$7,225.00
TOTAL												\$21,695.00

Position Key	
P = Partner	
SA = Senior Associate	
A = Associate	
PL = Paralegal	

Exhibit 2

EXHIBIT 2

*In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security
Incident*

Case No. 2:23-cv-07498

EXPENSE CHART (By Category)

EDELSON LECHTZIN LLP

PERIOD: Inception to August 27, 2024

Category	Amount
Computer Research and Electronic Document Retrieval	\$
Travel, Hotel, Meals and Related Expenses	\$
Photocopying (including commercial or internal copying)	\$
Facsimilie and Long Distance Telephone	\$
Postage and Overnight Delivery (Fed Ex, UPS)	\$
Court Filing Fees/Service of Process Fees	402
Mediation Fees	\$
Process Service	\$
TOTAL	402

Exhibit 3

Edelson Lechtzin LLP – Firm Resume

About the Firm

Edelson Lechtzin LLP is a national class action law firm based in suburban Philadelphia. The firm was founded by Managing Partners Marc Edelson and Eric Lechtzin, who have decades of experience litigating class actions and a strong track record of success. They lead a talented team of trial lawyers who possess diverse backgrounds and experience.

The firm represents investors in securities fraud class actions and shareholder derivative litigation. In addition, the firm advocates on behalf of consumers, employees, and businesses in class litigation involving anticompetitive business practices, ERISA retirement plans, unpaid wages & overtime claims, and consumer fraud (including data breach litigation).

Unpaid Wages and Overtime Class Actions

Edelson Lechtzin LLP attorneys have extensive experience litigating complex wage and hour class action lawsuits in courts across the country involving claims under the federal Fair Labor Standards Act (FLSA), and state wage and hour laws. The firm is currently lead or co-counsel in numerous wage and hour cases, including cases involving claims on behalf of coal miners for off-the-clock work under the FLSA and the state laws of Kentucky, Indiana, Illinois, and West Virginia. *See, e.g., Branson v. Alliance Coal, LLC, et al.*, No. 4:19-cv-00155-JHM-HBB (W.D. Kentucky) (\$15.25 million settlement pending preliminary approval). The firm is also lead or co-lead counsel in cases involving the failure to pay prevailing wages (*see, e.g., James King v. Glenn O. Hawbaker, Inc.*, Docket No. 21-0957 (Common Pleas Centre County, Pa.)); independent contractor misclassification (*see, e.g., Avant v. VXL Enterprises LLC*, No. 4:21-cv-02016-YGR (N.D. Cal.) (\$1.2 million settlement on behalf of healthcare workers who were allegedly misclassified as independent contractors and not paid overtime compensation)); claims for unpaid pre- and post-shift security screenings (*see, e.g., Stewart-Alexander v. Saks & Company LLC*, No. 3:2021-cv-02384 (C.D. Cal. Nov. 22, 2023) (\$450,000 settlement)); and claims under the Worker Adjustment and Retraining Notification Act (the “WARN Act”) (*see, e.g., In re: University of the Arts WARN Act Litigation*, No. 2:24-cv-02420 (E.D. Pa.)).

Antitrust & Unfair Competition Class Actions

Our experienced team of attorneys is dedicated to protecting the rights of individuals, businesses, and various governmental entities nationwide against companies that engage in anticompetitive practices in class action lawsuits. The firm is currently litigating numerous cases including: *In re Domestic Airline Travel Antitrust Litigation*, No. 1:15-mc-01404 (D. DC), *In re Cattle and Beef Antitrust Litigation*, No. 0:20-cv-01319 (D. NDIL), *In re Broiler Chicken Antitrust Litigation*, No. 1:16-cv-08637 (D. NDIL), *Miami Products & Chemical Co. v. Olin Corp.*, No. 1:19-cv-00385 (D. WDNY), *In re Crop Inputs Antitrust Litigation*, No. 4:21-md-02993 (D. EDMO) (member of the Executive Committee), *In re: Diisocyanates Litigation*, No. 2:18-mc-01001 (D. WDPA), *In re Deutsche Bank Spoofing Litigation*, No. 1:20-cv-03638 (D. NDIL), *Cospro Development Corp. v. International Flavors and Fragrances, Inc., et al.*, No. 2:230cv-03368 (D. NJ), *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, No. MDL 2724 (D. EDPA), *In re: Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010 (D. SDNY), *In re: Juul Labs, Inc. Antitrust Litigation*, No. 3:20-cv-02345 (D. NDCA), *In re: Platinum and Palladium*

Antitrust Litigation, No. 1:14-cv-09391 (D. SDNY), *In re: Pork Antitrust Litigation*, No. 0:18-cv-01776 (D. MN), *Mayor and City Council of Baltimore v. Merck Sharp & Dohme Corp.*, No. 2:23-cv-00828 (D. EDPA), and *Powell Prescription Center et al. v. Surescripts, LLC et al.*, No. 1:19-cv-06627 (D. NDIL).

Securities Fraud & Shareholder Derivative Litigation

In the area of securities fraud, Edelson Lechtzin LLP is Co-Lead Counsel in a securities fraud class action lawsuit against A Better Financial Plan and its affiliates, *Melchior v. Dean Vagnozzi, et al.*, No. 2:20-cv-05562 (E.D. Pa.), alleging violations of the federal Racketeer Influenced and Corruption Organizations Act (RICO), and state claims for fraud, breach of fiduciary duties, and civil conspiracy, to recover hundreds of millions of dollars of investments by individuals who were fraudulently induced by Defendants to purchase unregistered securities backed by risky merchant cash advance loans to small businesses.

Edelson Lechtzin LLP was also counsel in a shareholder derivative action on behalf of shareholders of FirstEnergy Corporation, *Miller v. Michael J. Anderson, et al.*, No.: 5:20-cv-01743 (N.D. Ohio), where the court approved a settlement for \$180 million and corporate governance reforms. The suit alleges that the FirstEnergy Board of Directors and certain officers breached their fiduciary duties to the company, were unjustly enriched, wasted corporate assets, and committed various violations of federal securities laws. It is further alleged that the various defendants engaged in a concerted effort to curtail losses from nuclear energy operations managed by a subsidiary in order to keep their positions with the company and to increase their compensation. In furtherance of their scheme Defendants sanctioned the corporate policy of illegal payments to government officials including the Ohio House Speaker, Larry Householder, and other individuals, which resulted in a significant reduction in shareholder value when it was subsequently exposed.

The firm also is counsel in *Yun v. Faraday Future Intelligent Electronic Inc.*, No. 2022-0510 (Del. Ch. Ct.) (direct action for breach of fiduciary duties on behalf of a proposed class of investors in a SPAC); *Ouyang v. Star Peak Sponsor LLC*, No. 2024-0302 (Del. Ch. Ct.) (direct claims for breach of fiduciary duties against sponsors of SPAC); *Schara v. Lanzatech Global Inc.*, (Del. Ch. Ct.) (direct claims for breach of fiduciary duties against sponsors of SPAC); and *Wuchter v. PropTech Partners II, LLC*, No. 2024-0596 (Del. Ch. Ct.) (direct claims for breach of fiduciary duties against sponsors of SPAC).

Employee Benefits & ERISA Litigation

The firm's successes in ERISA litigation include *Hundley v. Henry Ford Health System*, No. 2:21-cv-11023-SFC-EAS (E.D. Mich.) (\$5 million settlement); *Gotta v. Stantec Consulting Servs. Inc.*, No. CV-20-01865-PHX-GMS (D. Ariz. 2024) (\$2 million settlement); *Moler v. Univ. of Maryland Med. Sys.*, No. 1:21-CV-01824- (D. Md.) (\$3.25 million settlement); *Gaines v. BDO USA, LLP*, No. 1:22-cv-01878 (N.D. Ill. 2024) (\$2.25 million settlement— final approval pending); *Parker v. GKN N. Am. Servs., Inc.*, No. 21-12468 (E.D. Mich.) (\$2.95 million settlement – final approval pending); *Crawford v. CDI Corporation*, No. 2:20-cv-03317-CFK (E.D. Pa. 2020) (\$1.8 million settlement); *McNeilly v. Spectrum Health System*, No. 1:20-cv-00870-JMB-PJG (W.D. Mich. 2023) (\$6 million settlement); *Bilello v. Estee Lauder Inc.*, No. 1:20-cv-04770 (S.D.N.Y. 2024) (\$975,000 settlement); and *Dover v. Yanfeng US Automotive Interior Systems I LLC*, No. 2:20-cv-11643 (D. Mich. 2023) (\$990,000 settlement).

The firm currently serves in leadership positions in numerous ERISA class actions across the country, including *Bugielski v. AT&T Servs., Inc.*, 76 F.4th 894 (9th Cir. 2023) (the court reversed a decision granting summary judgment for AT&T and held that a recordkeeping agreement with Fidelity was a prohibited transaction and, as such, AT&T was required to obtain from Fidelity disclosures of all compensation it received in connection with its provision of services to the Plan, including fees paid by third party service providers Financial Engines and BrokerageLink); *Packer v. Glenn O. Hawbaker, Inc.*, No. 4:21-CV-01747, 2023 WL 3851993, at *2 (M.D. Pa. June 6, 2023) (granting motion to certify a class of hourly wage employees who worked on prevailing wage contracts withing Pennsylvania between 2012 and 2018; class certified); *In re The American National Red Cross ERISA Litig.*, Master File No. 1:21-cv-00541 (D.D.C.); and *Luense v. Konica Minolta Business Solutions U.S.A., Inc.*, No. 2:20-cv-06827-JMV-MF (D.N.J.) (motion to dismiss denied in part; class certified)

Consumer Fraud Class Action Litigation

In the area of consumer fraud, the firm is actively engaged in protecting the rights of consumers in a variety of matters including defective products and automobiles, failure to honor service agreements and warranties, time share agreements and data breaches. Current cases include: *In re: Harvard Pilgrim Data Security Incident Litigation*, No. 1:23-cv-11211 (D. DMA), *Gutierrez v. Independent Living Systems, LLC*, No. 1:23-cv 21221 (D. SDFL), *Maria Gregory, et al. v. Johns Hopkins University et al.*, No. 1:23-cv-01854 (D. MD), *Humphries, et al. v. Apria Healthcare, LLC*, No. 1:23-cv-01147 (D. SDIN), *Nelson et al. v. Connexin Software, Inc.*, No. 2:27-cv-04676 (D. EDPA) (member of the Executive Committee) and *Renaldo Ellis et al. v. Pension Benefit Information, LLC et al.*, No. 0:23-cv-02139 (D. MN), *Verderame v. Futurity First Insurance Group, LLC.*, No. 3:24-cv-01262,(D. Conn.), *Starling v. Evolve Bank & Trust*, No. 4:24-cv-00549 (D. EDAR), *Vines, et al. v. Financial Business & Consumer Solutions, Inc.*, No. 2:24-cv-02085 (D. EDPA), *Signorino v. Affiliated Dermatologists*, Civil Case No. MRS-L-001106-24 (Superior Ct. of NJ), *In re Berry, Dunn, McNeil & Parker Data Security Incident Litigation*, No. 2:24-cv-00146 (D. ME), *Forstrom et al. v. Consulting Radiologists, Ltd.*, No. 0:24-cv-02604 (D. MN), *Arons v. Continuum Health Alliance, LLC*, No. 1:24-cv-07013 (D. NJ), *Wilson et al. v. Frontier Communications Parent, Inc.*, No. 3:24-cv-01497 (D. NDTX), *Flynn et al. v. Eastern Radiologists, Inc.*, Master File No. 24-cvs-772 (General Court of Justice Superior Court), *Krause v. City of Hope*, No. 2:24-cv-02894 (D.CDCA), *In Re Greylock McKinnon Associates Data Security Incident Litigation*, No. 1:24-cv-10797 (D. ME), *Feathers v. On Q Financial, LLC*, No. 2:24-cv-00811 (D. AZ), *Daroya Isaiah v. Loan Depot, Inc.*, No. 8:24-cv-00136 (D. CDCA), *Stewart v. Ann & Robert H. Lurie Children's Hospital*, No. 2024CH06201 (Superior Ct. Cook County ILL.), *Halvorson v. MNGI Digestive Health, P.A.*, No. 0:24-cv-02851 (D.MN), and *Gales v. Ohio Lottery Commission*, Case No. 2024-00434JD (Court of Claims Ohio).

Attorney Biographies

Eric Lechtzin is a Managing Partner of Edelson Lechtzin LLP and his practice focuses on securities fraud litigation, ERISA retirement plan class actions, and wage and hour class and collective actions. Mr. Lechtzin received his J.D. from the Temple University Beasley School of

Law in 1991. Prior to forming Edelson Lechtzin LLP in early 2020, Mr. Lechtzin was a Shareholder at Berger Montague PC.

Mr. Lechtzin has served as the Pennsylvania State Chair for the National Association of Consumer Advocates since 2017. He has been named a “Super Lawyer” in Pennsylvania for Class and Mass Tort Litigation every year since 2017, he is AV Preeminent rated by Martindale-Hubbell, and he has received a perfect 10.0 rating by Avvo.com.

In the area of securities fraud, Mr. Lechtzin was a member of the litigation team in *In re: Oppenheimer Rochester Funds Group Secs. Litig.*, No. 09-md- 02063-JLK (D. Col.), which settled for \$89.5 million. Mr. Lechtzin served as lead counsel in *In re Transkaryotic Therapies, Inc. Secs. Litig.*, No. 03-CV-10165-RWZ (D. Mass.), which settled for \$50 million after successfully obtaining class certification. Other successful securities fraud class actions in which Mr. Lechtzin had leadership roles include *The Eshe Fund Group v. Fifth Third Bancorp*, No. 1:08-CV-539 (S.D. Ohio) (\$16 million settlement); *In re Hemispherx Biopharma, Inc. Litig.*, 09-CV-5262-PD (E.D. Pa.) (\$3.6 million settlement); *In re RenaissanceRe Holdings Ltd. Secs. Litig.*, No. 1:05-CV-6764 (S.D.N.Y.) (\$13.5 million settlement); *In re Global Crossing Access Charge Litig.*, No. 04-MD-1630 (S.D.N.Y.) (\$15 million settlement); and *In re Van der Moolen Holding N.V. Secs. Litig.*, No. 1:03-CV-8284 (S.D.N.Y.) (\$8 million settlement).

In the area of ERISA class actions, Mr. Lechtzin co-authored an amicus brief to the U.S. Supreme Court in *Retirement Plans Committee of IBM v. Jander*, 140 S. Ct. 592 (2020), in which he argued successfully that the Court should not alter the standard to plead claims against fiduciaries of an employee stock ownership plans alleging that such fiduciaries should have made earlier public disclosures of adverse insider information. Mr. Lechtzin’s successful appeals also include *Bugielski v. AT&T Servs., Inc.*, 76 F.4th 894 (9th Cir. Aug. 4, 2023) (reversing a decision granting summary judgment for AT&T); *Wilcox v. Georgetown Univ.*, 987 F.3d 143 (D.C. Cir. 2021) (Order dismissing the case was vacated by the Court of Appeals and remanded to the District Court). Mr. Lechtzin’s successful ERISA cases also include *Daugherty v. Univ. of Chicago*, 2018 WL 1805646 (N.D. Ill. 2018) (\$6.5 million settlement of ERISA claims alleging breach of fiduciary duties by incurring excessive expenses and retaining underperforming funds); and *Nicolas v. The Trustees of Princeton University*, No. 3:17-cv-03695 (D. N.J.) (member of the team that secured a \$5.8 million settlement where plaintiffs alleged that fiduciaries of the 403(b) selected imprudent investments and caused the plan to incur unreasonable recordkeeping fees).

Mr. Lechtzin’s successful representations in unpaid wages and overtime cases include *Arrington v. Optimum Healthcare IT*, 2018 WL 5631625 (E.D. Pa. 2018), where the plaintiffs’ litigation team obtained a \$4.9 million settlement of class action that alleged failure to pay overtime compensation to IT consultants. In *Meyer v. The LandTek Group, Inc.*, Case No. 2:17-cv-00161-AYS (E.D.N.Y.), Mr. Lechtzin successfully recovered wages for unpaid off-the-clock time on behalf of a group of construction laborers who were “engaged to wait” before their shifts.

Among his successful representations in the area of consumer protection litigation is *Silver v. Fitness Intern., LLC*, No. 10-cv-2326-MMB, 2013 WL 5429293 (E.D. Pa.), a class action against a national health club chain that resulted in substantial changes in the company's membership cancellation policies. Lechtzin was co-lead counsel in *Stromberg v. Ocwen Loan Servicing, LLC*, No. 15-04719, 2017 WL 2686540 (N.D. Cal. 2017), where he represented a group of California borrowers who alleged that certain lenders had failed to timely reconvey the deed of trust documents, as required by Cal. Civ. Code § 2941(b), and ultimately obtained a settlement that

paid each member of the class more than 66 percent of their total recoverable damages without the need to submit claim forms.

Mr. Lechtzin is a member of the state bars of California, New Jersey, and Pennsylvania, and he is admitted to practice before numerous federal courts across the country.

Marc H. Edelson is a Managing Partner of Edelson Lechtzin LLP, leading the firm's practices in antitrust law, defective drugs & medical devices, and property insurance litigation. Mr. Edelson received his J.D. from the University of California, Los Angeles School of Law, in 1987 and his B.S. in Economics from the Wharton School of The University of Pennsylvania, cum laude in 1984. He has practiced class action litigation for over 35 years and has been appointed to leadership roles in many MDL cases. In addition, Mr. Edelson has been named a "Super Lawyer" in Pennsylvania for Class and Mass Tort Litigation.

Mr. Edelson's MDL experience in pharmaceutical cases includes an appointment in *In re Pharmaceutical Industry Average Wholesale Price Litig.*, MDL No. 1456, as one of the four lead counsel firms. Mr. Edelson was one of the first attorneys to initiate a series of class actions on behalf of end payors against numerous pharmaceutical defendants which were eventually consolidated into MDL 1456. The case involved an in-depth analysis of pharmaceutical pricing and resulted in numerous settlements totaling \$341,000,000.

Additionally, Mr. Edelson served as co-lead counsel in *New England Carpenters Health Benefit Fund v. First DataBank, Inc. and McKesson Corp.*, C.A. No. 05-11148 (D. Mass), and *District 37 Health and Securities Fund v. Medi-Span*, C.A. No. 07-10988 (D. Mass). This case was against pharmaceutical wholesaler McKesson Corporation and pharmaceutical publishers First DataBank and Medi-Span. The case focused on unlawful drug pricing markups of various drugs resulting in overpayments by end payors. The case settled for \$350,000,000 in addition to an agreement to roll back drug prices by five percent (5%) resulting in additional end payor cost savings totaling hundreds of millions of dollars.

Mr. Edelson has also served as co-lead counsel in additional pharmaceutical cases including *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, MDL 1383 (EDNY); *Sandhaus v. Bayer AG*, No. 00-cv-6193 (Kansas State Court); *In re Premarin Antitrust Litigation*, No. 1:01-cv-00447 (SD Ohio), and *Blevins v. Wyeth Ayerst Laboratories, Inc.*, No. 324380 (Superior Court State of California).

Mr. Edelson was appointed one of the co-lead counsel in *In re Western States Wholesale Natural Gas Antitrust Litig.*, MDL 1566 (D Nevada) and *In re HELOC Minimum Payment Calculation Litig.*, No. 15-cv-00267 (EDPA).

Mr. Edelson has served as a member of the Executive Committee in *In re Copper Antitrust Litig.*, MDL 1301 (WD Wisc.); *In re CertainTeed Corp. Roofing Shingle Product Litig.*, MDL 1817 (EDPA); and *In re HP Inkjet Printer Litig.*, No. C053580JF (N.D. Cal.).

Liberato Verderame, a Senior Counsel at Edelson Lechtzin LLP, has practiced extensively in the area of class action litigation for almost 20 years handling a variety of cases involving antitrust, consumer, ERISA and wage and hour issues. He has prosecuted both class action and individual plaintiff's claims in federal courts nationwide and has litigated successful appeals in both Pennsylvania's Commonwealth and Superior Courts and New Jersey's Appellate Division.

Mr. Verderame attended Villanova University (B.A., 1994) and Villanova University School of Law (J.D., 1997). He is admitted to practice in Pennsylvania and New Jersey, and numerous federal courts.

Since joining Edelson Lechtzin LLP and its predecessor in 2005, he has represented plaintiffs in several national class action cases including *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Pa.); *Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.); *In re: Fedloan Student Loan Servicing Litigation*, MDL No. 18-2833 (E.D. Pa.) (Plaintiffs Steering Committee); *In Re: Refrigerant Compressors Antitrust Litigation*, MDL 2042 (E.D. Mich.); *In Re: Western Areas Wholesale Natural Gas Antitrust Litigation*, MDL-1566 (D. Nev.); *In Re: Yahoo! Litigation*, 06-cv-2737 (C.D. Cal.); *Kent v. Hewlett-Packard Company*, 5:09-cv-05341 (N.D. Cal.); *New England Carpenters Health Benefits Fund v. First Databank, Inc.*, 1:05-cv-11148 (D. Mass.); *OSB Antitrust Litigation*, 06-CV-00826 (E.D. Pa.); and *Leeds v. IKO Manufacturing, Inc.*, No: 2:17-cv-00339 (E.D. Pa.).

Mr. Verderame also represents individual plaintiffs regarding insurance coverage, breach of contract and bad faith claims, personal injury, and other matters. He serves as lead trial counsel and obtained a jury verdict that was the largest insurance coverage claim reported in Pennsylvania in 2016.

Shoshana Savett, a Senior Counsel at Edelson Lechtzin LLP, graduated from Temple University Beasley School of Law in 2003. Prior to joining Edelson Lechtzin, Ms. Savett was Senior Counsel at Berger Montague PC. Ms. Savett has focused on complex litigation throughout her career, representing investors in securities fraud class actions, consumers in class actions involving unlawful and deceptive practices, as well as employees whose wages have been unlawfully withheld, in class and collective actions.

Ms. Savett has been named a “Super Lawyer” in Pennsylvania for Class and Mass Tort Litigation in 2024, and she was selected to Super Lawyers Rising Stars in 2014 – 2017.

Among her notable successes, Ms. Savett helped litigate the following cases: *Lee v. Enterprise Leasing Co.-West*, 2015 WL 2345540 (D. Nev. May 15, 2015), and 300 F.R.D. 466 (D. Nev. 2014), and 30 F.Supp.3d 1002 (D. Nev. 2014) (granting plaintiffs’ motions for summary judgment, class certification, and approval of settlement where class members received 80% of their alleged damages, in consumer class action alleging overcharges on airport car rentals); and *Hasemann v. Gerber Products Co.*, 331 F.R.D. 239 (E.D.N.Y. 2019) (granting class certification to purchasers of infant formula in New York and Florida, who allege improper market practices).

Ms. Savett is a member of the bars of Pennsylvania and New Jersey.

Sati O. Gibson, an associate of Edelson Lechtzin LLP, received her J.D. from Boston College Law School in 2002 and her B.A. in Politics from Oberlin College in 1999. Ms. Gibson’s practice focuses on all aspects of e-discovery in complex litigation.

Previously, Ms. Gibson worked as an attorney for Legal Aid of Southeastern Pennsylvania, where she represented the senior population in consumer protection matters. She also worked at Kessler Topaz Meltzer & Check LLP as a staff attorney focusing on discovery in securities fraud litigation. She has spent the last 10 years focusing on class action litigation including antitrust and unfair competition law.

Ms. Gibson is a member of the bar of the Commonwealth of Pennsylvania and the United States District Court for the Eastern District of Pennsylvania.

Staff Attorneys

In addition to our partners, senior counsel, and associates, Edelson Lechtzin LLP is assisted by a team of staff attorneys who provide extensive litigation support in complex class actions.

[1] See, e.g., DiStefano N., *Facing fraud lawsuit, Montco financial salesman Dean Vagnozzi turns against his longtime lawyer*, The Philadelphia Inquirer (Jun. 28, 2021); Berman, Jeff, *Advisor Known for Unconventional Advice Hit With RICO Suit*, ThinkAdvisor (Nov. 13, 2020); DiStefano, Joseph N., *Investors sue King of Prussia financial adviser Dean Vagnozzi and his lawyer*, The Philadelphia Inquirer (Nov. 10, 2020); and Arvedlund, Erin, *How Philly investors were drawn into what SEC alleges is \$500 million fraud*,” The Philadelphia Inquirer (Aug. 12, 2020).

Exhibit 5

Kyle McLean (SBN 330580)

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Tyler Bean (*pro hac vice*)

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Interim Co-Lead Class Counsel

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

Lead Case No. 2:23-cv-07498

Case No.: 3:22-cv-04823

DECLARATION OF ROBERT A.
MACKEY, ESQ. IN SUPPORT OF
MOTION FOR AWARD OF
ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS

DATE: DECEMBER 16, 2024

TIME: 10:00 AM

CTRM: 5A

I, Robert A. Mackey, being duly sworn, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of The Law Offices of Robert Mackey ("Mackey Law"), co-counsel for Plaintiffs Mandi Peterson, Scott Fitzgerald, Zachary Richmond, Tom Loughhead, Mason Verderame, Katie Jezierny, Rian Bodner, Christopher Aragon, and Candice Zinner, in the above matter, together with my co-counsel, Tyler Bean of Siri & Glimstad LLP ("Siri"), Nicholas A. Migliaccio of Migliaccio & Rathod, LLP ("M&R") and Kenneth Grunfeld of Kopelowitz Ostrow P.A. ("K.O."). As local counsel for one of the three Co-Lead Counsel, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course of Mackey Law's business. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in above-captioned action (the "Action"), as well as for reimbursement of expenses incurred by my firm in

connection with the Action.

2. Mackey Law served as local counsel to M&R, one of the three Co-Lead Counsel in this Action. As co-counsel for the Class, I was involved in performing the following tasks: pre-litigation investigation of the facts herein; drafting and redrafting of the initial complaint, filing the complaint, vetting of and communications with clients, prospective class members and class members; drafting and researching portions of the Consolidated Amended Complaint.

3. I personally spent 10.5 hours performing the tasks identified in paragraph 2 above. My calculation of professional time on this matter was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. As noted, an amount of time anticipated to be spent on preparation, finalizing and filing of the Final Approval motion papers, preparing for argument of that motion; attending and presenting at the Final Approval hearing and preparing the oppositions to any objections is estimated based on my experience with prior automobile defect consumer class action settlements.

4. Prior to the Final Approval Hearing, scheduled for December 16, 2024, Class Counsel intend to supplement the record herein and submit the actual additional time expended up through that point prior to the Final Approval hearing.

5. The hourly rates for my professional time is \$400.00 per hour at Mackey Law. That same rate has been accepted in other consumer class action litigation the firm has successfully litigated.

6. The total number of hours expended on this Action by Mackey Law to date (and anticipated to be incurred through the conclusion of this matter) is 10.5 hours. The total lodestar for my firm for that period is \$4,200, consisting of \$4,200 for attorneys' time.

7. Mackey Law's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

8. I spent \$402.00 in unreimbursed expenses to date in connection with the prosecution of this Action. This amount was the filing of the complaint. It is expected that additional expenses will be incurred in the future in the Action and such additional expenses, if any, will be submitted in Plaintiffs' supplemental submissions.

9. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

10. With respect to the standing of Robert A. Mackey, I have been licensed in the State of California since 1986. I spent 11 years with the law firm of Gibson, Dunn & Crutcher. I have specialized in business litigation for the past 38 years, and have substantial trial experience in both state and federal court. In addition to my private practice, I have spent the past two decades as the Chief Legal Officer for a prominent manufacturer of consumer goods.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.

Dated: September 12, 2024

/s/Robert A. Mackey

Robert A. Mackey, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2024, I caused the foregoing to be filed electronically using the Court's electronic case filing (ECF) system, which will automatically send a notice of electronic filing to the email addresses of all counsel of record.

Dated: September 12, 2024

/s/Robert A. Mackey

Fitzgerald v Vivendi, etc.

I. Expenses

-Filing Fee Complaint \$402 (9/21/2023)

II. Fees (My normal Hourly Rate is \$400/Hour)

-Hours 10.5

Exhibit 6

Kyle McLean (SBN 330580)

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Mason Barney (*pro hac vice*)

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Tyler Bean (*pro hac vice*)

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Kenneth Grunfeld (*pro hac vice*)

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Interim Co-Lead Class Counsel

**THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

*In re: Vivendi Ticketing US LLC,
d/b/a See Tickets Data Security
Incident*

Lead Case No. 2:23-cv-07498

Case No.: 3:22-cv-04823

DECLARATION OF JOHN J. NELSON IN
SUPPORT OF MOTION FOR AWARD
OF ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS

DATE: DECEMBER 16, 2024

TIME: 10:00 AM

CTRM: 5A

I, John J. Nelson, being duly sworn, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Milberg Coleman Bryson Phillips Grossman PLLC ("Milberg"), co-counsel for Plaintiffs Mandi Peterson, Scott Fitzgerald, Zachary Richmond, Tom Loughhead, Mason Verderame, Katie Jezierny, Rian Bodner, Christopher Aragon, and Candice Zinner, in the above matter, together with my co-counsel, Tyler Bean of Siri & Glimstad LLP ("Siri"), Nicholas A. Migliaccio of Migliaccio & Rathod, LLP ("M&R") and Kenneth Grunfeld of Kopelowitz Ostrow P.A. ("K.O."). As additional class counsel, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course of Milberg's business. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in above-captioned action (the "Action"), as well as for reimbursement of expenses incurred by my firm in connection with the Action.

2. Milberg served additional class counsel in this Action. As co-counsel for the Class, the attorneys of my firm were involved in performing the following tasks: pre-litigation investigation of the facts herein; drafting and redrafting of the initial complaint, vetting of and communications with clients, prospective class members and class members; drafting and researching portions of the Consolidated Amended Complaint; drafting of Settlement Agreement and Motion for Preliminary Approval.

3. The schedule attached hereto as **Exhibit 1** is a summary indicating the amount of time spent by each attorney and professional support staff employee of Milberg who was involved in the Action based on the various tasks, and the lodestar calculation based on Milberg's current billing rates. The lodestar schedule annexed hereto (Exhibit 1) was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. As noted, an amount of time anticipated to be spent on preparation, finalizing and filing of the Final Approval motion papers, preparing for argument of that motion; attending and presenting at the Final Approval hearing and preparing the oppositions to any objections is estimated based on my experience with prior automobile defect consumer class action settlements.

4. Prior to the Final Approval Hearing, scheduled for December 16, 2024, Class Counsel intend to supplement the record herein and submit the actual additional time expended up through that point prior to the Final Approval hearing.

5. The hourly rates for the attorneys and professional support staff at Milberg included in **Exhibit 1** are the same rates which have been accepted in other consumer class action litigation the firm has successfully litigated.

6. The total number of hours expended on this Action by Milberg to date (and anticipated to be incurred through the conclusion of this matter) is 44.3. The total lodestar for my firm for that period is \$22,203.80 consisting of \$19,431.40 for attorneys' time and \$2,772.40 for professional support staff time.

7. Milberg's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

8. As detailed in the schedule attached hereto as **Exhibit 2**, Milberg has incurred a total of \$402.00 in unreimbursed expenses to date in connection with the prosecution of this Action. It is expected that additional expenses will be incurred in the future in the Action and such additional expenses, if any, will be submitted in Plaintiffs' supplemental submissions.

9. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

10. With respect to the standing of Milberg, attached hereto as **Exhibit 3** is a brief biography of my firm and attorneys in my firm who were principally involved in this Action.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.

Dated: September 12, 2024

/s/ John J. Nelson

John J. Nelson (SBN 317598)
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
280 S. Beverly Drive
Beverly Hills, CA 90212
Tel.: (858) 209-6941
jnelson@milberg.com

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2024, I caused the foregoing to be filed electronically using the Court's electronic case filing (ECF) system, which will automatically send a notice of electronic filing to the email addresses of all counsel of record.

Dated: September 12, 2024 /s/ John J. Nelson

John J. Nelson (SBN 317598)
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
280 S. Beverly Drive
Beverly Hills, CA 90212
Tel.: (858) 209-6941
jnelson@milberg.com

Exhibit 1

EXHIBIT 1

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident
Case No. 2:23-cv-07498
TIME & LODESTAR CHART (By Category)
MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN PLLC
PERIOD: Inception to August 27, 2024

Name/Position	Pre-Litigation Investigation, Complaint Drafting, and Complaint Service	Draft and File Stipulations and Pro Hac Vice Applications	Mediation Communicaitons, Preperation, and Attendance at Mediation Session	Settlement Negotiations and Settlement Agreement Drafting	Draft and File Motion for Preliminary Approval an Ancillary Documentation	Draft and File Motion for Final Approval and Ancillary Documentation	Draft and File Motion for Attorneys' Fees and Service Awards	Settlement Administration	Miscellaneous Administrative Tasks	Hours	Hourly Rate	Lodestar
Gary Klinger / P	2.5			3.5						6.0	\$878.00	\$5,268.00
Mariya Weekes / SA				3.0						3.0	\$878.00	\$2,634.00
John Nelson / A	5.7			2.1	5.1					12.9	\$538.00	\$6,940.20
Dean Meyer / A	10.6									10.6	\$413.00	\$4,377.80
David Lietz / P				0.2						0.2	\$1,057.00	\$211.40
Sandra Passanisi / PL	2.0								2.0	4.0	\$239.00	\$956.00
Heather Sheflin / PL									1.1	1.1	\$239.00	\$262.90
Ash Tyrrell / PL									4.7	4.7	\$239.00	\$1,123.30
Kerry Brennan / PL									1.8	1.8	\$239.00	\$430.20
TOTAL												\$22,203.80

Position Key	
P = Partner	
SA = Senior Associate	
A = Associate	
PL = Paralegal	

Exhibit 2

EXHIBIT 2

*In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security
Incident*

Case No. 2:23-cv-07498

EXPENSE CHART (By Category)

MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN PLLC

PERIOD: Inception to August 27, 2024

Category	Amount
Computer Research and Electronic Document Retrieval	\$
Travel, Hotel, Meals and Related Expenses	\$
Photocopying (including commercial or internal copying)	\$
Facsimilie and Long Distance Telephone	\$
Postage and Overnight Delivery (Fed Ex, UPS)	\$
Court Filing Fees/Service of Process Fees	\$402.00
Mediation Fees	\$
Process Service	\$
TOTAL	\$402.00

Exhibit 3



FIRM RESUME



Milberg Coleman Bryson Phillips Grossman (“Milberg”) is an AV-rated international law firm with more than 100 attorneys and offices across the United States, the European Union, and South America. Combining decades of experience, Milberg was established through the merger of Milberg Phillips Grossman LLP, Sanders Phillips Grossman LLC, Greg Coleman Law PC, and Whitfield Bryson LLP.

Milberg prides itself on providing thoughtful and knowledgeable legal services to clients worldwide across multiple practice areas. The firm represents plaintiffs in the areas of antitrust, securities, financial fraud, consumer protection, automobile emissions claims, defective drugs and devices, environmental litigation, financial and insurance litigation, and cyber law and security.

For over 50 years, Milberg and its affiliates have been protecting victims’ rights. We have recovered over \$50 billion for our clients. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride ourselves on providing stellar service to our clients. We have repeatedly been recognized as leaders in the plaintiffs’ bar and appointed to numerous leadership roles in prominent national mass torts and class actions.

Milberg challenges corporate wrongdoing through class action, mass tort, consumer and shareholder right services, both domestically and globally.

In the United States, Milberg currently holds more than 100 court-appointed full- and co-leadership positions in state and federal courts across the country. Our firm has offices in California, Chicago, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, Washington, Washington D.C., and Puerto Rico. Milberg’s commitment to its clients reaches beyond the United States, litigating antitrust, securities, and consumer fraud actions in Europe and South America, with offices located in the United Kingdom, and the Netherlands. Milberg prides itself on providing excellent service worldwide.

The firm’s lawyers have been regularly recognized as leaders in the plaintiffs’ bar by the National Law Journal, Legal 500, Chambers USA, Time Magazine, Lawdragon, and Super Lawyers, among others.

“A powerhouse that compelled miscreant and recalcitrant businesses to pay billions of dollars to aggrieved shareholders and customers.”
- THE NEW YORK TIMES

PRACTICE AREAS

SECURITIES FRAUD

Milberg pioneered the use of class action lawsuits to litigate claims involving investment products, securities, and the banking industry. Fifty years ago, the firm set the standard for case theories, organization, discovery, methods of settlement, and amounts recovered for clients. Milberg remains among the most influential securities litigators in the United States and internationally.

Milberg and its attorneys were appointed Lead Counsel and Co-Lead Counsel in hundreds of federal, state, and multidistrict litigation cases throughout its history.

ANTITRUST & COMPETITION LAW

For over fifty years, Milberg's Antitrust Practice Group has prosecuted complex antitrust class actions against defendants in the healthcare, technology, agriculture, and manufacturing industries engaged in price-fixing, monopolization and other violations of antitrust law and trade restraints.

FINANCIAL LITIGATION

For over fifty years, Milberg's Antitrust Practice Group has prosecuted complex antitrust class actions against defendants in the healthcare, technology, agriculture, and manufacturing industries engaged in price-fixing, monopolization and other violations of antitrust law and trade restraints.

CONSUMER PROTECTION

Milberg's Consumer Protection Practice Group focuses on improving product safety and protecting those who have fallen victim to deceptive marketing and advertising of goods and services and/or purchased defective products. Milberg attorneys have served as Lead Counsel and Co-Lead Counsel in hundreds of federal, state, and multidistrict litigation cases alleging the sale of defective products, improper marketing of products, and violations of consumer protection statutes.

DANGEROUS DRUGS & DEVICES

Milberg is a nationally renowned firm in mass torts, fighting some of the largest, wealthiest, and most influential pharmaceutical and device companies and corporate entities in the world. Our experienced team of attorneys has led or co-led numerous multidistrict litigations of defective drugs and medical devices.

EMPLOYMENT & CIVIL RIGHTS

Milberg's Employment & Civil Rights attorneys focus on class actions and individual cases nationwide arising from discriminatory banking and housing practices, unpaid wages and sales commissions, improperly managed retirement benefits, workplace discrimination, and wrongful termination.

ENVIRONMENTAL LITIGATION & TOXIC TORTS

Milberg's Environmental Litigation & Toxic Torts Practice Group focuses on representing clients in mass torts, class actions, multi-district litigation, regulatory enforcement, citizen suits, and other complex environmental and toxic tort matters. Milberg and its attorneys have held leadership roles in all facets of litigation in coordinated proceedings, with a particular focus on developing the building blocks to establish general causation, which is often the most difficult obstacle in an environmental or toxic tort case.

STATE & LOCAL GOVERNMENTS

Milberg attorneys are dedicated to defending the Constitutional and statutory rights of individuals and businesses that are subjected to unlawful government exactions and fees by state and local governments or bodies.

INFORMATION TECHNOLOGY

Milberg is a leader in the fields of cyber security, data breach litigation, and biometric data collection, litigating on behalf of clients – both large and small – to change data security practices so that large corporations respect and safeguard consumers' personal data.

APPELLATE

Consisting of former appellate judges, experienced appellate advocates, and former law clerks who understand how best to present compelling arguments to judges on appeal and secure justice for our clients beyond the trial courts, Milberg's Appellate Practice Group boasts an impressive record of success on appeal in both state and federal courts.

LEADERSHIP ROLES

In re: Google Play Consumer Antitrust Litigation
In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation
In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation
In re: Blackbaud Inc., Customer Data Breach Litigation
In re: Paragard IUD Products Liability Litigation
In re: Seresto Flea & Tick Collar, Marketing Sales Practices & Product Liability Litigation
In re: All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation
In re: Allergan Biocell Textured Breast Implant Products Liability Litigation
In re: Zicam Cold Remedy Marketing, Sales Practices and Products Liability Litigation
In re: Guidant Corp. Implantable Defibrillators Product Liability Litigation
In re: Ortho Evra Products Liability Litigation
In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation
In re: Kugel Mesh Hernia Patch Products Liability Litigation
In re: Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation
In re: Stand 'N Seal Products Liability Litigation
In re: Chantix (Varenicline) Products Liability Litigation
In re: Fosamax (alendronate Sodium) Products Liability Litigation
In re: Benicar (Olmesartan) Products Liability Litigation
In re: Onglyza (Saxagliptin) & Kombiglyze Xr (Saxagliptin & Metformin) Products Liability Litigation
In re: Risperdal and Invega Product Liability Cases
In re: Mirena IUS Levonorgestrel-Related Products Liability Litigation
In re: Incretin-based Therapies Product Liability Litigation
In re: Reglan/Metoclopramide
In re: Levaquin Products Liability Litigation
In re: Zimmer Nexgen Knee Implant Products Liability Litigation
In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
In re: Propecia (Finasteride) Products Liability Litigation
In re: Transvaginal Mesh (In Re C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation; In Re Ethicon, Inc., Pelvic Repair System Products Liability Litigation; In Re Boston Scientific, Inc., Pelvic Repair System Products Liability; In Re American Medical Systems, Pelvic Repair System Products Liability, and others)
In re: Fluoroquinolone Product Liability Litigation
In re: Depuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation
In re: Recalled Abbott Infant Formula Products Liability Litigation
Home Depot, U.S.A., Inc. v. Jackson
Webb v. Injured Workers Pharmacy, LLC

NOTABLE RECOVERIES

\$4 Billion Settlement

In re: Prudential Insurance Co. Sales Practice Litigation

\$3.2 Billion Settlement

In re: Tyco International Ltd., Securities Litigation

\$1.14 Billion Settlement

In Re: Nortel Networks Corp. Securities Litigation

\$1 Billion-plus Trial Verdict

Vivendi Universal, S.A. Securities Litigation

\$1 Billion Settlement

NASDAQ Market-Makers Antitrust Litigation

\$1 Billion Settlement

W.R. Grace & Co.

\$1 Billion-plus Settlement

Merck & Co., Inc. Securities Litigation

\$775 Million Settlement

Washington Public Power Supply System Securities Litigation

\$586 Million Settlement

In re: Initial Public Offering Securities Litigation

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7 412 H. St. NE, Ste. #302
8 Washington, D.C. 20002

9 Kenneth Grunfeld
10 (Pro Hac Vice granted 10/5/2023)
11 KOPELOWITZ OSTROW P.A.
12 65 Overhill Rd.
13 Bala Cynwyd, Pennsylvania 19004

14 *Attorneys for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 *In re: Vivendi Ticketing US LLC,*
18 *d/b/a See Tickets Data Security*
19 *Incident*

20 Case No.: 2:23-cv-07498-CJC-DFM

21 **CLASS ACTION**

22 **DECLARATION OF SCOTT M. FENWICK**
23 **OF KROLL SETTLEMENT**
24 **ADMINISTRATION LLC IN CONNECTION**
25 **WITH PLAINTIFFS' MOTION FOR AN**
26 **AWARD OF ATTORNEYS' FEES,**
27 **EXPENSES, AND SERVICE AWARDS**
28

1 I, Scott M. Fenwick, declare as follows:

2 **INTRODUCTION**

3 1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),¹ the
4 Settlement Administrator in the above-captioned case, whose principal office is located at 2000
5 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am
6 authorized to make this declaration on behalf of Kroll and myself. The following statements are
7 based on my personal knowledge and information provided by other experienced Kroll employees
8 working under my general supervision. This declaration is being filed in connection with Plaintiffs’
9 Motion for an Award of Attorneys’ Fees, Expenses, and Service Awards. Prior to the Final
10 Approval Hearing, Kroll will provide an updated declaration in connection with final approval of
11 the settlement.

12 2. Kroll has extensive experience in class action matters, having provided services in
13 class action settlements involving antitrust, securities fraud, labor and employment, consumer, and
14 government enforcement matters. Kroll has provided notification and/or claims administration
15 services in more than 3,000 cases.

16 **BACKGROUND**

17 3. Kroll was engaged as the Settlement Administrator to provide notification and
18 claims administration services in connection with that certain Class Action Settlement Agreement
19 and Release (the “Settlement Agreement”) entered into this Action. Kroll’s duties in connection
20 with the settlement have and will include: (a) preparing and sending notices in connection with the
21 Class Action Fairness Act; (b) receiving and analyzing the Settlement Class Member contact list
22 (the “Class List”) from Defendant’s Counsel; (c) creating a settlement website with online claim
23 filing capabilities; (d) establishing a toll-free telephone number; (e) establishing a post office box
24 for the receipt of mail; (f) preparing and sending the Class Notice via first-class mail; (g) preparing
25 and sending email notice; (h) establishing an email address to receive Settlement Class Member
26

27 _____
28 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the
Settlement Agreement as defined below.

1 inquiries; (i) receiving and processing mail from the United States Postal Service (“USPS”) with
2 forwarding addresses; (j) receiving and processing undeliverable mail, without a forwarding
3 address, from the USPS; (k) receiving and processing Claim Forms; (l) receiving and processing
4 opt-out requests; and (m) such other tasks as counsel for the Parties or the Court request Kroll to
5 perform.

6 **NOTICE PROGRAM**

7 **The CAFA Mailing**

8 4. As noted above, on behalf of the Defendant, Kroll provided notice of the proposed
9 settlement pursuant to the Class Action Fairness Act, 28 U.S.C. §1715(b) (“the CAFA Notice”).
10 At defense counsel’s direction, on June 26, 2024, Kroll sent the CAFA Notice identifying the
11 documents required, a true and correct copy of which is attached hereto as **Exhibit A**, via first-class
12 certified mail, to (a) the Attorney General of the United States, (b) the fifty-five (55) state Attorneys
13 General identified in the service list for the CAFA Notice, attached hereto as **Exhibit B**, and (c) via
14 email to the Nevada Attorney General. The CAFA Notice directed the Attorneys General to the
15 website www.CAFANotice.com, a site that contains all the documents relating to the Settlement
16 referenced in the CAFA Notice.

17 **Data and Case Setup**

18 5. On July 1, 2024, Kroll received one (1) data file from the Defendant. The file
19 contained SID numbers, membership numbers, client identifiers, first, middle and last names,
20 physical mailing addresses, and email addresses for Settlement Class Members. On July 11, 2024,
21 Kroll received an additional data file from the Kroll affiliate that was retained by Defendant to
22 provide the initial notice of the Data Security Incident in September 2023. The additional file
23 contained client identifiers, first and last names, physical mailing addresses and email addresses for
24 Settlement Class Members. Kroll undertook several steps to reconcile the two lists and compile the
25 eventual Class List for the email and mailing of Class Notices. After cleaning and de-duping the
26 Class List, Kroll determined there were 324,911 unique records. Only one (1) record did not contain
27 an email address. Additionally, in an effort to ensure that Class Notices would be deliverable to
28 Settlement Class Members, Kroll ran the Class List through the USPS’s National Change of

1 Address (“NCOA”) database and updated the Class List with address changes received from the
2 NCOA.

3 6. On July 5, 2024, Kroll designated a post office box with the mailing address *See*
4 *Tickets Data Security Incident*, c/o Kroll Settlement Administration LLC, PO Box 225391, New
5 York, NY 10150-5391, in order to opt-out requests, Claim Forms, and correspondence from
6 Settlement Class Members.

7 7. On July 8, 2024, Kroll established a toll-free telephone number, (833) 522-2574, for
8 Settlement Class Members to call and obtain additional information regarding the settlement
9 through an Interactive Voice Response (“IVR”) system and by being connected to a live operator.
10 As of September 11, 2024, the IVR system has received 164 calls, and three (3) callers have been
11 connected to live operators.

12 8. On July 10, 2024, Kroll created a dedicated settlement website entitled
13 www.SeeTicketsUSDataIncidentSettlement.com (the “Settlement Website”). The Settlement
14 Website “went live” on July 22, 2024, and contains a summary of the settlement, contact
15 information for the Settlement Administrator, answers to frequently asked questions, important
16 dates such as the Final Approval Hearing, deadline to submit Claim Forms, and Objection/Opt-Out
17 Deadline, and provides Settlement Class Members the opportunity to file a Claim Forms online.
18 The Settlement Website also contains downloadable copies of important settlement documents,
19 including the Settlement Agreement, the Preliminary Approval Order, the Class Notice in Spanish,
20 the long form notice (in English and Spanish), and the Claim Form (in English and Spanish).

21 9. On July 19, 2024, Kroll established an email address,
22 info@SeeTicketsUSDataIncidentSettlement.com, to receive and reply to email inquiries from
23 Settlement Class Members pertaining to the settlement.

24 **The Notice Program**

25 10. On July 22, 2024, Kroll caused one (1) Class Notice to be mailed via first-class
26 mail. A true and correct copy of the Class Notice, as well as the long form notice and Claim Form,
27 are attached hereto as **Exhibits C, D, and E**, respectively.
28

1 11. On July 22, 2024, Kroll caused the Class Notice to be sent to the 324,910 email
2 addresses on file for Settlement Class Members as noted above. A true and correct copy of a
3 complete exemplar Class Notice by email (including the subject line) is attached hereto as **Exhibit**
4 **F.** Of the 324,910 emails attempted for delivery, 30,769 emails were rejected/bounced back as
5 undeliverable.

6 12. On August 23, 2024, Kroll caused 30,769 Class Notices to be mailed via first-class
7 mail to Settlement Class Members whose email notice was rejected/bounced back as undeliverable,
8 as set forth above.

9 13. On September 23, 2024, Kroll will send reminder notices via email to Settlement
10 Class Members who have not already submitted a Claim Form and whose initial email notice did
11 not return as rejected/bounced back as undeliverable.

12 **NOTICE PROGRAM REACH**

13 14. As of September 11, 2024, 251 Class Notices were returned by the USPS with a
14 forwarding address. Of those, 251 Class Notices were automatically re-mailed to the updated
15 address provided by the USPS.

16 15. As of September 11, 2024, 1,000 Class Notices were returned by the USPS as
17 undeliverable as addressed, without a forwarding address. Kroll is currently in the process of
18 running all 1,000 undeliverable records through an advanced address search. If an updated address
19 is obtained through the advanced address search process, Kroll will re-mail the Class Notice to the
20 updated address.

21 16. Based on the foregoing, and subject to any Class Notice re-mailings, Kroll has
22 reason to believe that Class Notices likely reached 323,911 of the 324,911 persons to whom Class
23 Notices were mailed or emailed, which equates to a reach rate of the direct mail/email notice of
24 approximately 99.69%. This reach rate is consistent with other court-approved, best-practicable
25 notice programs and Federal Judicial Center Guidelines, which state that a notice plan that reaches²

26 _____
27 ² FED. JUD. CTR., *Judges' Class Action Notice and Claims Process Checklist and Plain Language*
28 *Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>. The guide
suggests that the minimum threshold for adequate notice is 70%.

over 70% of targeted class members is considered a high percentage and the “norm” of a notice campaign.³ The table below provides an overview of dissemination results for the direct Notice Program.

Direct Notice Program Dissemination & Reach		
Description	Volume of Settlement Class Members	Percentage of Settlement Class Members
Settlement Class Members	324,911	100.00%
Initial Class Notice Email and Mail		
(+) Class Notices Emailed and Mailed (Initial Campaign)	324,911	100.00%
(-) Total Emailed Class Notices returned as undeliverable	(30,769)	9.47%
Undeliverable Email Mailing		
(+) Total Unique Class Notices Mailed	30,769	9.47%
(-) Total Undeliverable Class Notices	(1,000)	0.31%
Direct Notice Program Reach		
(=) Likely Received Direct Notice	323,911	99.69%

CLAIM ACTIVITY

17. The deadline to submit Claim Forms is October 20, 2024.

18. As of September 11, 2024, Kroll has received eleven (11) Claim Forms through the mail and 8,407 Claim Forms filed electronically through the Settlement Website. Kroll is still in the process of reviewing and validating Claim Forms.

19. To prevent Claim Forms from being filed by individuals outside the Settlement Class and to curtail fraud, Settlement Class Members were provided a unique “Class Member ID” on their respective notices. The Class Member ID is required for Settlement Class Members to file a Claim Form online.

EXCLUSIONS AND OBJECTIONS

20. The Objection/Opt-Out Deadline is September 20, 2024.

³ Barbara Rothstein and Thomas Willging, Federal Judicial Center Managing Class Action Litigation: A Pocket Guide for Judges, at 27 (3d Ed. 2010).

CERTIFICATION

Scott M. Fenwick
SCOTT M. FENWICK

Exhibit A



VIA U.S. MAIL

Date: June 26, 2024

To: All “Appropriate” Federal and State Officials Per 28 U.S.C. § 1715
(*see attached service list*)

Re: CAFA Notice for the proposed Settlement in *In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident*, No. 2:23-cv-07498, pending in the District Court for the Central District of California

Pursuant to Section 3 of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, Defendant Vivendi Ticketing US, LLC d/b/a See Tickets (“Defendant” or “Vivendi Ticketing US, LLC d/b/a See Tickets”) hereby notifies you of the proposed settlement of the above-captioned action (the “Action”), currently pending in the District Court for the Central District of California (the “Court”).

Eight items must be provided to you in connection with any proposed class action settlement pursuant to 28 U.S.C. § 1715(b). Each of these items is addressed below, and all exhibits are available for download at www.CAFANotice.com under the folder entitled *In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident*:

1. 28 U.S.C. § 1715(b)(1) – a copy of the complaint and any materials filed with the complaint and any amended complaints.

The Consolidated Class Action Complaint is available as **Exhibit A**.

2. 28 U.S.C. § 1715(b)(2) – notice of any scheduled judicial hearing in the class action.

On May 24, 2024, Plaintiff filed a motion for preliminary approval of the class action settlement, which was granted by Order dated May 31, 2024. Plaintiffs were ordered to notice a Final Approval Hearing date by July 9, 2024. Plaintiffs’ Notice of Motion and Motion for Preliminary Approval is attached as **Exhibit B**.

3. 28 U.S.C. § 1715(b)(3) – any proposed or final notification to class members.

Copies of the proposed Class Notice, long form notice, and claim form will be provided to Settlement Class members and will be available on the settlement website created for the administration of this matter. These are available as **Exhibits C, D, and E**, respectively. The notices describe, among other things, the claim form submission process and the Settlement Class members’ rights to object or exclude themselves from the Settlement Class.

4. 28 U.S.C. § 1715(b)(4) – any proposed or final class action settlement.

The Settlement Agreement is available as **Exhibit F**.

5. 28 U.S.C. § 1715(b)(5) – any settlement or other agreement contemporaneously made between class counsel and counsel for defendants.

There are no other settlements or other agreements between Class Counsel and counsel for See Tickets beyond what is set forth in the Settlement Agreement.

6. 28 U.S.C. § 1715(b)(6) – any final judgment or notice of dismissal.

The Court has not yet entered a final judgment or notice of dismissal. Accordingly, no such document is presently available.

7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

The definition of the Settlement Class in the proposed Settlement Agreement means:

A Primary Settlement Class defined as follows:

All individuals in the United States whose information was accessed in the Data Security Incident and who received notice of the Data Security Incident from See Tickets;

A California Settlement Sub-Class defined as follows:

All individuals residing in California as of the Notice Date whose information was accessed in the Data Security Incident and who received notice of the Data Security Incident from See Tickets.

An estimated breakdown of Settlement Class members by state is available as **Exhibit G**. The proportionate share of members residing in each state will depend on the claims submitted by the Settlement Class members.

8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).

There has been no written judicial opinion. Accordingly, no such document is presently available.

If you have any questions about this notice, the Action, or the materials available for download at www.CAFANotice.com under the folder entitled *In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident*, please contact the undersigned below.

Respectfully submitted,

Drew Perry
Senior Manager
Drew.Perry@kroll.com

Exhibit B

CAFA NOTICE SERVICE LIST

U.S. Attorney General

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313 NE 21st Street
Oklahoma City, OK 73105

Oregon Attorney General

Ellen F. Rosenblum
Oregon Department of Justice
1162 Court St., NE
Salem, OR 97301

Pennsylvania Attorney General

Michelle A. Henry
Pennsylvania Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Puerto Rico Attorney General

Domingo Emanuelli Hernandez
P.O. Box 9020192
San Juan, PR 00902

Rhode Island Attorney General

Peter F. Neronha
150 S. Main St.
Providence, RI 02903

South Carolina Attorney General

Alan Wilson
Rembert C. Dennis Office Bldg.
P.O. Box 11549
Columbia, SC 29211

South Dakota Attorney General

Marty Jackley
1302 East Highway 14, Suite 1
Pierre, SD 57501

Tennessee Attorney General

Jonathan Skrmetti
425 5th Avenue North
PO Box 20207
Nashville, TN 37202

Texas Attorney General

Ken Paxton
Capitol Station
P.O. Box 12548
Austin, TX 78711

Page 7 of 7

U.S. Virgin Islands Attorney General

Ian S.A. Clement
34-38 Kronprindsens Gade
GERS Building, 2nd Floor
St. Thomas, Virgin Islands 00802

Utah Attorney General

Sean Reyes
PO Box 142320
Salt Lake City, UT 84114

Vermont Attorney General

Charity R. Clark
109 State St.
Montpelier, VT 05609

Virginia Attorney General

Jason Miyares
202 North Ninth Street
Richmond, VA 23219

Washington Attorney General

Bob Ferguson
1125 Washington St. SE
P.O. Box 40100
Olympia, WA 98504

West Virginia Attorney General

Patrick Morrissey
State Capitol Complex, Bldg. 1, Rm. E-26
1900 Kanawha Blvd. E
Charleston, WV 25305

Wisconsin Attorney General

Josh Kaul
Wisconsin Department of Justice State
Capitol, Room 114 East
P.O. Box 7857
Madison, WI 53707

Wyoming Attorney General

Bridget Hill
State Capitol Bldg.
109 State Capitol
Cheyenne, WY 82002

Exhibit C

ARE YOU INCLUDED? Yes, See Tickets’ records show that you are an individual whose information was accessed and that you were sent a notification of the Data Security Incident on or about September 11, 2023. Therefore, you are included in this settlement as a “Settlement Class member.”

WHAT ARE THE SETTLEMENT BENEFITS? See Tickets has agreed to establish a Settlement Fund of \$3,250,000. Settlement Class members who submit a valid claim will be reimbursed for documented, ordinary, and unreimbursed out-of-pocket expenses up to \$2,000 and extraordinary expenses up to \$5,000. All Settlement Class members may also elect to receive either three years of three-bureau credit monitoring or, alternatively, an Alternative Pro Rata Cash Payment of up to \$100 from the Settlement Fund. California residents will also receive an additional \$100 California Statutory Award pursuant to claims under California law. The Administrative Costs and all Class Counsel Fees will also be paid from the Settlement Fund.

HOW CAN I FILE A CLAIM? The only way to file a claim is by filling out a Claim Form available if you:

- Visit the settlement website at www.SeeTicketsUSDataIncidentSettlement.com or
- Call (833) 522-2574

All claims must be filed before **October 20, 2024**.

WHAT ARE MY OTHER OPTIONS? If you do nothing, you will remain in the Settlement Class, you will not be eligible for benefits, you will be bound by the decisions of the Court and give up your rights to sue See Tickets for the claims resolved by this settlement. If you do not want to be legally bound by the settlement, you must exclude yourself by **September 20, 2024**. If you stay in the Settlement, you may object to it by September 20, 2024. More detailed notice explaining how to exclude yourself or object is available at www.SeeTicketsUSDataIncidentSettlement.com or call the phone number below.

WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? On **December 16, 2024**, the Court will hold a Final Approval Hearing to determine whether to approve the settlement, Class Counsel’s request for Class Counsel Fees and expenses of up to \$812,500, and a service payment of \$2,500 for each Plaintiff. The Motion for Class Counsel Fees will be posted on the settlement website after it is filed. You or your own lawyer may ask to appear and speak at the hearing at your own cost, but you do not have to.

For more information, call or visit the website below.

2:23-cv-07498-MWF-DFM
See Tickets Data Security Incident
c/o Kroll Settlement Administration
P.O. Box 225391
New York, NY 10150-5391

Document 47-9
ID #:617

Filed 09/12/24

Page 19 of 32
FIRST-CLASS MAIL
U.S. POSTAGE PAID
CITY, ST
PERMIT NO. XXXX

ELECTRONIC SERVICE REQUESTED

You may be eligible for cash payment
and/or Credit Monitoring Services from
See Tickets but you need to act.

*Si desea recibir esta notificación
en español, llámenos o visite nuestra
página web.*

A Court authorized this Notice.

This is not spam, an advertisement,
or a lawyer solicitation.

<<Refnum Barcode>>

CLASS MEMBER ID: <<Refnum>>

Postal Service: Please do not mark barcode

<<FirstName>> <<LastName>>

<<Company>>

<<Address1>>

<<Address2>>

<<City>>, <<State>> <<Zip>>-<<zip4>>

<<Country>>

Exhibit D

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident, No. 2:23-cv-07498 (C.D. Cal.)

**You may be eligible for cash payment and/or Credit Monitoring Services from
See Tickets but you need to act.**

A Court authorized this Class Notice.

This is not spam, an advertisement, or a lawyer solicitation.

This is a court-authorized Class Notice of a proposed settlement in a class action lawsuit, *In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident*, No. 2:23-cv-07498, currently pending in the District Court for the Central District of California. The proposed settlement would resolve a lawsuit that alleges that See Tickets was negligent and breached contractual and statutory duties in connection with a data security incident that See Tickets disclosed in September 2023. See Tickets contests these claims and denies that it did anything wrong. This Class Notice explains the nature of the class action lawsuit, the terms of the settlement, and your legal rights and obligations.

- You have legal rights and options that you may act on before the Court decides whether to approve the proposed settlement. Because your rights will be affected by this settlement, it is extremely important that you read this Class Notice carefully. To read the precise terms and conditions of the settlement, you can access a copy of the Settlement Agreement at www.SeeTicketsUSDataIncidentSettlement.com. You may also contact the Settlement Administrator at (833) 522-2574.

Summary of Your Legal Rights and Options in This Settlement		Deadline
Submit a Claim	The only way to be eligible to receive a Claimant Award from this settlement is by submitting a timely and valid Claim Form.	October 20, 2024
Opt Out of the Settlement	You can choose to opt out of the settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this settlement. You can elect to have your own legal counsel at your own expense.	September 20, 2024
Object to the Settlement and/or Attend a Hearing	If you do not opt out of the settlement, you may object to it by writing to the Court about why you don't like the settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for a Claimant Award.	September 20, 2024
Do Nothing	Unless you opt out of the settlement, you are automatically part of the settlement. If you do nothing, you will not get a payment from this settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this settlement.	No Deadline

What Is This Action About?

In a class action, one or more people, called class representatives, sue on behalf of people who have similar claims. All of the people with similar claims are Settlement Class members. One court resolves the issues for all Settlement Class members, except those who exclude themselves from the Settlement Class.

In this consolidated Action, Plaintiffs allege that See Tickets was negligent and violated contractual and statutory damages when a third party obtained unauthorized access to payment card information of certain See Tickets customers. See Tickets denies any liability or wrongdoing of any kind associated with the claims in this Action.

This is just a summary of the allegations. The complaint in the Action is posted at www.SeeTicketsUSDataIncidentSettlement.com and contains all of the allegations.

Why Is There A Settlement?

To resolve this matter without the expense, delay, and uncertainties of litigation, the parties reached a settlement. The proposed settlement would require See Tickets to pay money and provide access to a credit monitoring product, and pay Administrative costs, Class Counsel Fees, and service payments to the Named Plaintiffs, as may be approved by the Court. The settlement is not an admission of wrongdoing by See Tickets and does not imply that there has been, or would be, any finding that See Tickets violated the law.

Am I a Settlement Class Member?

You are a Settlement Class member if you are a resident of the United States whose information was accessed in the Data Security Incident and you received notice of the Data Security Incident from See Tickets.

Who Represents Me?

The Court has appointed a team of lawyers as Class Counsel.

Mason A. Barney SIRI & GLIMSTAD LLP 745 Fifth Ave, Suite 500 New York, NY 10151
Nicholas Migliaccio MIGLIACCIO & RATHOD, LLP 412 H. St. NE, Suite 302 Washington, DC 20002 T: (202) 470-3520
Kenneth Grunfeld KOPELOWITZ OSTROW P.A. One West Las Olas Blvd., Suite 500 Fort Lauderdale, FL 33301

Class Counsel will petition to be paid legal fees and to be reimbursed for their reasonable expenses from the Settlement Fund. You do not need to hire your own lawyer, but you may choose to do so at your own expense.

What Are The Settlement Benefits?

See Tickets has agreed to establish a Settlement Fund, by depositing with the Settlement Administrator US \$3,250,000 in cash. Information on how to obtain and redeem the discount will be provided with each Settlement Class member's Claimant Award.

The Settlement Fund will be used to pay Class Counsel Fees and costs, service payments for the Named Plaintiffs and Administrative Costs. After deducting amounts for Class Counsel Fees and costs, a service payment for the Named Plaintiffs, and settlement administration costs, the remaining amount ("**Net Settlement Amount**") will be used to pay timely valid claims.

A Settlement Class member who timely submits a valid and approved Claim Form shall be entitled to a Claimant Award, which includes three categories of awards. Depending on the documentation submitted a Settlement Class member may be eligible for one or both awards:

- I. Cash Payment or Credit Monitoring Services. All Settlement Class members may choose either:
 - A. Three years of three-bureau Credit Monitoring Services; or
 - B. A *pro rata* Alternative Cash Payment of up to \$100 from the funds remaining in the Net Settlement Amount after payment of the Credit Monitoring Services and the following categories of awards.
- II. Reimbursement of Expenses. Any Settlement Class member who spent money as a result of the Data Security Incident, and submits valid documentation to establish this, is eligible for:
 - A. Reimbursement of up to \$2,000 in ordinary documented out of pocket expenses, such as unreimbursed bank fees (for example card replacement and over-limit fees), interest on short term loans, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage incurred, or gasoline for local travel as a result of the Data Security Incident, this would also include the cost of credit reports, credit freezes or credit monitoring the Settlement Class member already purchased in response to the Data Security Incident; and
 - B. Reimbursement of up to \$5,000 in documented extraordinary expenses incurred from identity theft more likely than not caused by the Data Security Incident.
- III. California Resident Benefit. In addition to the above benefits, pursuant to protections in California law, any Settlement Class member who is a resident of California is entitled to a \$100 California Statutory Award.

After calculation of the above categories of awards, if any money remains from the Remaining Net Settlement Amount, that money will be distributed *pro rata* among all Settlement Class members who timely submitted a valid and approved Claim Form for an Alternative Cash Payment, or if too little money remains to make such a payment, the money will be donated to an appropriate charity.

See Tickets has also agreed to certain enhancements to its data security.

How Do I Get a Payment?

You must submit a completed Claim Form no later than **October 20, 2024**. You may submit a Claim Form online at www.SeeTicketsUSDataIncidentSettlement.com.

How Do I Exclude Myself from the Settlement?

If you want to exclude yourself from the Settlement Class, sometimes referred to as “opting out,” you will not be eligible to recover any benefits as a result of this settlement and you will not receive a payment or have any rights under the Settlement Agreement. However, you would keep the right to sue See Tickets at your own expense about the legal issues raised in this lawsuit. You may exclude yourself from the settlement by mailing a written notice to the Settlement Administrator, postmarked on or before **September 20, 2024**. Your exclusion request letter must:

- Be in writing;
- State your current address;
- Contain the statement “I request that I be excluded from the Settlement Class in the case of *In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data Security Incident*.”;
- Be signed by you; and
- Be mailed to the Settlement Administrator, at: See Tickets Data Security Incident, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 10150-5391, postmarked on or before **September 20, 2024**.

How Do I Object to the Settlement?

If you are a Settlement Class member and you do not exclude yourself from the settlement, you can object to the settlement. To do so, you must file your written objection with the Court no later than **September 20, 2024**, and mail a copy to Class Counsel and See Tickets’ Counsel at the addresses listed below. Your written objection may include any supporting documentation you wish the Court to consider.

If your objection is submitted and overruled by the Court at the Final Approval Hearing, you will remain fully bound by the terms of the Settlement Agreement and the Final Approval Order.

Mailing addresses for Class Counsel and See Tickets’ Counsel are as follows:

CLASS COUNSEL:	SEE TICKETS’ COUNSEL:
Mason Barney SIRI & GLIMSTAD LLP 745 Fifth Ave, Suite 500 New York, NY 10151 Nicholas A. Migliaccio MIGLIACCIO & RATHOD LLP 412 H. St. NE, Ste. #302 Washington, D.C. 20002 Kenneth Grunfeld KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT One West Las Olas Blvd., Suite 500 Fort Lauderdale, Florida 33301	Aravind Swaminathan Jacob Heath Rebecca Harlow ORRICK HERRINGTON & SUTCLIFFE LLP 401 Union Street - Suite 3300 Seattle, WA 98101

What Is the Difference Between Objecting And Asking To Be Excluded?

Objecting means telling the Court that you do not like something about the settlement. You can object to the settlement only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the settlement. If you exclude yourself, you have no basis to object to the settlement because it no longer affects you.

What Am I Agreeing To By Remaining In the Settlement Class?

Unless you exclude yourself, you will be part of the Settlement Class and you will be bound by the release of claims in the settlement. This means that if the settlement is approved, you cannot sue, continue to sue, or be part of any lawsuit against See Tickets or the other Released Parties asserting a “Released Claim,” as defined below. It also means that the Court’s Order approving the settlement and the judgment in this case will apply to you and legally bind you.

“Released Claims” means any and all actual, potential, filed, unfiled, known or unknown, fixed or contingent, claimed or unclaimed, suspected or unsuspected, claims, demands, liabilities, rights, causes of action, damages, punitive, exemplary or multiplied damages, expenses, costs, attorneys’ fees and/or obligations, whether in law or in equity, accrued or unaccrued, direct, individual or representative, of every nature and description whatsoever, whether based on federal, state, local, statutory or common law or any other law, against the Released Parties, or any of them, arising out of, or relating to, actual or alleged facts, transactions, events, matters, occurrences, acts, disclosures, statements, representations, omissions or failures to act in connection with the data security incident, and including all claims that were brought or could have been brought in the Action regarding the data security incident, belonging to any and all Settlement Class members, including but not limited to any state law or common law claims that they may have or had, such as under California’s Customer Records Act, California Civil Code section 1798.80, et seq. and/or California’s Consumer Privacy Act, California Civil Code section 1798.100, et seq. Each party expressly waives all rights under California Civil Code section 1542, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

“Released Parties” means See Tickets and its past, present, and future, direct and indirect heirs, assigns, associates, corporations, investors, owners, parents, subsidiaries, affiliates, divisions, officers, directors, shareholders, agents, employees, attorneys, insurers, reinsurers, benefit plans, predecessors, successors, managers, administrators, executors and trustees.

When Will the Court Decide Whether to Approve the Settlement?

The Court will hold a Final Approval Hearing on **December 16, 2024**. At that hearing, the Court will determine the overall fairness of the settlement, hear objections, and decide whether to approve the requested Class Counsel Fees and expenses, service payment for the Named Plaintiff, and Administrative Costs. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.SeeTicketsUSDataIncidentSettlement.com and the Court’s docket for updates.

How Do I Get More Information?

For more information, go to www.SeeTicketsUSDataIncidentSettlement.com, or call the Settlement Administrator at (833) 522-2574. You may also write to the Settlement Administrator via mail to See Tickets Data Security Incident, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 10150-5391 or via email at info@SeeTicketsUSDataIncidentSettlement.com.

Exhibit E



8307100000000

The DEADLINE
to submit or mail this
Claim Form is:
October 20, 2024

*In re: Vivendi Ticketing US LLC, d/b/a See Tickets Data
Security Incident, No. 2:23-cv-07498 (C.D. Cal.)*

For Office Use Only

CLAIM FORM

Important: Your Claim Form must be submitted online by **October 20, 2024**, in order to be timely and valid. You may submit a Claim Form by completing the form below.

Your failure to submit a timely Claim Form will result in you forfeiting any payment and benefits for which you may be eligible under the settlement.

To begin your Claim Form, please enter your Claimant ID below. Your Claimant ID is located at the top of the Class Notice that was emailed to you. If you did not receive a Notice but believe you are a Class Member, or have misplaced your Class Notice, you may call (833) 522-2574 to get information regarding your claim.

Claimant ID: 8 3 0 7 1 _____

(required, must be a valid number)

OR

(required if claimant ID unavailable)

Email address: _____@_____ AND

Name: _____
First Name Last Name

Claim Form:

This claim form should be filled out online if you are an individual who received notice of a Data Security Incident that Vivendi Ticketing US, LLC, doing business as See Tickets ("See Tickets") disclosed in September of 2023, pertaining to the cyber-attack against See Tickets. You may get money if you fill out this claim form, if the settlement is approved, and if you are found to be eligible for a payment.

The Class Notice that you received is also available at:
www.SeeTicketsUSDataIncidentSettlement.com, describes your legal rights and options.

If you wish to submit a Claim Form for a settlement payment, you need to provide the information requested below.

TO RECEIVE BENEFITS FROM THIS SETTLEMENT, YOU MUST PROVIDE ALL OF THE REQUIRED INFORMATION BELOW AND YOU MUST ELECTRONICALLY SIGN THIS CLAIM FORM.



83071



CF



Page 1 of 3



8307100000000

First Name *(required)*

MI

Last Name *(required)*

Mailing Address *(required)*

City *(required)*

State *(required)*

Zip Code *(required)*

Country *(required, default to United States)*

(_____) _____ - _____
Telephone Number *(required, must be minimum of 10 digits)*

Email Address *(required, must be valid email address format)*

1. ALTERNATIVE CASH PAYMENT OR CREDIT MONITORING

All Settlement Class members may choose one of the following:

- ☐ Send me my activation code for three-year, three- bureau credit monitoring through IDX so I can enroll in the credit monitoring services; OR
- ☐ Send me a check to the above mailing address for my *pro rata* cash payment of up to \$100 from the funds remaining in the Net Settlement Amount after payment of the credit monitoring and the following categories of awards.

2. REIMBURSEMENT ELIGIBILITY INFORMATION.

Check the box for each category of expenses you incurred as a result of the Data Security Incident. Please be sure to fill in the total amount you are claiming for each category and to attach documentation of the charges as described in bold type (if you are asked to provide account statements as part of proof required for any part of your claim, you may mark out any unrelated transactions if you wish). Please provide as much information as you can to help us determine if you are entitled to a settlement payment.



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Page 2 of 3



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☐ **Compensation for Ordinary Losses as a result of the Data Security Incident. This category is capped at \$2,000.**

You must provide supporting documentation. **Examples** - bank fees, long distance phone charges, cell phone charges (if charged by the minute), data charges (if charged based on the amount of data used), postage, or gasoline for travel.

Total amount for this category: \$_____

☐ **Compensation for Extraordinary Documented Losses as a result of the Data Security Incident. This category is capped at \$5,000.**

You must provide supporting documentation. **Examples** – fees for credit reports, credit monitoring, or other identity theft insurance, purchased after February 28, 2023, and before **October 20, 2024**. Reimbursements in this category must be more likely than not caused by the Data Security Incident and not already covered and mitigated by the claimant through any existing bank reimbursements, credit monitoring insurance, or identity theft insurance.

Total amount for this category: \$_____

3. California Statutory Claim Benefits.

In addition to the following awards, each member of the California Settlement Sub-Class who timely submits a valid Claim Form will be eligible for a California Statutory Award of up to \$100.

Signature (required)

____/____/_____
Date (MM/DD/YYYY)



83071



CF



Page 3 of 3

Exhibit F

Perry, Drew

From: Kroll Settlement Administration LLC <vivendisettlement@e.emailsa.com>
Sent: Monday, July 22, 2024 1:00 PM
To: Perry, Drew
Subject: [EXTERNAL] Class Action Notice – See Tickets Data Settlement

Class Member ID: 83029DREWPERR

You may be eligible for cash payment and/or Credit Monitoring Services from
See Tickets but you need to act.

Si desea recibir esta notificación en español, llámenos o visite nuestra página web.

A Court authorized this Notice.

This is not spam, an advertisement, or a lawyer solicitation.

A settlement has been reached in a class action lawsuit against Vivendi Ticketing US, LLC or See Tickets ("See Tickets") that alleges that See Tickets was negligent and breached contractual and statutory duties in connection with a Data Security Incident that occurred starting in February of 2023 and that See Tickets disclosed in September 2023. See Tickets denies all of the claims and says it did not do anything wrong.

Are You Included? Yes, See Tickets' records show that you are an individual whose information was accessed and that you were sent a notification of the Data Security Incident on or about September 11, 2023. Therefore, you are included in this settlement as a "Settlement Class member."

What Are the Settlement benefits? See Tickets has agreed to establish a Settlement Fund of \$3,250,000. Settlement Class members who submit a valid claim will be reimbursed for documented, ordinary, and unreimbursed out-of-pocket expenses up to \$2,000 and extraordinary expenses up to \$5,000. All Settlement Class members may also elect to receive either three years of three-bureau credit monitoring or, alternatively, an Alternative Pro Rata Cash Payment of up to \$100 from the Settlement Fund. California residents will also receive an additional \$100 California Statutory Award pursuant to claims under California law. The Administrative Costs and all Class Counsel Fees will also be paid from the Settlement Fund.

How Can I File A Claim? The only way to file a claim is by filling out a Claim Form available if you:

- Visit the settlement website at www.SeeTicketsUSDatalIncidentSettlement.com or
- Call (833) 522-2574

All claims must be filed *before* **October 20, 2024**.

What Are My Other Options? If you do nothing, you will remain in the Settlement Class, you will not be eligible for benefits, you will be bound by the decisions of the Court and give up your rights to sue See Tickets for the claims resolved by this settlement. If you do not want to be legally bound by the settlement, you must exclude yourself by **September 20, 2024**. If you stay in the Settlement, you may object to it by **September 20, 2024**. More detailed notice explaining how to exclude yourself or object is available at www.SeeTicketsUSDatalIncidentSettlement.com or call the phone number below.

When Will the Court Decide Whether to Approve the Settlement? On **December 16, 2024**, the Court will hold a Final Approval Hearing to determine whether to approve the settlement, Class Counsel's request for Class Counsel Fees and expenses of up to \$812,500, and a service payment of \$2,500 for each Plaintiff. The Motion for Class Counsel Fees will be posted on the settlement website after it is filed. You or your own lawyer may ask to appear and speak at the hearing at your own cost, but you do not have to.

For more information, call or visit the website below.
www.SeeTicketsUSDatalIncidentSettlement.com (833) 522-2574

Please click [here](#) to unsubscribe.