

# **EXHIBIT A**

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

BUNCOMBE COUNTY

KAREN STIWINTER and PATRICIA  
NORMAN, individually and on  
behalf of all others similarly  
situated,

Plaintiffs,

v.

ASHEVILLE ARTHRITIS AND  
OSTEOPOROSIS CENTER, P.A.,

Defendant.

Case No.: 24CV208570-100

**JOINT DECLARATION OF CLASS  
COUNSEL IN SUPPORT OF  
PLAINTIFFS' UNOPPOSED  
MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT  
AND APPLICATION FOR  
ATTORNEYS' FEES, COSTS, AND  
SERVICE AWARDS**

We, **Tyler J. Bean** and **Kenneth Grunfeld**, being competent to testify, make the following declaration:

1. We are proposed Class Counsel<sup>1</sup> for Plaintiffs and the Settlement Class in the above-captioned Action, having been preliminarily appointed as Class Counsel in the Court's *Order On Plaintiffs' Unopposed Motion For Preliminary Approval of Class Action Settlement* dated October 9, 2025 (ECF No. 56). We submit this declaration in support of *Plaintiffs' Unopposed Motion for Final Approval of the Class Action Settlement and Application for Attorneys' Fees, Expenses, and Service Awards*, filed contemporaneously herewith. Except as otherwise noted, we have personal

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<sup>1</sup> All capitalized terms used herein have the meanings as those defined in Section II of the Settlement Agreement, attached to the Motion for Preliminary Approval as Exhibit A, ECF No. 51-1 ("SA").

knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

### **BACKGROUND OF THE LITIGATION**

2. Defendant is a full-service rheumatology practice with adult and pediatric patients that operates in and around Asheville, North Carolina. In the course of operating its business, Defendant collects, maintains, and stores Private Information pertaining to its current and former patients, including personally identifiable information and protected health information, such as name, address, date of birth, telephone number, Social Security number, and certain medical information such as medical notes, lab results, diagnosis and health insurance information.

3. On or about May 22, 2024, Defendant detected that it was the target of a cyberattack on its systems. Defendant ultimately determined an unauthorized third party may have gained access to Settlement Class Members' Private Information during the Data Incident.

4. Defendant began mailing notice of the Data Incident to impacted individuals (approximately 58,521 individuals) on or about September 20, 2024.

5. Following Defendant's mailing notice of the Data Incident, Plaintiff Karen Stiwinter filed a complaint against Defendant initiating this Action on October 11, 2024, asserting several causes of arising from the Data Incident. Plaintiff Patricia Norman originally filed a separate action against Defendant arising from the Data Incident, which was later dismissed without prejudice with permission of the Court.

*See Norman v. Asheville Arthritis & Osteoporosis Ctr., P.A.* (24CV208742-100), ECF Nos. 3, 13.

6. Thereafter, on June 5, 2025, Plaintiffs' First Amended Class Action Complaint and Demand for Jury Trial was filed in this Action, naming both Karen Stiwinter and Patricia Norman as Plaintiffs. In the Amended Complaint, Plaintiffs, individually and on behalf of the putative class, assert claims against Defendant for negligence, breach of implied contract, negligence per se, breach of fiduciary duty, and unjust enrichment.

7. On July 3, 2025, Defendant moved to dismiss all claims alleged in the Amended Complaint (ECF No. 41).

8. The Parties also began discussing settlement and scheduled mediation experienced data breach class action mediator Hon. Wayne Anderson (Ret.) of JAMS.

9. In preparation for mediation, Class Counsel consulted with damage and liability experts and propounded informal discovery requests on Defendant, to which Defendant responded by providing information related to, among other things, the nature and cause of the Data Incident, the number and geographic location of victims, and the specific type of Private Information involved.

10. The Parties participated in a full-day, formal mediation before Judge Anderson on July 3, 2025.

11. The Action did not settle during the July 3, 2025 mediation session. However, after continuing discussions over the next several days the Parties' good-

faith negotiations were successful and resulted in their agreement on material terms of the proposed Settlement.

12. As the Settlement Agreement was reached prior to the completion of briefing on Defendant's motion to dismiss, the Parties requested a stay of all litigation in the Action, which the Court granted (ECF No. 49).

13. Thereafter, the Parties spent weeks working diligently to negotiate, draft, and finalize the Agreement, Notices, and Claim Form.

### **SETTLEMENT AGREEMENT**

14. This Settlement establishes a \$500,000.00 non-reversionary Settlement Fund from which Settlement Class Members may submit Claims to receive one of two Cash Payments: (a) Cash Payment A – Documented Losses, up to \$5,000.00 per Settlement Class Member, and (b) Cash Payment B – Alternate Cash Payment, in the estimated amount of \$100.00 per Settlement Class Member, subject to a *pro rata* increase or decrease after the distribution of Cash Payments for Valid Claims under Cash Payment A – Documented Losses, Court-awarded attorneys' fees, costs, and Service Awards, and Settlement Administration costs.

15. The Releases in the Agreement are narrowly tailored to the claims made in the Action.

16. The Parties did not discuss attorneys' fees and costs or Service Awards until after they reached agreement on all material Settlement terms.

17. The Settlement was reached in the absence of collusion and is the result of good-faith, informed, and arm's-length negotiations between experienced attorneys

who are familiar with class action litigation and with the legal and factual issues at stake.

18. Although Plaintiffs and Class Counsel believe the claims asserted in this Action are meritorious and the Settlement Class would ultimately prevail at trial, continued litigation poses significant risks that make any recovery for the Settlement Class uncertain. Defendant has compelling defenses and moved to dismiss all of Plaintiffs' claims.

19. Plaintiffs approve of the Settlement's terms, as do Class Counsel, based on their deep experience litigating data privacy class actions and other complex litigation. The Settlement's fairness is underscored by consideration of the obstacles that the Settlement Class would face in ultimately succeeding on the merits, as well as the expense and likely duration of the litigation.

20. Although Plaintiffs and Class Counsel are confident in the merits of Plaintiffs' claims, the litigation risks cannot be disregarded. Besides the risk of losing at trial, substantial additional costs are anticipated if litigation continues, including expert witness fees and discovery. Plaintiffs would need to defeat the motion to dismiss, counter a later motion for summary judgment, and both gain and maintain certification of the Settlement Class, with a near inevitable interlocutory appeal attempt. To date, to Class Counsel's knowledge, no data breach class action has been tried.

21. Despite the risks involved with further litigation, the Settlement provides outstanding benefits in the form of Cash Payments for all Settlement Class

Members. The Settlement guarantees the Settlement Class real relief for harms from the Data Incident.

22. The Settlement Class Member Benefits provided under the Agreement are consistent with, and in fact exceed, those in other approved settlements, including in data privacy class actions. *See, e.g. Desue, et al. v. 20/20 Eye Care Network Inc.*, 2023 WL 4420348, (S.D. Fla. July 8, 2023) (approving \$4,200,000 settlement for about 3,000,000 class members); *In re Yahoo! Inc. Customer Data Breach Litig.*, 2020 WL 4212811 (N.D. Cal. July 20, 2020) (approving \$117,500,000 settlement for 194,000,000 class members); *Adlouni v. UCLA Health Sys. Auxiliary.*, No. BC589243 (Cal. Sup. Ct., Los Angeles Cnty. June 28, 2019) (approving \$2,000,000 settlement for 4,500,000 class members); *In re Target Cop. Customer Data Sec. Litig.*, No. 0:14-md-02522, Doc. No. 758 (D. Minn. May 12, 2016) (approving \$10,000,000 settlement for 97,500,000 class members).

23. The Settlement does not improperly discriminate between any segments of the Settlement Class.

24. Class Counsel did not have a professional relationship with Plaintiffs prior to this case, and there were no time limitations.

25. Class Counsel worked closely with the Settlement Administrator to effectuate the terms of the Settlement and Notice Program, consistent with the Preliminary Approval Order.

26. The Notice Program was implemented in compliance with the Agreement and the Preliminary Approval Order, and the Claim Process is ongoing.

The Notice Program was designed to be the best notice practicable under the circumstances and satisfy due process. Settlement Class members received direct Notice, which provides the best possible and most practicable notice in a class settlement.

27. The Notices described the amount Class Counsel intended to request in attorneys' fees and costs in plain and clear language.

28. The Claim Process and distribution of Settlement Class Member Benefits is fair, convenient, and effective. The Claim Process was structured to give all Settlement Class members adequate time to review the Settlement terms, submit their Claims, and decide whether to opt-out of or object to the Settlement.

29. Claim Forms (submitted by mail or online) are due to the Settlement Administrator by the Claim Form Deadline, which is January 26, 2026. The Claim Form is in plain language for easy completion and the overall process is straightforward. With over a month left before the Claim Form Deadline, Class Counsel anticipate the number of Claims will continue to increase.

30. Settlement Class Members who submit Valid Claims will promptly receive Cash Payments by electronic means or paper check issued by the Settlement Administrator.

31. Although the Parties entered into a Settlement relatively early in litigation, the Settlement negotiations were hard-fought, and the Parties expended significant time and energy on this Action. This Action has been thoroughly investigated by counsel experienced in data privacy and class action litigation.

Moreover, Class Counsel's informal exchange of discovery and good-faith negotiations assisted by an experienced mediator has ensured a fair, reasonable, and adequate Settlement.

32. It is Class Counsel's opinion, based on the experience detailed below, that the Settlement is a fair, reasonable, and adequate resolution of Plaintiffs' and the Settlement Class's claims. Based on Class Counsel's ample experience in similar data breach cases, Class Counsel strongly support the Settlement, as do Plaintiffs.

33. There were substantial risks involved in this Action, including whether Plaintiffs' claims would survive Defendant's motion to dismiss or arduous motions practice to follow, including class certification issues, *Daubert* motions on damages methodologies, and others, all of which would be hurdles Plaintiffs would need to overcome to prevail on their claims and receive compensation from Defendant.

34. Time was also not on the Settlement Class Members' side. While the Parties would be litigating the foregoing issues potentially for years to come, Settlement Class Members would not have the benefit of the relief provided by the instant Settlement. Thus, a reasonable settlement is more practical than facing the risks of no recovery at all after years of litigation.

35. In contrast to the risk, cost, and delay posed by proceeding to trial, if it is finally approved, the Settlement will provide certain, substantial, and immediate relief to the Settlement Class. It ensures that Settlement Class Members with Valid Claims will receive benefits that may not have been available at trial. Based on the foregoing, it is Class Counsel's well-informed opinion that, given the uncertainty and

further substantial risk and expense of pursuing the Action through contested class certification proceedings, trial and appeal, the proposed Settlement is fair, reasonable, and adequate.

36. Class Counsel and Plaintiffs fully evaluated the strengths, weaknesses, and equities of the Parties' respective positions, and believe the Settlement fairly resolves their differences.

### **CLASS COUNSEL'S EXPERIENCE AND EXPERTISE**

37. Counsel for both sides have decades of experience in consumer class-action litigation involving data privacy, including those data breaches specifically. Class Counsel are highly experienced in consumer class action litigation, as demonstrated in their respective firm resumes attached as *Exhibit 1* and *Exhibit 2* hereto, and have brought that significant experience to bear in litigating and settling this Action.

38. Class Counsel have substantial experience litigating consumer class actions, including many involving data breaches, deceptive practices, breach of contract, and other types of allegedly wrongful conduct.

39. Indeed, Class Counsel have emerged as leaders in nationwide litigation against various entities over data breaches and improper storage and protection of sensitive personal data.

40. Class Counsel needed a high degree of skill, both to settle the Action and to be prepared to litigate the merits through any potential motion practice, trial, and appeal. Class Counsel's experience handling the most prominent data breach cases

and their understanding of the related legal issues from those cases helped them successfully and efficiently prosecute this Action and obtain a substantial result for the Settlement Class. The significant Settlement Fund achieved at \$500,000.00 is guaranteed, whereas the chances of prevailing on the merits are uncertain.

## **ATTORNEY'S FEES, COSTS, AND SERVICE AWARDS**

### **Service Awards**

41. Plaintiffs were appointed as Class Representatives in the Preliminary Approval Order. The Settlement calls for reasonable Service Awards for the Class Representatives of up to \$2,500.00 each. The Service Awards are intended to compensate Class Representatives for their efforts on the Settlement Class's behalf.

42. Class Representatives have ably represented the Settlement Class and have been instrumental in assisting Class Counsel throughout this proceeding. Class Representatives initiated and remained in contact with Class Counsel; assisted in the investigation of the Action; reviewed and approved the pleadings in this case and the Agreement; supervised and monitored Class Counsel, remaining available for consultation throughout the negotiation process; and provided background documents and followed the progress of this litigation to ensure the Settlement Class received the best recovery possible given the particular circumstances and risks of the Action. Class Representatives also put their personal reputation at risk by being named in initial pleadings, putting themselves forward for public scrutiny. Plaintiffs were not promised a Service Award, nor did they condition their representation on

the expectation thereof. Class Representatives are committed to continuing to assist Class Counsel through and following Final Approval.

43. All Settlement Class members and the Class Representatives are potentially affected by the same Data Incident, and thus have common interests. Class Representatives have the same interest in the Settlement relief, and the absent members of the Settlement Class have no diverging interests.

**Attorneys' Fees**

44. After agreeing to the Settlement's material terms, Class Counsel negotiated attorneys' fees and costs as part of the total Settlement Class Member Benefits. Class Counsel seek a **\$166,666.67** attorneys' fees award (33.33% of the Settlement Fund) under the percentage of the fund method, and reimbursement of **\$21,954.51** for reasonable litigation costs. The forms of Notice advised the Settlement Class of these intended requests.

45. As further detailed herein, Class Counsel, along with additional Plaintiffs' counsel, have expended a total of **233.2 hours** of attorney and paralegal time, incurring a total lodestar in this case of **\$165,688.15**, broken down by firm as follows:

- a. Siri & Glimstad LLP – \$54,999.00
- b. Kopelowitz Ostrow P.A.– \$46,261.50
- c. Ellzey Kherkher Sanford Montgomery LLP (“EKSM”) – \$47,961.75
- d. Morgan & Morgan – \$8,298.40

e. Hunter Everage – \$8,167.50

46. Thus, the request of \$166,666.67 in attorneys' fees results in a modest **1.005** multiplier.

Siri & Glimstad LLP's Lodestar

47. Siri & Glimstad LLP has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the putative class in this Action.

48. The current hourly rates for the attorneys and support staff at the firm who worked on this case, along with the hours spent leading up to the drafting and filing of the accompanying Memorandum, are as follows:

Name	Position	Total Hours	Rate	Total Lodestar
Tyler Bean	Partner	43.2	\$725	\$31,320.00
Sonjay Singh	Associate	12.9	\$585	\$7,546.50
Neil Williams	Associate	0.4	\$585	\$234.00
Gabrielle Williams	Associate	11.1	\$575	\$6,382.50
Alcira Pena	Paralegal	32.1	\$260	\$8,346.00
Delilah Estefano	Paralegal	2.5	\$260	\$650.00
Cherie Cornfield	Paralegal	2.0	\$260	\$520.00
<b>TOTAL</b>		<b>104.2</b>		<b>\$54,999.00</b>

49. Siri & Glimstad's hourly rates have been recently approved by federal courts around the country, including in data breach settlements similar to this one. These include, but are not limited to, *Puller-Soto v. UNITE HERE*, No. 1:24-cv-01565, Docket No. 46 (S.D.N.Y. May 15, 2025) (approving S&G's hourly fee rates); *Tuteur v. Metropolitan Opera Association*, No. 23-cv-3997, Docket No. 72 (S.D.N.Y. Mar. 27, 2025) (approving fee application on a lodestar basis); *In re Onix Group, LLC Data*

*Breach Litig.*, No. 23-2288-KSM, Docket. No. 47-6 (E.D. Pa. Dec. 13, 2024) (finding hourly rates of up to \$1,057 for partners and between \$575 and \$725 for Siri & Glimstad associates to be reasonable); *Holden v. Guardian Analytics, Inc.*, No. 2:23-cv-2115, 2024 U.S. Dist. LEXIS 100349, at \*36 (D.N.J. June 5, 2024) (accepting as a reasonable the hourly rates submitted by Siri & Glimstad, which ranged from \$675 to \$825 per hour for associates and \$975 per hour for partners); *Boudreaux v. Systems East, Inc.*, No. 5:23-cv-1498, Docket No. 32 (N.D.N.Y. Dec. 4, 2024) (approving fee application); *Medina v. Albertsons Companies, Inc.*, Case No. 1:23-cv-00480-MN, Docket No. 34 (D. Del. April 6, 2024) (same); *In re Sovos Compliance Data Security Incident Litigation*, No. 1:23-cv-12100, Docket No. 51 (D. Mass. July 23, 2024) (same); *Carter et al. v. Vivendi Ticketing US LLC b/b/a See Tickets*, Case No. 22-01981-CJC (DFMx), Docket No. 53 (C.D. Cal. Oct. 30, 2023) (the court approved Siri & Glimstad's hourly rates and stated that it "reviewed the information provided and concludes that the lodestar amount with the requested multiplier fairly compensates the attorneys in this case given the excellent result they achieved for the class, the able representation of counsel, the investigation, discovery, negotiation, and other work performed, and the substantial risk counsel undertook in this data breach class action.").

#### Kopelowitz Ostrow P.A.'s Lodestar

50. Kopelowitz Ostrow P.A. has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

51. The current hourly rates for the attorneys and support staff at the firm who worked on this Action, along with the hours spent leading up to the drafting and filing of the accompanying Memorandum, are as follows:

<b>Name</b>	<b>Position</b>	<b>Total Hours</b>	<b>Rate</b>	<b>Total Lodestar</b>
Kenneth J. Grunfeld	Partner	22.5	\$1,025	\$23,062.50
Jeff Ostrow	Partner	11.2	\$1,100	\$12,320.00
Steven Sukert	Partner	4.6	\$815	\$3,479.00
Caroline Herter	Attorney	9.5	\$750	\$7,125.00
Molly Wolman	Law Clerk	1.5	\$150	\$225.00
Todd M. Becker	Paralegal	0.2	\$250	\$50.00
<b>TOTAL</b>		<b>49.5</b>		<b>\$46,261.50</b>

52. Kopelowitz Ostrow P.A's hourly rates have been recently approved by federal courts around the country, including in data breach settlements similar to this one.

Additional Plaintiffs' Counsel's Lodestar

53. EKSM, Morgan & Morgan, and Hunter Everage devoted the time and resources of their attorneys and staff to assist Class Counsel with the vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

54. The current hourly rates for the attorneys and support staff at EKSM, along with the hours spent leading up to the drafting and filing of the accompanying Memorandum, are as follows:

<b>Name</b>	<b>Position</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
<b>Leigh S. Montgomery</b>	Partner	\$950.00	39.95	\$37,952.50
<b>Jarrett L. Ellzey</b>	Partner	\$950.00	2.7	\$2,565.00

<b>Alice Newlin</b>	Paralegal	\$160.00	2.4	\$384.00
<b>Benjamin Eisner</b>	Associate	\$550.00	1.18	\$649.00
<b>Vanessa Kinney</b>	Associate	\$650.00	9.6	\$6,240.00
<b>Raya Jacob</b>	Paralegal	\$125.00	1.37	\$171.25
<b>TOTAL</b>			<b>57.2</b>	<b>\$47,961.75</b>

55. The current hourly rates for the attorneys and support staff at Morgan & Morgan, along with the hours spent leading up to the drafting and filing of the accompanying Memorandum, are as follows:

<b>Name</b>	<b>Position</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
<b>Jean S. Martin</b>	Partner	\$1,150.00	1.0	\$1,150.00
<b>Francesca Kester</b>	Attorney	\$777.00	9.2	\$7,148.40
<b>TOTAL</b>			<b>10.2</b>	<b>\$8,298.40</b>

56. The current hourly rates for the attorneys and support staff at Hunter Everage, along with the hours spent leading up to the drafting and filing of the accompanying Memorandum, are as follows:

<b>Name</b>	<b>Position</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Sarah A. Knox	Partner	\$675.00	12.1	12.1
<b>TOTAL</b>			<b>12.1</b>	<b>\$8,167.50</b>

57. As the Court considered at the Preliminary Approval Stage, Class Counsel are highly qualified and have a great deal of experience litigating complex consumer class actions, including in the data privacy context. *See* Class Counsel resumes at Dkt. No. 60-2 at 10-81. This experience proved beneficial to Plaintiffs and the Settlement Class during Settlement negotiations.

58. In evaluating the quality of Class Counsel's representation, the Court should also consider opposing counsel. Defendant is represented by extremely capable counsel who are worthy, highly competent adversaries.

59. Class Counsel have vigorously pursued the Settlement Class's interests in securing a Settlement bringing immediate, valuable benefits, while avoiding the risks of continued litigation. To do so, Class Counsel leaned on their experience in data privacy litigation, their detailed investigation of this particular Action, and informal discovery exchanged in connection with mediation and settlement negotiations.

60. Our work in this Action thus far includes investigating the cause and effects of the Data Incident; interviewing potential clients; evaluating the potential class representatives; contributing to the evaluation of the merits of the Action before filing the initial complaints; conducting extensive legal research and research into data security incidents and their causes and effects, including conducting further extensive research into data security practices and standards across similar platforms and industries; drafting and filing the initial complaints; preparing for and attending mediation, including informal pre-mediation discovery; drafting and revising the Settlement Agreement, the Notices, the Claim Form, the Motion for Preliminary Approval, and the instant Motion for Final Approval and Application for Attorneys' Fees, Costs, and Service Awards; communicating with Defendant's counsel and the Settlement Administrator on a regular basis; updating and handling

questions from Plaintiffs; and overseeing the Notice Program and Claims Process with substantial interaction with the Settlement Administrator.

61. Continuing through today, we have continued to work with Defendant and the Settlement Administrator regarding administration and processing of the Claims, as well as answering Settlement Class Members' questions about the Settlement and corresponding Claims Process. Based on our experience, we expect to spend additional hours preparing for and attending the Final Approval Hearing, defending the Settlement from any potential objections, and supervising the Settlement Administration and payment distribution process.

62. Class Counsel have not been paid for their extensive efforts in securing the Settlement for the Settlement Class, or reimbursed for litigation costs advanced or incurred. Class Counsel took this case on a contingency basis unaware if they would get paid for their attorneys' fees or costs advanced. Class Counsel assumed the risk of this engagement and worked diligently and efficiently to obtain a substantial result.

63. The retention agreements with Plaintiffs in this Action were contingent fee agreements. No payment of attorneys' fees would occur in this case but for an attorneys' fee award in an individual or class settlement. Class Counsel took on this case with no guarantee they would receive any compensation for their work, which occupied significant resources at Class Counsel's respective firms even before this Action was filed. There was a risk of nonpayment or underpayment for Class

Counsel's time, with Class Counsel foregoing the opportunity to work on other matters.

64. Class Counsel remains completely uncompensated for the time invested in the Action, in addition to the substantial costs they have advanced. Public policy concerns—ensuring the continued availability of experienced and capable counsel to represent classes of injured plaintiffs holding small individual claims—also support the requested fee. This practice encourages attorneys to assume this risk and allows plaintiffs who would otherwise not be able to hire an attorney to obtain competent counsel.

65. Considering Defendant has compelling defenses, continuing to pursue this Action posed a significant risk for Plaintiffs and the Settlement Class, and makes litigating data breach cases less desirable in general.

66. This Action has required us and other attorneys at our firms, along with additional Plaintiffs' counsel involved in the Action, to spend time that could have been spent on other matters.

67. Class Counsel's coordinated work paid dividends for the Settlement Class. Each of the above-described efforts was essential to achieving the Settlement. Class Counsel's time and resources devoted to prosecuting and settling this Action justify the requested attorneys' fee.

68. Prosecuting and settling these claims demanded considerable time and labor, making this attorneys' fee request reasonable. Class Counsel's organization ensured the work was coordinated to maximize efficiency and minimize duplication

of effort. Substantial time and resources were also dedicated to investigating the facts and interviewing potential plaintiffs, researching and developing the legal claims at issue, exchanging informal discovery, consolidating and organizing the Related Actions, and consulting with liability and damage experts. Significant time was then devoted to negotiating and drafting that Agreement, to the Preliminary Approval process, and to all actions required thereafter pursuant to the Preliminary Approval Order. Class Counsel has spent substantial time addressing the Notice Program and Claim Process, and preparing the Motion for Final Approval. Time will also be spent preparing for and attending the Final Approval Hearing. Finally, Class Counsel will devote substantial time to Settlement Administration, should Final Approval be granted, to ensure Valid Claims are paid and the Settlement is fully implemented. Each of those efforts is and was essential to achieving the Settlement.

69. Class Counsel therefore submit that the request for an attorneys' fee award of \$166,666.67 (33% of the Settlement Fund) is fair, reasonable, and adequate.

#### **Litigation Costs**

70. The total costs incurred by Class Counsel and other Plaintiffs' counsel total **\$21,954.51**, broken down by firm as follows:

- a. Siri & Glimstad LLP – \$6,379.55
- b. Kopelowitz Ostrow P.A.– \$6,543.31
- c. EKSM – \$7,199.51
- d. Morgan & Morgan – \$745.58
- e. Hunter Everage – \$1,086.56

71. Siri & Glimstad’s costs in prosecuting this case are set forth below. S&G is not seeking reimbursement for internal overhead expenses that are ordinarily reimbursed to Class Counsel in class actions. Cost receipts will be submitted to the Court should it likewise so require.

<b>Category</b>	<b>Amount</b>
LEXIS Fees	\$33.56
Service Fees	\$12.66
Mediation	\$6,333.33
<b>TOTAL</b>	<b>\$6,379.55</b>

72. Kopelowitz Ostrow P.A.’s costs in prosecuting this Action are set forth below. Cost receipts will be submitted to the Court should it likewise so require.

<b>Category</b>	<b>Amount</b>
Filing Fees	\$20.60
Mediation	\$6,522.71
<b>TOTAL</b>	<b>\$6,543.31</b>

73. EKSM’s costs in prosecuting this Action are set forth below. Cost receipts will be submitted to the Court should it likewise so require.

<b>Category</b>	<b>Amount</b>
Service	\$224.10
Mediation	\$6,522.70
Filing Fees	\$452.71
<b>TOTAL</b>	<b>\$7,199.51</b>

74. Morgan & Morgan’s costs in prosecuting this Action are set forth below. Cost receipts will be submitted to the Court should it likewise so require.

<b>Category</b>	<b>Amount</b>
Service, mediation, and filing fees	\$745.58
<b>TOTAL</b>	<b>\$745.58</b>

75. Hunter Everage's costs in prosecuting this Action are set forth below.

Cost receipts will be submitted to the Court should it likewise so require.

<b>Category</b>	<b>Amount</b>
Filing Fees	\$1,086.56
<b>TOTAL</b>	<b>\$1,086.56</b>

### CONCLUSION

76. We strongly believe that the Settlement is favorable for the Settlement Class. The Settlement addresses the types of injury and repercussions sustained by Settlement Class Members in the wake of the Data Incident. The Settlement was achieved in a case that was both risky and complex. In the opinion of the undersigned, the Settlement is fair, reasonable, adequate, and the request for attorneys' fees and costs and Service Awards should be granted.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true of my own personal knowledge. Executed in Oklahoma City, Oklahoma this 23rd day of December 2025.

/s/ Tyler J. Bean  
Tyler J. Bean

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true of my own personal knowledge. Executed in Philadelphia, Pennsylvania this 23rd day of December 2025.

/s/ Kenneth Grunfeld  
Kenneth Grunfeld

# **EXHIBIT 1**

# Siri | Glimstad

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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.

## Offices Nationwide

### **NEW YORK**

745 Fifth Ave • Suite 500  
New York, NY 10151

### **PHOENIX**

11201 N. Tatum Boulevard • Ste 300  
Phoenix, AZ 85028

### **WASHINGTON D.C.**

1025 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007

### **AUSTIN**

1005 Congress Avenue • Ste 925-C36  
Austin, TX 78701

### **CHICAGO**

111 West Jackson Blvd  
Chicago, IL 60604

### **MIAMI**

20200 West Dixie Highway • Ste 902  
Aventura, FL 33180

### **DETROIT**

220 West Congress Street • 2nd Floor  
Detroit, MI 48226

### **LOS ANGELES**

700 S Flower Street • Ste 1000  
Los Angeles, CA 90017

### **CHARLOTTE**

525 North Tryon Street • Ste 1600  
Charlotte, NC 28202

**1-888-SIRI-LAW (747-4529)**

## Admitted States

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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

Senior 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

### *Senior 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.

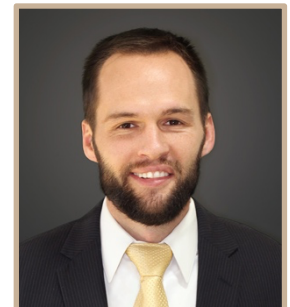


## Walker Moller

### *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.



## Tyler J. Bean

*Partner*

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.

## Kent. M. Williams

*Attorney*

Kent M. Williams has over 30 years of experience representing large classes of consumers, employees, and small businesses in antitrust, wage and hour, consumer fraud, data breach, privacy, employment discrimination, securities fraud, trespass, and product liability lawsuits.

Mr. Williams received his J.D. magna cum laude with legal writing honors from the University of Minnesota in 1991, where he was published in the University of Minnesota Law Review and competed against other law schools as a member of Minnesota's Jessup International Law Moot Court Competition Team.



After a summer internship with Jenner & Block in Chicago, Mr. Williams decided to remain in the Twin Cities, where he joined Dorsey & Whitney, one of the largest firms in the Midwest. After a few months, Mr. Williams yearned for more "hands on" experience, so he moved to Opperman Heins & Paquin (now known as Lockridge Grindal Nauen PLLP), a class action boutique where he was responsible for a variety of class and non-class matters. One of his most memorable experiences at OHP was coordinating the successful defense of the late Dr. John S. Najarian, a renowned surgeon who was accused by the Food and Drug Administration of illegally marketing and selling Minnesota antilymphocyte globulin ("MALG"), an anti-rejection

drug that Dr. Najarian had developed into what became the immunosuppressive “gold standard” for transplant surgery.

In 1994, Mr. Williams and four other attorneys formed a new class action firm, Heins Mills & Olson, P.L.C. His practice expanded to include class actions against major manufacturers of infant formula, industrial diamonds, hearing aids, polybutylene pipe, synthetic stucco, and other products. He advocated fiercely for consumers in antitrust cases, winning one of the first-ever contested indirect purchaser class certifications in the country, as well as an appellate court victory in North Carolina that established a private right of action for indirect purchasers in that state. Mr. Williams also represented landowners in class actions alleging trespass against railroads and telecommunications companies for burying fiber optic cable on private property without permission.

A firm believer that “variety is the spice of life,” in the mid-2000s, Mr. Williams decided to open a solo practice that allowed him to branch out into other areas of the law, while continuing to represent plaintiffs in class actions and other complex commercial matters. Over the next twenty years, Mr. Williams successfully handled a diversity of probate, family law, land-use, administrative law, criminal law, and employment law matters. During that same time period, he served as trial and/or lead counsel in a number of behemoth class actions brought against Big Pharma, Microsoft, and other large corporations. Mr. Williams is recognized as one of the first lawyers in the country to wage mass arbitration “guerilla warfare” (in the words of one legal commentator) by bringing hundreds of individual wage-and-hour arbitrations against a large, well-known restaurant chain.

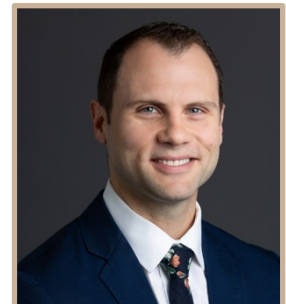
More recently, Mr. Williams has expanded his practice to include consumer privacy litigation. He manages the Firm’s genetic and biogenetic information privacy litigation group, and he serves as class counsel in a number of privacy cases, including one brought against a well-known online healthcare company. At the same time, Mr. Williams continues to advocate for consumers victimized by price-fixing, monopolization, securities fraud, financial fraud, and other unlawful schemes.

## 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.



## Sonjay Singh

### Attorney

Sonjay Singh is a seasoned litigator with broad experience in data privacy matters.

Prior to joining Siri & Glimstad, Mr. Singh worked with prominent plaintiffs' firms in the District of Columbia and Pennsylvania, where he brought claims for individuals affected by data privacy violations, predatory lending, defective products, false advertising, institutional abuse, and other corporate misconduct. Mr. Singh has also practiced as a trial lawyer,



pursuing personal injury, medical malpractice, defective premises, and other tort cases on behalf of his clients.

Mr. Singh graduated from Temple University's Beasley School of Law with both his J.D. and a certificate in Trial Advocacy and Litigation. During his time in law school, he was active on campus, and served as Vice President of the Student Bar Association. Mr. Singh also competed on Temple's highly-ranked Trial Team, winning the Inter-American Invitational at the University of Puerto Rico among other honors. For his dedication to plaintiffs' representation, Mr. Singh was named the Eisenberg Scholar, a scholarship given yearly to the outstanding student in civil litigation, and received the Trial Program Award for excellence in trial advocacy. Upon

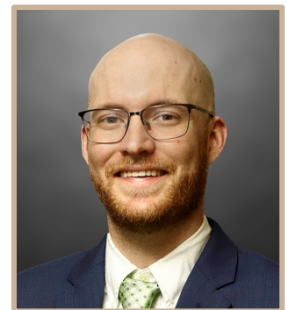
graduating, Mr. Singh was inducted into the Rubin Public Interest Society for his commitment to public service.

Mr. Singh is active in the legal community, and served as the 2022-23 Communications Chair for the MSBA Young Lawyers Division. Before starting his legal career, Mr. Singh co-founded a DEI hiring and recruiting startup, and was elected to serve as Democratic Committeeperson for the Townships of Marple and Newtown, PA.

## 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.

## Jordan Underhill

### *Attorney*

Prior to joining Siri & Glimstad, Jordan Underhill worked as an Assistant Attorney General for the Texas Office of Attorney General. While at the Texas OAG, he prosecuted multi-million-dollar civil fraud cases against pharmaceutical companies, hospital systems, and other entities accused of misappropriating taxpayer funds.

Mr. Underhill also worked for many years at a nonprofit organization where he provided free legal representation to low-income individuals. His work there covered a wide range of civil litigation, including housing/property law, family law, employment law, and criminal record sealing.



Mr. Underhill obtained his J.D. from the University of Colorado–Boulder, where he served as a student note editor for the Colorado Technology Law Journal and volunteered for the

Colorado Innocence Project. At Siri & Glimstad, he focuses on class actions involving data privacy issues.

## **Jack Spitz**

*Attorney*

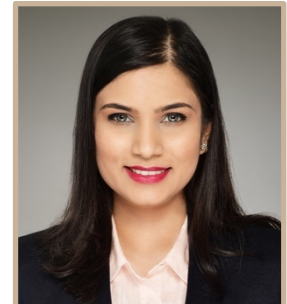
Jack R. Spitz is a graduate of Rutgers School of Law where he was a member of the Rutgers Law Record Journal and interned with the Essex County Public Defender's Office. Following law school, he served as Law Clerk for two judges at the Middlesex County Superior Court in New Brunswick, New Jersey. Subsequently, 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.



## **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.



## **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.



## Alyssa Tolentino

*Attorney*

Ms. Tolentino represents consumers in class actions involving data privacy issues. She received her J.D. from St. John's University School of Law where she served as Editor-in-Chief of the New York International Law Review. During law school, Ms. Tolentino also represented low income New Yorkers in their housing, employment, and public benefits disputes through the Economic Justice Clinic.



## Albert Ascianto

*Attorney*

Ms. Albert Ascianto is a skilled litigator with extensive experience in class and collective action matters. At Siri & Glimstad, Mr. Ascianto represents plaintiffs in privacy class action lawsuits, advocating for individuals harmed by negligent or unlawful data security and privacy practices.



Before joining Siri & Glimstad, Mr. Ascianto concentrated his practice on wage-and-hour litigation in state and federal courts nationwide, including claims involving unpaid "off-the-clock" work and negligent or fraudulent pay practices. Mr. Ascianto also worked to safeguard the rights of whistleblowers throughout the United States in qui tam actions brought under the False Claims Act, as well as advocated for employees in cases challenging employers' unlawful practices affecting workplace benefits and retirement security under ERISA. Earlier in his career, Mr. Ascianto gained valuable experience litigating large-scale environmental contamination class actions and managing a wide range of pharmaceutical mass tort matters.

After obtaining his Bachelor of Arts degree from Western Michigan University with dual majors in creative writing and criminal justice, Mr. Ascianto received his Juris Doctor from Wayne State University Law School. Outside of the classroom, Mr. Ascianto served as Managing Editor of The Journal of Law in Society, President of the Medical and Health Law Society, and Vice President of Finance for the Entrepreneurship and Business Law Society. Additionally, Mr. Ascianto gained practical experience in the State of Michigan Appellate Defender Office preparing criminal appellate briefs for incarcerated clients, and as a student attorney in the Legal Advocacy for People with Cancer Clinic at the Barbara Ann Karmanos Cancer Institute. Mr. Ascianto also had the privilege of working as research assistant to late U.S. Senator Carl Levin, where he advocated for the reduction of barriers to treatment for those suffering from Opioid Use Disorder.

## Tanner Hilton

### *Attorney*

Tanner R. Hilton is an experienced class action litigator with a focus on data breach and privacy litigation. Mr. Hilton has held multiple leadership roles in data privacy cases in both federal and state courts nationwide and has played a key role in successfully managing numerous class actions from their inception through court-approved settlement. Before joining Siri & Glimstad, Mr. Hilton was an attorney at a class action law firm where he focused primarily on data privacy and securities litigation, while also representing plaintiffs in a variety of consumer protection matters.

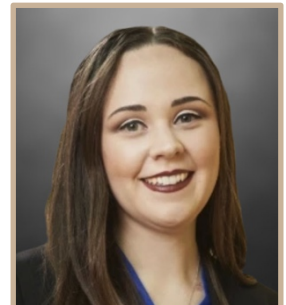


Mr. Hilton earned his bachelor's degree in political science from Texas A&M University in 2019 and his JD from Oklahoma City University in 2022. During law school, Mr. Hilton competed on two national moot court teams, including the NALSA Moot Court Competition Team and the Hispanic National Bar Association Moot Court Competition Team. He also received the CALI Award for Secured Transactions and was inducted into the Order of the Barristers in 2022.

## Kennedy Brian

### *Attorney*

Ms. Kennedy Brian is an accomplished attorney in the data privacy litigation sector who practices in state and federal courts across the nation. She has played a pivotal role in obtaining favorable decisions for data breach victims throughout the United States. Ms. Brian has successfully worked on dozens of data privacy cases and has spoken on various data privacy topics at conferences across the nation.



During law school, Ms. Brian was a member of the American Indian Law Review, received awards for trial techniques and moot court, and was listed on the Dean's Honor Roll.

## Notable Class Actions Handled By Siri & Glimstad LLP

### **Hefstetler, et al. v. Upstream Rehabilitation, Inc., et al.**

Case No. 2024-902563.00 (AL Cir. Ct., Jefferson Cty.)

Final approval granted for a settlement involving roughly 545,000 class members and a \$4,304,898.50 non-reversionary settlement fund.

### **Reedy, et al. v. Everlywell, Inc., et al.**

Case No. 1:24-cv-02713 (N.D. Ill.)

Final approval granted for a settlement involving 2 million class members and a \$5,000,000 non-reversionary settlement fund.

### **In re Retina Group of Washington Data Security Incident Litigation**

Case No. 8:24-cv-00004 (D. Md.)

Final approval granted for a settlement involving 450,000 class members and a \$3.6 million non-reversionary settlement fund.

### **Terrance Rosa, et al. v. Brightline, Inc.**

Case No. 24-md-03090 (S.D. Fla.)

Final approval granted for a settlement involving over 1 million class members and a \$7,000,000 non-reversionary settlement fund.

### **In re Berry, Dunn, McNeil & Parker Data Security Incident Litigation**

Case No. 2:24-cv-00146 (D. Me.)

Final approval granted for a settlement involving 2 million class members and a \$7.25 million non-reversionary settlement fund.

### **Corona-Cantu v. Ingo Money, Inc.**

Case No. 1:24-cv-03023 (N.D. Ga.)

Final approval granted for a settlement involving 27,000 class members and a \$1.5 million non-reversionary settlement fund.

### **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.

**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.

**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.)

Final 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.)

Final 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.

**Fortra 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 individuals' personal and health information.

**In re UNITE HERE Data Security Incident Litigation**

Case No. 1:24-cv-01565-JSR (S.D.N.Y.)

Obtained final approval of data breach settlement affecting roughly 790,000 individuals, creating a non-reversionary settlement fund of \$6,000,000 to compensate class members.

# **EXHIBIT 2**



# 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](http://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.

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## 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.

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## 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.

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## 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.

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# CLASS ACTION AND MASS TORTS

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## FINANCIAL INSTITUTIONS

*Aseltine v. Bank of America, N.A.*, 3:23-cv-00235 (W.D.N.C. 2024) – \$21 million  
*McNeil v. Capital One, N.A.*, 1:19-cv-00473 (E.D.N.Y.) – \$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  
*Blahut 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

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*In re: Fortra File Transfer Software Data Breach Litigation*, MDL No. 3090 (S.D. Fla.) – \$27 million  
*In re: Evolve Bank & Trust Customer Data Breach Litig.*, MDL No. 3127 (W.D. Tenn.) - \$17.0 million  
*In re: Snowflake, Inc., Data Breach Litigation*, MDL No. 3126 (D. Mont.) - Co-Lead Counsel  
*In re: Consumer Vehicle Driving Data Tracking Collection*, MDL No. 3115 (N.D. Ga.) - Exec. Comm.  
*In re Change Healthcare, Inc. Data Breach Litigation*, MDL No. 3108 (D. Minn.) - Exec. Comm.  
*In re: PowerSchool Holdings, Inc. Customer Data Breach Litig.*, MDL No. 3149 (S.D. Cal.) - Exec. Comm.

## MDLs

# DATA BREACH AND PRIVACY

*In Re: AT&T Inc Customer Data Security Breach Litigation*, 3:24-cv-00757 (N.D. Tex.) - \$177 million  
*McNally et al. v. Infosys McAmish Systems, LLC*, 1:24-cv-00995 (N.D. Ga.) - \$17.5 million  
*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.) - \$13.75 million  
*Gambino, et al. v. Berry Dunn Mcneil & Parker LLC*, 2:24-CV-00146 (D. Me.) - \$7.25 million  
*Isaac v. Greylock McKinnon Associates, Inc.*, 1:24-CV-10797 (D. Mass.) - \$600,000  
*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.) - \$45 million  
*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.) - \$2.425 million  
*In re loanDepot Data Breach Litigation*, 8:24-cv-00136 (C.D. Cal.) - \$25 million  
*Stadnik v. Sovos Compliance, LLC*, 1:23-CV-12100 (D. Mass.) - \$3.5 million  
*Turner v. Johns Hopkins, et al.*, 24-C-23-002983 (Md. Cir. Ct.) - \$2.9 million  
*Peterson v. Vivendi Ticketing US LLC*, 2:23-CV-07498 (C.D. Cal.) - \$3.25 million  
*Katz et al. v. Einstein Healthcare Network*, 02045 (Pa. Ct. C.P., Phila.) - \$1.6 million  
*Opris et al v. Sincera Reproductive Medicine et al*, 2:21-cv-03072 (E.D. Pa.) - \$1.2 million  
*Garza et al v. Healthalliance, Inc. et al*, 7245012023 (N.Y. Sup. Ct.) - \$1.29 million  
*McLean et al. v. Signature Performance, Inc. et al.*, 8:24-cv-00230 (D. Neb.) - \$8.5 million  
*Wahab et al. v. Boston Children's Health Phys., LLP*, 73692/2024 (N.Y. Sup. Ct.) - \$5.15 million

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*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  
*Skrandel 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

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*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

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# 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.A. - 1994

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Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own firm in 1997, immediately upon graduation from law school and has since grown KO to 30 attorneys with offices in South Florida, Philadelphia, and New York. 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 or 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

settled class actions in which Mr. Ostrow has participated are listed herein above.

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, Western District of Wisconsin, Southern District of Indiana, Eastern District of Texas, and District of Nebraska. 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 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](mailto:ferguson@kolawyers.com)***

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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.

## **Large Fraud and Ponzi Cases**

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](mailto: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](mailto: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.



# KEN GRUNFELD

Partner

## *Bar Admissions*

The Pennsylvania Bar

The New Jersey Bar

## *Court Admissions*

U.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](mailto:grunfeld@kolawyers.com)*

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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](mailto: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., 2018  
Northwestern University, B.S., 2010

***Email: [sukert@kolawyers.com](mailto:sukert@kolawyers.com)***

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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](mailto:Herter@kolawyers.com)***

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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.