

**IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO**

**MILES BLACK, MELISSA BLACK A.K.A.
MELISSA HYDE, LORRAINE MORRIS,
JOHN PERFETTE, SAMUEL ROTZ, and
JOHN BEAL**, individually and on
behalf of those similarly situated,

Plaintiffs,

v.

**CITY OF GIRARD, OHIO, and BLUE LINE
SOLUTIONS, LLC,**

Defendants.

CASE NO.: 2018 CV 1256

JUDGE: Andrew D. Logan

**REPRESENTATIVE PLAINTIFFS' MOTION FOR AN AWARD OF
ATTORNEY'S FEES, COSTS, AND EXPENSES, AND INCENTIVE AWARDS**

NOW COME Plaintiffs MILES BLACK, MELISSA BLACK a.k.a. MELISSA HYDE, LORRAINE MORRIS, JOHN PERFETTE, SAMUEL ROTZ, and JOHN BEAL (collectively "Plaintiffs"), individually, and on behalf of all others similarly situated, by and through counsel, pursuant to Civ. R. 23 and the Court's August 19, 2021 Order Granting Preliminary Approval of the class settlement with Defendant Blue Line Solutions, LLC ("BLS"), move for an award of attorney's fees in the amount of \$58,833.33, reimbursement of costs and expenses in the amount of \$7,118.80, and Incentive Awards in the amount of \$1,000 for each Plaintiff. The firm bios of Class Counsel, Thomas A Zimmerman, Jr. of Zimmerman Law Offices, and Marc Dann of Dann Law, are attached hereto as Exhibits A and B.

A Memorandum in Support of this Motion is filed along with this Motion. Defendant BLS does not oppose this Motion.

WHEREFORE, Representative Plaintiffs move this Court for the entry of an order granting their request for attorney's fees, costs, and expenses, and Representative Plaintiff Incentive Awards, and for all other relief this Court may deem just and proper.

Respectfully submitted,

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Class Counsel

MEMORANDUM IN SUPPORT OF MOTION

Representative Plaintiffs, on behalf of the Settlement Class as defined in the Settlement Agreement, by and through their counsel, Marc E. Dann of DannLaw, and Thomas A. Zimmerman, Jr. of Zimmerman Law Offices, P.C. (“Class Counsel”), hereby move for an award of attorney’s fees in the amount of \$58,833.33, reimbursement of costs and expenses in the amount of \$7,118.80, and Representative Plaintiff Incentive Awards in the amount of \$1,000 each (totaling \$6,000). The requests are reasonable and appropriate in light of the significant benefits provided by the Settlement and the quality and quantity of the work required for Class Counsel and Representative Plaintiffs to achieve them.

I. NATURE OF THE LITIGATION AND PROCEDURAL HISTORY

Using a manned photo laser system operated by BLS, the City of Girard (“Girard”) issued 7,773 citations to westbound travelers on Interstate 80 between December 7, 2017, and January 7, 2018, for exceeding a speed limit of 55 m.p.h. in violation of Girard Codified Ordinance (“GCO”) 333.03. Plaintiffs asserted that these citations were unlawful, invalid, and void *ab initio*, because the speed limit on Interstate 80 during that period was 65 m.p.h., pursuant to state law R.C. 4511.21. As a result, Plaintiffs allege that Defendants exceeded their authority under state law, as they issued citations at a rate of 250 per day and charged holiday travelers more than \$775,000, in addition to penalties, fines, and fees.

Plaintiffs initiated this action against Defendants in the Trumbull County Court of Common Pleas on July 16, 2018. Plaintiffs asserted claims for violation of the Due Course of Law provision of the Ohio Constitution, declaratory judgment, equitable restitution, violations of the Ohio Consumer Sales Practices Act, and civil conspiracy.

Defendants filed motions to dismiss the complaint for failure to state a claim. The Court granted the motions in part and denied them in part. The parties engaged in extensive discovery, including third-party discovery and a deposition of an official from the Ohio Department of Transportation.

Thereafter, Plaintiffs filed their Amended Motion for Class Certification. Plaintiffs sought certification of a class to pursue four causes of action that withstood the motions to dismiss: violation of the Due Course of Law provision of the Ohio Constitution, declaratory judgment, equitable restitution, and civil conspiracy.

On, July 10, 2019, the Court appointed Marc Dann and Tom Zimmerman as Class Counsel, appointed Plaintiffs as the Class Representatives, and certified the following Class and Subclasses, concluding that the elements of Civ. R. 23(A), (B)(1)(a) and (B)(3) were all satisfied:

General Class:

All persons and entities who were issued a citation for allegedly traveling in excess of 55 m.p.h. in violation of Girard City Ordinance 333.30 and/or Traffic Code Ordinance 8069-16, between December 7, 2017 and January 7, 2018, in the westbound lane of Interstate 80 within the municipal limits of the City of Girard.

Subclass 1:

All persons and entities who were issued a citation for allegedly traveling in excess of 55 m.p.h. in violation of Girard City Ordinance 333.03 and/or Traffic Code Ordinance 8069-16, between December 7, 2017 and January 7, 2018, in the westbound lane of Interstate 80 within the municipal limits of the City of Girard, and who paid any fines, penalties or fees related to the citation.

Subclass 2:

All persons and entities who were issued a citation for allegedly traveling in excess of 55 m.p.h. in violation of Girard City Ordinance 333.03 and/or Traffic Code Ordinance 8069.16, between December 7, 2017 and January 7, 2018, in the westbound lane of Interstate 80 within the municipal limits

of the City of Girard, who have not paid any fines, penalties or fees related to the citation, and whose citation was not found not liable at a hearing.

Defendants appealed the class certification to the Court of Appeals for the Eleventh Appellate District. On April 20, 2020, the Court of Appeals affirmed this Court's certification order in two separate opinions. Both Defendants sought leave to appeal the decisions of the Eleventh District Court of Appeals to the Ohio Supreme Court in two separate petitions. Plaintiffs filed responses opposing both petitions. On August 18, 2020, the Ohio Supreme Court declined to exercise jurisdiction over either Defendant's appeal. Upon remand, Girard and BLS filed separate Motions for Summary Judgment. Girard's motion is fully briefed. BLS's motion is currently stayed in light of the Settlement.

Under the Settlement Agreement with BLS, the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) (the "Settlement Fund") shall be paid by BLS into an escrow account, to fully resolve and settle the Litigation against BLS only. The Litigation shall continue against Girard. (Settlement Agreement ("SA"), ¶¶ 1.30, 1.39). The Settlement Fund is intended to cover all payments to Plaintiffs and Settlement Class Members, attorneys' fees, costs, and expenses, Incentive Awards to the six Class Representatives, and costs of class notice and settlement administration. (SA, ¶¶ 1.19, 1.38, 2.2, 2.3). After deducting (1) the costs of Settlement Administration, which includes administrative costs and expenses applicable to class notice and settlement administration, (2) an award of attorneys' fees, costs, and expenses, and (3) Incentive Awards to the Class Representatives, the "Net Settlement Fund" remaining shall be distributed pro rata by sending checks to Settlement Class Members who have been identified from Defendants' records as having made a Qualifying Payment. (SA, ¶ 2.3).

II. ARGUMENT

An award of attorney's fees is a matter within the sound discretion of the trial court. *Hoepfner v. Jess Howard Elec. Co.*, 150 Ohio App.3d 216, 780 N.E.2d 290, 2002-Ohio-6167, ¶ 49 (10th Dist.). Thus, an award for attorney's fees will not be overturned on appeal absent an abuse of discretion. *Smith v. State Teachers Ret. Bd.*, 2002-Ohio-4391, ¶ 18.

A. Representative Plaintiffs' Request for Attorney's Fees Should Be Granted

As a result of the Settlement with BLS, BLS will create a settlement fund in the amount of \$175,000. Where, as here, a fund is created for the benefit of a group, Ohio courts award attorneys reimbursement of their fees from the common fund itself. *See Sutherland v. Nationwide Gen. Ins. Co.*, 102 Ohio App.3d 297, 300–01, 658 N.E.2d 281 (10th Dist. 1995). "One who recovers a common fund for the benefit of others than himself should be entitled to payment for attorney fees from the fund on the theory that those benefited by the fund would otherwise be unjustly enriched." *Hoepfner v. Jess Howard Elec. Co.*, 150 Ohio App. 3d 216, 228, 780 N.E.2d 290, 2002-Ohio-6167, ¶ 53 (2002).

The attorneys' fee requested here is consistent with other awards in similar, common fund cases. "Attorney fee awards in common fund cases . . . typically range from 20 to 50 percent of the common fund created." *Enter. Energy Corp. v. Columbia Gas Transmission Corp.*, 137 F.R.D. 240, 249–50 (S.D. Ohio 1991). Further, an attorney fee of one-third of the common fund is regularly approved by district courts in the Sixth Circuit. *See, e.g., Mees v. Skreened, Ltd.*, 2016 WL 67521 (S.D. Ohio Jan. 6, 2016) (approving an award of attorney's fees of one-third of the settlement amount); *In re Prandin Direct Purchaser Antitrust Litig.*, 2015 WL 1396473 (E.D. Mich. 2015) (approving an award of attorney's fees of one-third of the settlement amount); *In re Se. Milk Antitrust Litig.*, 2013 WL 2155387 (E.D. Tenn. May 17, 2013) (approving an award of

attorney's fees of one-third of the settlement amount); *Bessey v. Packerland Plainwell, Inc.*, 2007 WL 3173972 (W.D. Mich. Oct. 26, 2007) (approving an award of attorney's fees of one-third of the settlement amount).

Here, the requested fee of \$58,833.33 represents one-third of the Settlement Fund. This amount is consistent with fees awarded in common fund cases.

In addition to the Settlement Fund, the Settlement provides additional benefits and assurances from BLS that should also be taken into account. For instance, as part of the Settlement, BLS agrees to cease all efforts (i) to enforce Qualifying Citations, (ii) to collect on any outstanding amounts owing for Qualifying Citations, (iii) to collect any interest BLS has in any amounts owing related to Qualifying Citations or Qualifying Payments, and (iv) to prosecute any administrative or court proceedings relating to Qualifying Citations. (SA, ¶ 2.5.). Thus, for Settlement Class Members who still have amounts outstanding on Qualifying Citations, BLS will no longer seek those payments.

The request is also reasonable when taking into account Class Counsel's lodestar and Class Counsel's efforts and achievements in this case. In order to "cross-check" the reasonableness of the "percentage of the fund" attorneys' fees using Class Counsel's lodestar, Class Counsel has provided task-based summaries of the work that they performed in this case. These summaries obviate the onerous judicial burden of wading through hundreds of pages of time records, and are a commonplace and well-recognized tool for the Court to assess the reasonableness of a requested fee award in class action proceedings like this litigation. *See Hensley v. Eckerhart*, 461 U.S. 424, 437 n.12 (1983) (Class counsel "is not required to record in great detail how each minute of his time was expended," but should "identify the general subject matter of his time expenditures."); *Grand Traverse Band of Ottawa and Chippewa Indians v. Director, Michigan Dept. of Natural*

Resources, Tp. of Leland, Village of Northport, 1998 WL 385891, at *6 (6th Cir. July 1, 1998) (quoting same); *see also United Cent. Bank v. Kanan Fashions, Inc.*, 2012 WL 1409245, at *8 (N.D. Ill. Apr. 23, 2012) (“We agree with Plaintiffs that it was not required to provide the Court with actual billing records, and we found the billing summaries adequate for purposes of resolving the fee petition.”). As such, the summaries provided by Class Counsel are reasonable and adequate evidence of the number of hours that Class Counsel performed in this case.¹

The summaries of Class Counsel’s time to date are, as follows:

Task	Hours	Lodestar
Investigation and Analysis	114.70	\$37,320.50
Communication with Clients and Counsel	49.10	\$17,740.50
Pleadings and Motions	239.55	\$63,778.00
Class Certification	64.90	\$31,477.00
Discovery	153.26	\$68,885.00
Court Hearings	7.60	\$3,769.50
Appeals	175.15	\$85,675.50
Settlement	<u>54.40</u>	<u>\$32,033.50</u>
<u>TOTAL</u>	858.66	\$340,679.50

Here, the fee request of \$58,333.33 is well-below the lodestar to date, resulting in a negative multiplier (*i.e.*, the requested fee equates to 17% of Class Counsel’s lodestar). In essence, Class Counsel has agreed to receive less than full compensation for the number of hours that they worked in this Litigation. The negative multiplier to be applied to Class Counsel’s lodestar illustrates that Class Counsel’s fee is more than reasonable in this case. *See Kimber Baldwin Designs, LLC v. Silv Commc ’ns, Inc.*, No. 1:16-CV-448, 2017 WL 5247538, at *6 (S.D. Ohio Nov. 13, 2017) (negative multiplier demonstrates that the fee sought is reasonable).

¹ Class Counsel will submit their billing records and individual time entries for all of the work that they performed in this case in their supplement to this fee petition, which is due to be filed by November 15, 2021, should the Court deem it necessary. *See United Cent. Bank*, 2012 WL 1409245, at *8.

Once the requesting party has adequately proven an appropriate number of hours worked and the attorney's reasonable hourly fee, the trial court may, modify the baseline calculation by considering: the time and labor involved in maintaining the litigation; the novelty and difficulty of the questions involved; the professional skill required to perform the necessary legal services; the attorney's inability to accept other cases; the fee customarily charged; the amount involved and the results obtained; any necessary time limitations; the nature and length of the attorney/client relationship; the experience, reputation, and ability of the attorney; and whether the fee is fixed or contingent. *Bittner v. Tri-County Toyota, Inc.*, 58 Ohio St.3d 143, 145–46, 569 N.E.2d 464 (1991). Here, consideration of these factors buttresses the reasonableness of the requested fee.

1. The Questions Involved Were Novel and Difficult

The case presented numerous novel and difficult issues of law relating to liability and class certification. This is a complex class action including a large class of persons and two well-heeled Defendants, who have proven to be determined to defend this case at every stage. The Settlement, if finally approved, will simplify the proceedings greatly and will also provide a timely benefit to the Settlement Class Members in exchange for the uncertainty of litigation and deferred remedies until after trial, post-trial motions, and a likely appeal. *See Gilbert v. Abercrombie & Fitch, Co.*, 2016 WL 4159682, at *9 (S.D. Ohio Aug. 5, 2016), *report and recommendation adopted*, 2016 WL 4449709 (S.D. Ohio Aug. 24, 2016) (“In the absence of a settlement, continued litigation would span years, requiring fact discovery, expert discovery, formal class certification, and other motion practice, including post-trial motions and appeals; that litigation would be both extensive and costly....Consideration of this factor therefore weighs in favor of approving the *Stipulation and Settlement Agreement*.”).

Plaintiffs' claims and class certification requests, and Defendants' defenses, raise numerous difficult questions of law and fact regarding the elements of class certification, the burden of proof on class certification, questions of constitutional rights, administrative remedies, and the like. Plaintiffs largely prevailed against Defendants' motions to dismiss, winning the ability to press their claims for the violation of the Ohio Constitution, to seek equitable remedies, and declaratory judgment in their favor.

Plaintiffs also successfully argued in favor of class certification in this Court and on appeal to the Appellate Court. In addition, they prevailed in convincing the Ohio Supreme Court to deny Defendants' memoranda in support of jurisdiction there. Here, Class Counsel prevailed against both defendants in hotly contested motions to dismiss and in their motion for class certification, which was affirmed on appeal.

2. Prosecuting the Case Required Skill, and Class Counsel Are Experienced Class Action Counsel

For many of the reasons outlined above, the prosecution of this matter to date demonstrates the professional skill of Class Counsel in prevailing on the contested motions and bringing the case to a position where BLS agreed to provide the significant benefits to Settlement Class Members in the form of the Settlement.

Class Counsel have considerable experience and have won significant benefits for consumers in Ohio and nationwide over the course of their legal careers, for which they have earned a stellar reputation. Class Counsel are highly experienced in the field of consumer and class action litigation. *See* Class Counsel's firm bios (Exhibits A and B), and www.attorneyzim.com and www.dannlaw.com. The benefits of the Settlement are attributable to Class counsel's skill and expertise. *See In re: Whirlpool Corp. Front-loading Washer Products Liab. Litig.*, 1:08-WP-65000, 2016 WL 5338012, at *23 (N.D. Ohio Sept. 23, 2016) (“[The] Court appreciates that the

good results in this case are attributable directly to Class Counsel's skill and reputation."'). They consider the Settlement to be an exemplary outcome for the Class.

3. Class Counsel Devoted Considerable Time to the Case

Class Counsel devoted considerable resources in time and money in prosecuting this case on a contingent basis. As shown in the Summary Chart of Class Counsel's time, *supra*, Class Counsel devoted more than 850 hours prosecuting this case against two well-heeled and determined Defendants. Class Counsel performed the preliminary investigation, conducted legal and factual investigation into the claims of each Plaintiff, opposed two motions to dismiss, conducted discovery, including depositions and reviewing documents produced by Defendants and third parties. Plaintiffs filed their motion for class certification, which was granted. Defendants appealed the class certification decision and Plaintiffs were successful in their opposition when the Court's decision was affirmed on appeal. In addition, more time will be required for Class Counsel to obtain final approval of the Settlement.

4. The Requested Fee Compares Favorably With Those That Are Customarily Charged for Common Fund Cases

As set forth in Section II.A, *supra*, where, as here, a fund is created for the benefit of a group, Ohio courts award attorneys reimbursement of their fees from the common fund itself. *See Sutherland*, 102 Ohio App.3d 300–01; *Hoepfner*, 150 Ohio App. 3d 228, 2002-Ohio-6167, ¶ 53.

The requested fee of \$58,833.33 represents one-third of the Settlement Fund. This amount is consistent with fees awarded in common fund cases. *Enter. Energy Corp.*, 137 F.R.D. 249–50; *Mees*, 2016 WL 67521; *Prandin*, 2015 WL 1396473; *Milk Antitrust*, 2013 WL 2155387; *Bessey*, 2007 WL 3173972.

Given the contentiousness of this litigation at nearly every level and the considerable efforts and skill in prosecuting the matter as they have, Class Counsel earned their requested fee and it is eminently reasonable.

5. The Amount Involved and the Results Obtained

The benefits of the Settlement with BLS are exemplary. The Settlement achieves a substantial recovery for Settlement Class Members against one of two Defendants in the case in an amount that is a substantial portion of the total damages caused by Defendants' alleged unlawful conduct. In light of the uncertainties and delays attendant in achieving ultimate success through litigation, trial, and appeal, and the certainties regarding the future litigation costs, the Settlement wins significant benefits for the Class that justify Class Counsel's reasonable fee request.

Under the Settlement, \$175,000 shall be paid by BLS into an escrow account, to fully resolve and settle the Litigation against BLS only. The Litigation shall continue against Girard. (SA, ¶¶ 1.30, 1.39). Checks will automatically be sent to Settlement Class Members who have been identified from Defendants' records as having made a Qualifying Payment. (SA, ¶ 2.3). Settlement Class Members need not take any action to receive their payment under the Settlement, such as filing a claim form or providing any proof of claim.

Moreover, under the Settlement, BLS agrees to cease all efforts to enforce Qualifying Citations or to collect on any outstanding amounts owing for Qualifying Citations, or to collect any interest BLS has in any amounts owing related to Qualifying Citations or Qualifying Payments. And, BLS shall cease all efforts in administrative or court proceedings to enforce any Qualifying Citation. (SA, ¶ 2.5).

Thus, the benefits to the Settlement Class exceed the monetary amount provided by BLS in the Settlement Fund, making the requested fee eminently reasonable.

6. Any Fee Was Contingent Upon Class Counsel Obtaining a Recovery

Class Counsel took on the risk at the beginning of the litigation that failure to obtain any remedy would result in them receiving no attorney’s fee for their work, and also that their time and expenses toward the case would not be recovered. This factor weighs in favor of the award.

B. Representative Plaintiff’s Request for Costs and Expenses Should Be Granted

The Settlement provides that Class Counsel can seek reimbursement from the Settlement Fund of their litigation expenses. (SA, ¶ 7.1). Here, Plaintiffs request reimbursement of \$7,118.80 in out-of-pocket costs they incurred in this Litigation.

Such litigation costs are often awarded in the context of class action settlements. *See In re Polyurethane Foam*, 168 F. Supp. 3d 985, 1013 (N.D. Ohio, 2016). All expenses that are typically billed by attorneys to paying clients in the marketplace are compensable. *See id.* (“This Court’s review confirms these unreimbursed expenses are of the kind typically paid by clients in antitrust litigation.”).

The summaries of Class Counsel’s out-of-pocket litigation expenses are, as follows:

Task	Expense
Court and Pro Hac Vice Fees	\$2,153.00
Travel	\$1,487.06
Meals During Travel	\$48.66
Lodging	\$258.91
Depositions	\$2,546.45
External Copying and Binding Services	\$123.25
Postage	\$406.97
Service of Process	\$79.00
PACER Fees	\$15.50
<u>TOTAL</u>	\$7,118.80

Class Counsel request Court approval for reimbursement of the \$7,118.80 in documented out-of-pocket litigation expenses that were necessary to the diligent prosecution of the Settlement

Class's claims, and these expenses are of the kind typically paid by clients in class action litigation of this type. As such, awarding the expenses and costs would be appropriate.

C. Representative Plaintiffs' Reasonable Request for Incentive Awards in the Amount of \$1,000 Each Should Be Granted

The Settlement also provides that each of the Representative Plaintiffs may petition the Court for an Incentive Award in the amount of \$1,000 in recognition of their efforts on behalf of the Class. (SA, ¶ 7.2). "Numerous courts have not hesitated to grant incentive awards to representative Plaintiffs who have been able to effect substantial relief for classes they represent." *In re Dunn & Bradstreet Credit Services Customer Litig.*, 130 F.R.D. 366, 373 (S.D. Ohio 1990) (citing *Wolfson v. Riley*, 94 F.R.D. 243 (N.D. Ohio 1981); *Bogosian v. Gulf Oil Corp.*, 621 F. Supp. 27, 32 (E.D. Pa. 1985); *In re Minolta Camera Products Antitrust Litig.*, 666 F. Supp. 750, 752 (D. Md. 1987)).

It is appropriate to award Plaintiffs a service award in this case. In this Circuit, service awards to representative Plaintiffs are "typically justified when named Plaintiffs expend more time and effort beyond that of other class members in assisting class counsel with litigation, such as by actively reviewing the case and advising counsel in the prosecution of the case." *In re Southern Ohio Correctional Facility*, 173 F.R.D. 205, 273 (S.D. Ohio 1997) (citing *In re Dunn & Bradstreet*, 130 F.R.D. at 374; *Genden v. Merrill Lynch, Pierce, Fenner & Smith*, 700 F.Supp. 208, 210 (S.D.N.Y.1988); *Bogosian*, 621 F.Supp. at 32; *White v. National Football League*, 822 F.Supp. 1389, 1406–07 (D. Minn. 1993)).

An award of \$1,000 is reasonable. *See Fischer v. Kmart Corp.*, No. 3:13-CV-4116 (DEA), 2016 WL 7335391, at *4 (D.N.J. Nov. 2, 2016) ("The Court finds that payment of the Enhancement Awards of [\$]7,500.00 each to Class Representatives...is warranted and approved. The Court finds that these amounts are reasonable and appropriate."). Indeed, courts have

approved service awards far greater than \$7,500. *See, e.g., In re Auto. Parts Antitrust Litig.*, 12-MD-02311, 2016 WL 8201516, at *2 (E.D. Mich. Dec. 28, 2016) (awarding \$10,000 to class representatives); *Swigart v. Fifth Third Bank*, 1:11-CV-88, 2014 WL 3447947, at *7 (S.D. Ohio July 11, 2014) (awarding \$10,000 to class representatives); *In re Se. Milk Antitrust Litig.*, 2:07-CV 208, 2013 WL 2155387, at *8 (E.D. Tenn. May 17, 2013) (awarding \$10,000 to class representatives).

Here, Representative Plaintiffs actively participated in the prosecution of this action and assisted Class Counsel with the investigation into the factual background of their claims, reviewed case documents, searched for and produced discovery documents, and reviewed, considered, and approved the Settlement. Their efforts in obtaining the benefits for the other Settlement Class Members ought to be recognized.

III. CONCLUSION

For the reasons contained in this Memorandum, Representative Plaintiffs request that the Court grant their Motion for Attorney's Fees, Costs, and Expenses, and Representative Plaintiff Incentive Awards, and any other relief the Court deems appropriate.

Respectfully submitted,

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Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, a copy of the foregoing *Representative Plaintiffs' Motion for Attorney's Fees, Costs, and Expenses, and Incentive Awards* was served upon the following parties at the email addresses below:

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Class Counsel

ZIMMERMAN LAW OFFICES, P.C.

Since 1996, Zimmerman Law Offices has represented individuals and businesses in a wide array of legal matters. Its attorneys are established and respected trial lawyers who represent clients in complex litigation and class action lawsuits nationwide. The firm has an extensive and varied litigation-based practice, with a focus on class action litigation. Zimmerman Law Offices has recovered over \$300 million on behalf of millions of individuals and businesses nationwide.

The attorneys at Zimmerman Law Offices are experienced in Multidistrict Litigation (MDL), having served as lead counsel in MDL cases throughout the country. These MDL cases included claims for fraud, improper pricing, misleading product claims, and privacy violations including data breaches.

ATTORNEYS

Thomas A. Zimmerman, Jr.

A seasoned litigator for over 24 years, Mr. Zimmerman practices extensively and has obtained multi-million dollar jury verdicts in class action, corporate, commercial, medical malpractice, consumer fraud, constitutional due process, general civil, product liability, toxic tort, and other complex litigation. He represents both plaintiffs and defendants nationwide in state and federal trial and appellate courts. He also represents individuals and corporations in transactional matters, and before state and federal administrative and regulatory agencies.

Mr. Zimmerman has been lead counsel in national and state-wide class action litigation, and has handled other multi-party litigation involving such companies as MCI/Worldcom, United Airlines, Peoples Gas, AT&T, Warner-Lambert, Pfizer, Liberty Mutual Insurance Co., DaimlerChrysler, ADT, Ford Motor Co., Mead Johnson, KCBX, Inland Bank, Commonwealth Edison, Ameritech, Wells Fargo, and Bridgestone/Firestone. He is well respected for his representation of physicians, dentists, nurses, psychologists, veterinarians, and many other licensed professionals before state and federal agencies including the Illinois Department of Financial and Professional Regulation, and the U.S. Department of Health and Human Services.

In 2017, 2018, 2019, 2020 and 2021, he was selected as a *Super Lawyer* in the area of class action and mass torts.

In 2000, he was voted one of the Top 40 Illinois Attorneys Under the Age of 40. This is especially notable, as he was chosen out of 60,000 attorneys in Illinois under the age of forty.

In 2003, the Illinois Supreme Court appointed Mr. Zimmerman to the Review Board of the Attorney Registration and Disciplinary Commission (“ARDC”). He served in that capacity until 2011, wherein he presided over appeals by attorneys who have been found to have committed misconduct, and recommended discipline for their ethical violations. In 2013, the ARDC appointed

Mr. Zimmerman as Special Counsel, wherein he conducts independent investigations in matters involving allegations of misconduct against attorneys associated with the ARDC.

Additionally, the Illinois Governor appointed Mr. Zimmerman to the Illinois Courts Commission in 2003. A Commission member presides over proceedings wherein judges are charged with committing ethical violations, and imposes discipline on judges who are found to have engaged in misconduct. Mr. Zimmerman has served as a Commission member continuously since his appointment.

Prior to becoming an attorney, Mr. Zimmerman worked for AT&T where he negotiated partnerships with companies for domestic and international joint-venture and new product development activities. During this time, he was the featured speaker at 400 conferences, seminars, and presentations. Thereafter, he presented oral testimony at various Federal Senate and Congressional hearings. After obtaining his law license, Mr. Zimmerman has lectured at law schools and seminars, and is frequently interviewed by the news media concerning legal issues.

Mr. Zimmerman earned a B.S. in Computer Science-Mathematics from the University of Illinois, and an M.B.A. in Finance from DePaul University in the evenings while working for AT&T. After leaving AT&T, Mr. Zimmerman earned his law degree from the Chicago-Kent College of Law, where he was a Ramsey-Burke Scholarship recipient and earned the Academic Achievement Award.

He is admitted to practice law in Illinois, and other states on a case-by-case basis, and he is admitted to practice before the U.S. Supreme Court, and various federal courts of appeal and federal district courts. Based on his demonstrated experience and ability, he was appointed to the federal court trial bar.

Mr. Zimmerman is currently the chair of the Clerk of the Circuit Court of Cook County Attorney Advisory Committee, and was formerly co-chair of the Clerk of the Circuit Court Transition and Strategic Planning Public Policy Subcommittee.

Mr. Zimmerman is a member of the American, Illinois State, and Chicago Bar Associations, and the Illinois Trial Lawyers Association, where he serves on various committees. He is also a member of the American Association for Justice. In 2000, he was appointed to the Illinois Trial Lawyers Association Board of Advocates.

Involved in numerous community service activities, Mr. Zimmerman has been an Illinois State Board of Education surrogate parent of disabled children since 1988. In addition, he was a speaker on the rights of disabled people for the Illinois Planning Council on Developmental Disabilities, and a Family Shelter Service counselor to battered children for many years. He has been recognized by the federal court for his pro bono representation of indigent clients.

Sharon A. Harris

Ms. Harris has extensive experience litigating complex class action matters in state and federal trial and appellate courts nationwide. She has focused her practice on consumer protection, product liability, privacy, and antitrust matters. Ms. Harris has developed a particular expertise in state unfair and deceptive practice statutes, data breach laws, privacy laws, federal antitrust laws, the Fair Credit Reporting Act, the Racketeer Influenced and Corrupt Organizations Act (RICO), the Telephone Consumer Protection Act, and various other federal and state laws. She has been appointed class counsel in numerous cases. For example, she was appointed one of class counsel in *In re Pilot Flying J Fuel Rebate Contract Litigation*, which involved allegations that the defendants violated RICO and various state laws by withholding portions of fuel discounts and rebates to which class members were contractually entitled. A settlement was granted final approval. Ms. Harris was also appointed class counsel in a class action lawsuit, *Norton, et al. v. Niantic, Inc.*, No. 2017 CH 10281 (Cir. Ct. Cook Cty., Ill.), and helped negotiate a \$1.75 million settlement on behalf of attendees at the 2017 Pokémon GO Fest in Chicago that were unable to play the game during the fest due to technical and other issues. Additionally, Ms. Harris was appointed class counsel in a class action lawsuit, *Miller, et al. v. Inteleos, Inc.*, No. 1:17-cv-00763-DAP (N.D. Ohio), on behalf of individuals who took a Registered Vascular Technology (RVT) examination and passed the examination but received an incorrect failing score. The settlement she helped negotiate was granted final approval by the Court.

She received her Bachelor of Science degree from Michigan State University with a dual major in Political Science and Social Science. Ms. Harris received her law degree from DePaul University College of Law. She is a member of the American, Illinois State, and Chicago Bar Associations. She is admitted to practice in the State of Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Northern District of Indiana, and the United States Courts of Appeals for the Seventh and Ninth Circuits.

Matthew C. De Re

Mr. De Re advocates for both plaintiffs and defendants nationwide in state and federal trial and appellate courts. His practice areas include class action, corporate, commercial, consumer fraud, general civil, product liability, personal injury, and other complex litigation. He also represents professionals, such as physicians, dentists, nurses, insurance producers, and real estate brokers, before state and federal agencies, including the Illinois Department of Financial and Professional Regulation and the Department of Insurance. In addition to his extensive litigation practice, Mr. De Re assists individuals and corporations in transactional matters.

He has experience in all phases of litigation, including extensive discovery and substantive motion practice. He has assisted in the defense of individuals and companies in cases involving personal injury, employment, and civil rights. Mr. De Re has also vigorously pursued recovery for plaintiffs in numerous civil matters. Prior to joining Zimmerman Law Offices, he served as a Law Clerk for the Circuit Court of Cook County.

Mr. De Re graduated from the University of Wisconsin-Madison with a B.S. in both Political Science and History. He earned his law degree from Washington University in St. Louis. While in

law school, he received academic awards and appeared on the Dean's List multiple times. He also served two years on the Executive Board of the Student Bar Association and was the Associate Managing Editor for the Washington University Journal of Law & Policy.

He is admitted to practice law in the State of Illinois and is a member of the Illinois State and Chicago Bar Associations.

Jeffrey D. Blake

Mr. Blake represents consumers in class actions involving unfair and deceptive trade practices, privacy violations, antitrust matters, and defective products. He has considerable experience prosecuting complex cases in state and federal courts throughout the nation, including appeals.

Mr. Blake received his J.D., *cum laude*, from the Chicago-Kent College of Law in 2012. While attending, Mr. Blake served as Executive Articles Editor for the *Chicago-Kent Law Review*, spent a semester as a judicial extern for the Honorable Samuel Der-Yeghiayan of the United States District Court for the Northern District of Illinois, and participated in the Intellectual Property Law Clinic and the Center for Open Government.

After graduating law school, Mr. Blake served as the judicial law clerk for the Honorable Patrick McKay, Superior Court Judge for the Third Judicial District in Anchorage, Alaska.

Mr. Blake received a Bachelor of Science from the University of Illinois at Chicago.

He is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois.

Jordan M. Rudnick (*of counsel*)

Mr. Rudnick represents individuals and large national and international companies in providing business advice, counsel and dispute resolution in a wide variety of contexts for almost 20 years. In particular, Mr. Rudnick represents plaintiffs and defendants nationwide in class action, corporate, commercial, consumer fraud, general civil, and other complex litigation in state and federal courts, arbitrations, and mediations. Mr. Rudnick has been involved in all phases of litigation, including extensive discovery, substantive motion practice, trials and appeals.

His experience as an attorney also includes representing parties in nationwide securities fraud class actions. Notably, Mr. Rudnick represented Canadian Imperial Bank of Commerce in the Enron class action securities litigation and related proceedings. He also has extensive experience representing commercial policyholders in recovering insurance proceeds from their insurers.

Mr. Rudnick serves as an arbitrator for FINRA (Financial Industry Regulatory Authority, formerly known as the NASD or National Association of Securities Dealers) where he and panels of two other arbitrators decide the outcome of disputes between investors and securities brokers and dealers.

He has provided extensive pro bono representation of improperly-expelled school children in conjunction with the Legal Assistance Foundation of Metropolitan Chicago, and with the Chicago Coalition for the Homeless. In addition, in his spare time, he is a volunteer at the Lincoln Park Community Homeless Shelter.

Mr. Rudnick served as a judicial law clerk to the Honorable Justice Joseph Gordon, Illinois Appellate Court, 1st District, where he drafted opinions in appeals arising from complex civil and criminal trial court decisions.

Mr. Rudnick earned his B.A. in Political Science from the University of Chicago, and he graduated *cum laude* from the John Marshall Law School with honors and on a full scholarship. In law school, he appeared on the Dean's List, and he was a member of the school's Moot Court Team. He also was a Staff Editor on the *John Marshall Law Review* for two years.

He is admitted to practice law in Illinois, New York, and Washington, D.C., and is a member of the Chicago Bar Association, NAACP, and ACLU.

REPRESENTATIVE CLASS ACTION CASES

Completed Cases

Misleading Product Claims — \$62 million recovery for a nationwide class of customers who purchased products that were advertised to reduce cellulite in the human body, plus equitable relief to correct the misleading claims. *Joseph v. Beiersdorf North America, Inc.*, No. 11 CH 20147 (Cook Cnty, IL).

Improper Cellular Phone Fee — \$48 million recovery for a statewide class of businesses and individuals who paid an improper municipal infrastructure maintenance fee on their cellular phone bills. *PrimeCo Personal Communications, et al. v. Illinois Commerce Commission, et al.*, 98 CH 5500 (Cook Cnty, IL).

Defective Vehicles — \$35 million in monetary and injunctive relief for a nationwide class of individuals and businesses who purchased vehicles manufactured with a defective transmission. *Vargas, et al. v. Ford Motor Co.*, No. 12 cv 8388 (C.D. CA).

Fraud — \$31 million recovery for a nationwide class of businesses and individuals who placed advertisements in a newspaper based on fraudulent circulation figures. *In re Chicago Sun-Times Circulation Litigation*, No. 04 CH 9757 (Cook Cnty, IL).

Defective Products — \$16 million recovery for a nationwide class of individuals who purchased defective home security systems that could be easily hacked and disabled. *Edenborough v. ADT, LLC, et al.*, No. 16 cv 2233 (N.D. CA).

Misleading Product Claims — \$14 million recovery for a nationwide class of customers who purchased defective garden hoses with misleading claims, plus equitable relief to extend the product’s warranty. *Bergman, et al. v. DAP Products, Inc., et al.*, No. 14 cv 3205 (D. MD).

Fraud / Data Breach — \$11.2 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by an internet service provider, and who also paid money to that provider based on misrepresentations. *In re Ashley Madison Customer Data Security Breach Litigation*, MDL No. 2669 (E.D. MO).

Defective Products — \$9 million recovery for a nationwide class of individuals who sustained financial and personal injuries resulting from their purchase and use of baby wipes that were tainted with a dangerous bacteria. *Jones v. First Quality Enterprises, Inc., et al.*, No. 14 cv 6305 (E.D. NY).

Power Outages — \$7.75 million recovery for a statewide class of businesses and individuals who sustained financial damages due to widespread and prolonged power outages. *In re Commonwealth Edison 1999 Summer Power Outages*, No. 99 CH 11626 (Cook Cnty, IL).

Privacy Violation — \$7.3 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Aliano v. Airgas USA, LLC*, No. 14 CH 20024 (Cook Cnty, IL).

Improper Court Fee — \$5.2 million recovery for a nationwide class of individuals and businesses who were charged an improper fee by the Clerk of the Court. *Midwest Medical Records Assoc., et al. v. Dorothy Brown, et al.*, No. 15 CH 16986 (Cook Cnty, IL).

Data Breach — \$4.3 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a retailer. *In re Sonic Corp. Customer Data Breach Litigation*, MDL No. 2807 (N.D. OH).

Unsolicited Faxes — \$4 million recovery for a nationwide class of businesses and individuals who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Derose Corp. v. Goyke Health Center*, 06 CH 6681 (Cook Cnty, IL).

Fraud — \$3.5 million recovery for a nationwide class of Spanish speaking purchasers of baby formula, arising out of misleading product labeling. *Cardenas v. Mead Johnson & Company*, No. 01 CH 11151 (Cook Cnty, IL).

Unsolicited Faxes — \$2.5 million recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, No. 16-cv-10106 (N.D. IL)

Misleading Product Labeling — \$2.5 million recovery for a nationwide class of businesses and individuals who purchased whiskey whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Templeton Rye Spirits, LLC*, No. 2014 CH 15667 (Cook Cnty, IL).

Misrepresentations in Book — \$2.35 million recovery for a nationwide class of customers who purchased a fictional book while under the impression that the book was a non-fiction memoir. *In re A Million Little Pieces Litigation*, No. 06-md-1771 (S.D. NY).

Misleading Product Claims — \$1.9 million recovery for a nationwide class of individuals and businesses who purchased HDMI cables based on representations that more expensive higher speed cables were needed to operate certain audio visual equipment. *O'Brien, et al. v. Monster, Inc., et al.*, No. 2015 CH 13991 (Cook Cnty, IL).

Consumer Fraud — \$1.6 million recovery for a nationwide class of individuals who paid for and traveled to an event that did not occur as advertised. *Norton v. Niantic, Inc.*, No. 2017 CH 10281 (Cook Cnty, IL).

Misleading Product Labeling — \$1.5 million recovery for a nationwide class of individuals who purchased a product whose packaging misstated the characteristics of the product. *In re Honest Company Sodium Lauryl Sulfate (SLS) Marketing and Sales Practices Litigation*, MDL No. 2719 (C.D. CA).

Improper Debiting of Bank Accounts — \$1.5 million recovery for a statewide class of individuals who were members of a health club that debited its members' bank accounts without adequate notice or authority. *Wendorf, et al. v. Landers, et al.*, No. 10 cv 1658 (N.D. IL).

Environmental Contamination — \$1.4 million recovery for a statewide class of individuals and businesses who suffered from an infiltration of coal and petroleum coke dust in the air and on their property. *Martin, et al. v. KCBX Terminals Company, et al.*, No. 13 cv 08376 (N.D. IL).

School Misrepresenting Accreditation — \$1.2 million recovery, representing nearly the full value of each class member's loss, for a statewide class of individuals who enrolled in a school based on the school's misrepresentations that it was accredited. *Allen v. Illinois School of Health Careers, Inc.*, No. 10 CH 25098 (Cook Cnty, IL).

Privacy Violation — \$1 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Radaviciute v. Christian Audigier, Inc.*, No. 10 cv 8090 (N.D. IL).

Breach of Contract — \$570,000 recovery for a nationwide class of sonographers who took and passed a certification examination but the testing agency improperly scored their results and falsely reported that they failed the examination. *Miller, et al. v. Inteleos, Inc.*, No. 17 cv 763 (N.D. OH).

Privacy Violation — \$500,000 recovery for a statewide class of consumers whose personal information was improperly disclosed. *Aliano v. Joe Caputo and Sons – Algonquin, Inc., et al.*, No. 09 cv 0910 (N.D. IL).

Contaminated Drinking Water — \$500,000 recovery for a statewide class of individuals who suffered damages as a result of a contaminated water well, plus equitable relief to close the well. *Joseph Marzano v. Village of Crestwood*, No. 09 CH 16096 (Cook Cnty, IL).

Fraud — \$425,000 recovery for a nationwide class of businesses and individuals who purchased spirits whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Proximo Spirits, Inc.*, No. 2014 CH 17429 (Cook Cnty, IL).

Foreclosure Fraud — \$425,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception. *Lieber v. Wells Fargo Bank, N.A.*, No. 16 cv 2868 (N.D. OH).

Privacy Violation — \$295,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Joseph v. Marbles, LLC*, No. 13 cv 4798 (N.D. IL).

Data Breach — \$285,000 recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a restaurant chain. *Ramsey v. 41 E. Chestnut Crab Partners, LLC, et al.*, No. 19 CH 2759 (Cook Cnty., IL).

Privacy Violation — \$250,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *DiParvine v. A.P.S., Inc. d/b/a Car Quest Auto Parts*, No. 11 cv 6116 (N.D. IL).

Unsolicited Faxes — \$237,600 recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Key Art Publishing Co.*, No. 07 CH 14018 (Cook Cnty, IL).

Improper Health Club Memberships — Recovery for a statewide class of individuals whose health club membership agreements provided for improper membership terms. *Izak-Damiecki v. World Gym International, LLC*, No. 10 CH 18845 (Cook Cnty, IL).

Illegal Lending Practices — Recovery, representing the maximum amount of statutory damages, for a nationwide class of customers who obtained loans whose terms violated the Truth in Lending Act, plus equitable relief to modify the loan contract to conform with the law. *Papeck, et al. v. T.N. Donnelly & Co.*, No. 09 CH 31997 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of over 36 million consumers whose personal information was improperly disclosed. *Dudzienski v. GMRI, Inc.*, No. 07 cv 3911 (N.D. IL).

Unsolicited Faxes — Recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Home Run Inn, Inc.*, No. 08 CH 43273 (Cook Cnty, IL).

Privacy Violation — Recovery for a statewide class of over 60,000 consumers whose personal information was improperly disclosed. *O'Brien v. Paninos, Inc.*, No. 10 cv 2991 (N.D. IL).

Breach of Warranty — Recovery on behalf of a nationwide class of customers who had their warranty retroactively changed from a lifetime guarantee to a 90-day guarantee, plus equitable

relief to reinstate the lifetime guarantee on the products. *Brady, et al. v. Learning Curve Int'l, Inc., et al.*, No. 06 CH 03056 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of tens of thousands of consumers whose personal information was improperly disclosed. *In re Kathy Aliano v. Hancock Fabrics, Inc.*, No. 07-10353 (Del. BK).

Improper Debt Collection — Recovery on behalf of a nationwide class of individuals against whom attempts were made to collect a time-barred debt, in violation of the Fair Debt Collection Practices Act. *Ocasio v. First Financial Investment Fund V, LLC, et al.*, No. 15 cv 10167 (N.D. IL).

Pending Cases — Preliminary Approval of Settlement Granted

Data Breach — Class action for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by state governments. *Culbertson, et al. v. Deloitte Consulting LLP*, No. 20 cv 3962 (S.D. NY).

Constitutional Violation — Class action for a nationwide class of individuals who were wrongfully issued automated construction zone speed enforcement tickets on a highway that was not under construction. *Black, et al. v. City of Girard, Ohio, et al.*, No. 18 cv 1256 (Trumbull Cnty, OH).

Pending Cases — Appointed Class Counsel

Improper Fee — Class action for a statewide class of individuals who were charged an improper fee by the state in connection with the issuance of a driver's license. *Madyda, et al. v. Ohio Dept. of Public Safety*, No. 19-426 (OH Ct. of Claims).

Invasion of Privacy — Class action for a nationwide class of individuals who were surreptitiously viewed and recorded using the toilets in holding cells. *Alicea, et al. v. County of Cook*, No. 18 cv 5381 (N.D. IL).

Data Breach — Class action for a nationwide class of individuals whose personal and financial information was compromised in a data breach of the state's Pandemic Unemployment Assistance website. *Acker, et al. v. Protech Solutions, Inc.*, No. 20 cv 852 (E.D. AR).

Environmental Contamination — Class action for a statewide class of individuals whose residential drinking water was contaminated with lead. *Henderson, et al. v. Aqua Illinois, Inc.*, No. 2019 CH 10191 (Will Cnty, IL).

Pending Cases — Appointed to Executive Committee

Misleading Product Claims — Class action for a nationwide class of individuals who purchased defective cheese products based on misleading representations. *In re 100% Grated Parmesan Cheese Marketing and Sales Practices Litigation*, MDL No. 2707 (N.D. IL).

Pending Cases

Fraud — Class action for a statewide class of individuals who were wrongfully issued automated red light tickets by red light cameras that were installed in violation of state law.

Unpaid Overtime — Class action for a nationwide class of individuals who were not paid all wages and premium overtime for hours worked in excess of forty hours per week.

Constitutional Violation — Class action for a statewide class of individuals who were improperly denied pandemic unemployment assistance benefits because the governor of their state refused to accept those federal benefits and distribute the money to the individuals.

Improper Debt Collection — Class action for a nationwide class of individuals who were sent misleading debt collection letters, in violation of the Fair Debt Collection Practices Act.

Data Breach — Class action for a statewide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a hospital.

Violation of RESPA Act — Class action for a nationwide class of borrowers who were denied the requisite loan modification options, as required by the Real Estate Settlement Procedures Act.

Constitutional Violation — Class action for a nationwide class of individuals who were wrongfully issued automated traffic speed enforcement tickets by a municipality that was denied authorization to issue the tickets.

Invasion of Privacy — Class action for a nationwide class of individuals who received unauthorized telemarketing calls to their phones.

Consumer Fraud — Class action for a nationwide class of individuals who were defrauded when their printers were disabled from using third party toner under the guise of a firmware update.

Breach of Contract — Class action for a statewide class of individuals who are members of athletic clubs that unilaterally terminated their rewards program without notice.

Unpaid Wages — Class action for a statewide class of individuals who were not paid all of the wages they earned while working at restaurants.

Antitrust — Class action for a nationwide class of individuals who purchased packaged seafood products from companies that conspired to fix prices in violation of the Sherman Act.

Environmental Contamination — Class action for a statewide class of individuals whose residential drinking water was contaminated with lead.

Constitutional Violation — Class action for a statewide class of individuals whose homes were wrongfully taken by the government without adequate compensation.

Fraud — Class action for a nationwide class of individuals who were deliberately targeted through marketing and sales of electronic cigarettes when they were minors.

Defective Product — Class action for a nationwide class of individuals who purchased defective eye cream.

Consumer Fraud — Class action for a statewide class of individuals who were denied loans due to improper banking practices.

Data Breach — Class action for a nationwide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a company that rents caps and gowns for graduation ceremonies.

Shareholder Derivative Suit — Class action for a nationwide class of individuals against a company due to breaches of fiduciary duties and insider trading.

Consumer Fraud — Class action for a nationwide class of individuals who paid inflated prices for a product.

Constitutional Violation — Class action for a statewide class of individuals who paid an unconstitutional firearms and ammunition tax.

Breach of Contract — Class action for a nationwide class of individuals who paid for continuous printer toner and ink, but the company failed to deliver it as promised.

Fraud — Class action for a nationwide class of individuals who were charged and paid for a greater quantity of a product than they received.

NOTE: This list of cases is a representative sample of some of the class action lawsuits. It is not an exhaustive list.

DannLaw

Since 2008, DannLaw has represented individuals and businesses in a wide array of legal matters. The attorneys of DannLaw are established and respected trial lawyers who represent clients in simple litigation, complex litigation, appellate litigation, and class action lawsuits. DannLaw has recovered millions of dollars on behalf of thousands of individuals and businesses across the country including the states of Ohio, Illinois, Oregon, Florida, Kentucky, New Jersey and Tennessee.

Marc E. Dann

Marc Dann is the Managing Partner of DannLaw. He is also a Partner of Advocate Attorneys LLP in Washington DC. These practices focus on representing clients who have been harmed by banks, debt buyers, debt collectors and other financial predators and providing access legal services for traditionally underserved working class and middle class Americans. Dann has fought for the rights of tens of thousands of consumers and brought class actions lawsuits on behalf of clients in both private practice and as Ohio's Attorney General.

As Ohio Attorney General, Marc Dann initiated securities fraud claims against the creators of mortgage- backed securities on behalf of Ohio's public pension funds. He assembled Ohio's Organized Crime Commission to mobilize Mortgage Fraud Task Forces in Ohio's major cities to prosecute those engaged in mortgage fraud and predatory lending, Dann's office challenged the standing of mortgage servicers to foreclose in cases where the State of Ohio was a party. Dann also worked with former Ohio Supreme Court Chief Justice Thomas Moyer to organize over 1,200 volunteer lawyers to represent homeowners in foreclosure.

After leaving the Attorney General's Office, Marc Dann began representing Ohio homeowners facing foreclosure pro bono. During this time, he recognized that the issues faced by individual homeowners represented patterns of practice throughout the mortgage servicing industry. In response, he mobilized a team and created DannLaw in order to fight for the rights of Ohioans.

Since DannLaw was founded, it has grown to represent clients facing a range of consumers' rights issues including in class action. While mortgage servicing litigation practice the foundation of DannLaw, Marc Dann has developed a comprehensive collection of tools designed to help clients stay in their homes including prosecuting more than 25 Class Action cases. . He is a recognized national leader in the use of federal mortgage servicing regulations to hold servicers accountable for their actions.

Utilizing these tools has led Marc Dann to host seminars explaining these techniques to other attorneys. These working groups help to elevate the defense of clients across the nation while allowing attorneys to recognize patterns of practice that affect all citizens.

This collaborative spirit also applies to the communities of which DannLaw is a part. Marc Dann serves on the Lakewood Ohio Tree Advisory Committee. Marc Dann and DannLaw also support the Cleveland International Film Festival each year.

Dann prioritizes professional organizations as well, as a member of the American Bar Association, the Federal Bar Association, the Cleveland Metropolitan Bar Association, the National Association of Consumer Attorneys and the National Association of Consumer Bankruptcy Attorneys. He is a member of the Society of Attorneys General Emeritus, the Democratic Attorneys General Association and the Ohio Attorneys General Association.

Marc Dann is a regular contributor to *Attorney at Law Magazine* and the *Cleveland Metropolitan Bar Association Magazine*. His work has also been featured in *NACBA's Consumer Bankruptcy Journal* and *Legal Ink Magazine* and *Working Class Perspectives* compiled by Georgetown University.

Dann has been appointed as lead counsel in *Lieber, et al. v. Wells Fargo Bank, N.A.*, NDOH Case No. 1:16-cv-02868 and *Miller, et al. v. Intelelos, Inc.*, NDOH Case No. 1:17-cv-00763. Dann is currently acting as lead counsel in two additional matters: *Madyda v. Ohio Department of Public Safety*, Ohio Court of Claims Case No. 2019-00426JD and *Miles Black, et al. v. City of Girard, Ohio, et al.*, Trumbull County Court of Common Pleas Case No. 2018 CV 1256. Dann has been appointed as Interim Lead Counsel in *Acker, et al. v. ProTech Solutions Inc.*, ED Ark. 4:20-cv-00852. In addition to the lead counsel appointments, Dann has been appointed as Liaison Counsel in *In re: Sonic Corp. Customer Data Security Breach*, NDOH 17-md-2807. Dann presently serves as Liaison Counsel for the Guardians of NAS Children in *In re: National Prescription Opiate Litigation*, NDOH 17-md-02804.

Dann is admitted to practice in the United States Court of Appeals for the Sixth Circuit, United States District Court for the Southern District of Ohio, United States District Court for the Northern District of Ohio, United States District Court for the Northern District of Illinois, The Northern District of Indiana, The Western District of Tennessee and the Ohio Supreme Court. He has pro hac vice admission in Cook County, Illinois, Washoe County Nevada, United States District Court for the Southern District of Florida, United States District Court for the Middle District of Florida, United States District Court for the Northern District of Georgia, United States District Court in Nevada, United States District Court for the Western District of New York, United States District Court for the Southern District of New York, United States District Court for the Eastern District of New York, United States District Court for the District of New Jersey, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Western District of Washington, and the United States District Court for the Central District of California

A native of Cleveland, Ohio, Marc Dann is a 1984 graduate of the University of Michigan, where he earned a bachelor's degree in history. He graduated from the Case Western Reserve University School of Law in 1987.

Brian D. Flick

Mr. Flick advocates for plaintiffs and defendants nationwide in state and federal trial and appellate courts. His practice areas include Consumer Bankruptcy debtor representation in the areas of Chapter 7, 12, and 13, consumer fraud, real estate litigation, foreclosure defense, student loan debt defense, Bankruptcy Litigation, and Mortgage Servicing Litigation under the Real Estate Settlement Procedures Act and the Truth in Lending Act.

He has experience in all phases of litigation including extensive discovery, substantive motion practice, trial practice, and appellate practice. Mr. Flick has worked vigorously for over 14 years to protect the rights of consumers and to pursue recovery for plaintiffs and defendants in numerous civil matters including class actions.

Mr. Flick graduated from Adrian College with a B.A. In Political Science. He earned his law degree from the Ohio Northern University Pettit College of Law. While in law school, he received several academic awards and appeared on the Dean's List multiple times.

Since beginning the practice of law, he has been very active in local and national attorney associations. He is active with the Cincinnati Bar Association's Bankruptcy Committee. Brian also sits on the Volunteer Lawyers Committee for the Cincinnati Bar Association. He is the current Sixth Circuit Listserv Moderator for the National Association of Consumer Bankruptcy Attorneys, a position he has held since May 2017. He is the current Ohio State Chair for the National Association of Consumer Advocates, a position he has held since May 2017. He was also appointed by the Board of Trustees as a member of the Unauthorized Practice of Law Committee of the Cincinnati Bar Association, a position he has held since June 2017. Mr. Flick has been a frequent speaker at Cincinnati Bar Association, NACBA, and NACA events since 2014 as well as assisting with DannLaw's Regulation X and Z Seminars that have taken place since 2016.

Mr. Flick has worked as associate counsel in many class actions the firm has handled including *Lieber, et al. v. Wells Fargo Bank, N.A.*, NDOH Case No. 1:16-cv-02868, *Madyda v. Ohio Department of Public Safety*, Ohio Court of Claims Case No. 2019-00426JD and *Miles Black, et al. v. City of Girard, Ohio, et al.*, Trumbull County Court of Common Pleas Case No. 2018 CV 1256. Mr. Flick was appointed to the Interim Executive Committee in *Angus, et al. v. Flagstar Bank, FSB*, EDM Case No. 2:21-cv-1067.

Mr. Flick is admitted to the practice of law in the State of Ohio, State of Kentucky and the Federal District Courts and Bankruptcy Courts in the following jurisdictions: Southern District of Ohio;

Northern District of Ohio; Eastern District of Kentucky; Western District of Kentucky; Eastern District of Tennessee; Western District of Tennessee; Northern District of Indiana; Southern District of Indiana Eastern District of Michigan and the Northern District of Illinois. He has also been admitted *pro hac vice* in civil litigation in the following United States District Courts for either resolved or pending matters: District of Nevada, Eastern District of Pennsylvania, Central District of California, Central District of Florida and Southern District of Florida. He is also admitted in the United States Court of Appeals for the Sixth Circuit.

Michael A. Smith, Jr.

Mr. Smith is the most recent addition to DannLaw's team of highly skilled attorneys. A graduate of the Ohio State University and the University of Georgia School of Law Mr. Smith is admitted to practice in the State of Ohio, State of New Jersey, the United States District Court for the Northern District of Ohio and the United States District Court for the District of New Jersey. Smith has been active in federal litigation, including Class Action Litigation in the state and Federal Courts of Ohio and New Jersey.

Emily White

After spending nearly a decade as a public interest attorney, Emily White joined DannLaw. She is the Managing Partner of the firm's Columbus, Ohio office where she practices student loan debt, disability rights, Class Action and consumer law.

Emily received her law degree from the City University of New York School of Law, where she served on the editorial board of the New York City Law Review. Following law school, she served for two years as a judicial law clerk to the Honorable Sylvia H. Rambo, U.S. District Court Judge for the Middle District of Pennsylvania.

In 2009 she joined the Legal Aid Society of Cleveland, where she represented low-income consumers during the historic recession and foreclosure crisis. While at Legal Aid she authored a chapter of Ohio Consumer Law focused on student loans and helped student loan borrowers resolve defaults and apply for student loan discharges.

In 2013 she joined Disability Rights Ohio as a staff attorney. In that role Emily represented individuals with disabilities in employment and higher education matters and offered advice about issues related to student loans and vocational rehabilitation services.

Emily received an undergraduate degree in Philosophy from the University of Illinois at Urbana-Champaign. Before attending law school she served as an AmeriCorps volunteer with Habitat for Humanity NYC.

Javier Merino

Attorney Javier Merino is the managing partner of the New Jersey office of DannLaw where he focuses his practice on Consumer, Bankruptcy and Mortgage Servicing Litigation. After receiving his Juris Doctorate from St. John's University School of Law. His practice is focused on bankruptcy, foreclosure defense, and negotiating mortgage loan modifications.

Marino has litigated dozens of claims under Federal and State Consumer Law laws in New Jersey and New York and has defended hundreds of Foreclosure cases.

While at St. John's Law School he was the Executive Blog Editor for the New York Litigator Law Journal and served as treasurer of the Metropolitan/Latino Law Student Association. He also volunteered his time assisting in the preparation of bankruptcy petitions while working at the St. John's Bankruptcy Advocacy Clinic.

Javier Merino is a graduate of Rutgers University and St. John's Law School

Attorney Merino is licensed to practice in the states of New Jersey and New York, the Federal District Court of New Jersey, Third Circuit Court of Appeals, Eastern District of New York, and the Southern District of New York.

Dan Solar

Attorney Dan Solar has brought consumer cases against loan modification mills and financial institutions, won motions to vacate older foreclosure judgments on behalf of DannLaw clients, and unearthed significant evidence of fraud and robo-signing via the legal discovery process.

A licensed attorney since 2009, Dan earned a B.A. in Political Science from Denison University in 2006 and a J.D. from the University of Akron School of Law in 2009. He served an internship at the Cuyahoga County Public Defender's Office and during his years in law school worked as a law clerk for a firm in Akron, Ohio where he focused on a variety of tort matters and insurance litigation.

In addition to his extensive legal training, Attorney Solar's experience in the origination of mortgage loans gives him a specialized, in-depth and invaluable knowledge of every facet of the mortgage lending process.

Attorney Solar is admitted to practice in the State of Ohio, the United States District Courts for the Northern and Southern Districts of Ohio, and the Eleventh Circuit Court of Appeals.

REPRESENTATIVE CLASS ACTIONS CASES

Completed Cases:

In re Sonic Corp. Customer Data Security Breach, 1:17-md-2807 NDOH (Order granting Plaintiffs' Unanimous and Unopposed Motion to Appoint Attorney William B. Federman as Interim Lead Counsel, Attorney Marc Dann as Interim Liaison Counsel, and Attorneys Thomas A. Zimmerman, Jr., Michael R. Fuller, Melissa R. Emert and Miles Clark as Plaintiffs' Steering Committee signed 01/03/2018) - Class action for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a retailer.

Miller et al. v. Inteleos, Inc., Case No. 1:17-cv-00763-DAP NDOH - \$570,000 recovery for a nationwide class of sonographers who took and passed a certification examination but the testing agency improperly scored their results and falsely reported that they failed the examination.

Lieber v. Wells Fargo Bank, N.A., Case No. 1:16-cv-02868-PAG NDOH - \$425,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception.

Clark, et al. v. Lender Processing Services, Inc, et al., Case No. 2:12-cv-02187 NDOH

Hlavasa, et al. v. Bank of America, et al., Case No. 2:2011-cv-00530 NDOH

Turner, et al. v. Lerner, Sampson & Rothfuss, Case No. 1:11-cv-00056 NDOH

Pending Cases:

RESPA and Mortgage Servicing Class Action

- DannLaw is putative class co-counsel in *Ryder, et al. v. Wells Fargo Bank, N.A.*, United States District Court for the Southern District of Ohio Case No. 19-cv-00638.
- DannLaw is putative class co-counsel in *Trivison, et al. v. Federal National Mortgage Association*, United States District Court for the Northern District of Ohio Case No. 20-cv-00711.
- DannLaw is co-counseling a Class action for a nationwide class of borrowers who were denied the requisite loan modification options, as required by the Real Estate Settlement Procedures Act against a Mortgage Servicer. The matter has not yet proceeded to appointment of Class Counsel or Class Certification.

Constitutional Violations

- DannLaw is putative class co-counsel in *Tarrify Properties, LLC, et al. v. Cuyahoga County, Ohio, et al.*, United States District Court for the Northern District of Ohio Case No. 19-cv-02293.

Data Breach/Misuse of Consumer Information -

- DannLaw has been appointed as Interim Class Co-Counsel in *Acker, et al. v. ProTech Solutions Inc.*, United States District Court for the Eastern District of Arkansas Case No. 20-cv-00852;
- DannLaw is co-counseling a Class action for a nationwide class and a statewide class for Ohio Consumers who were subject to a data breach from a third-party data collection agency who contracted with one of the three major Credit Reporting Agencies. The matter has not yet proceeded to appointment of Class Counsel or Class Certification and remains pending in the United States District Court for the Central District of California;
- DannLaw is co-counseling a Class action for a statewide class of Ohio Consumers who were subject to a data breach that occurred with Cleveland Metropolitan Housing Authority. The matter is pending in the Cuyahoga County Court of Common Pleas and has not yet proceeded to appointment of Class Counsel or Class Certification.

Disability Rights

- DannLaw is co-counseling a Class Action Class action for a nationwide class of disabled individuals who were denied full, equal and independent access to the goods, services and facilities provided by a hotel. The matter has not yet proceeded to appointment of Class Counsel or Class Certification.

Shareholder Derivative Suit

- DannLaw is co-counseling as Local Counsel a Shareholder Derivative Complaint against a multi-state Managed Care facility. The matter has not proceeded to Class Certification.
- DannLaw is co-counseling as Local Counsel a Shareholder Derivative Complaint against Fifth Third Bank, N.A. in Hamilton County, Ohio Court of Common Pleas. The matter has not proceeded to class certification.

NOTE: This list of cases is a representative sample of some of the class action lawsuits. It is not an exhaustive list as it does not include matters that have settled confidentially prior to any Motion for Class Certification.