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13 *Attorneys for Plaintiffs and Class Counsel*

14
15 **SUPERIOR COURT OF CALIFORNIA**

16 **COUNTY OF SAN DIEGO**

17 JEFFREY JACOBS and MADELINE CASEY,
18 on behalf of themselves and all others similarly
situated,

19 Plaintiffs,

20 vs.

21 LA-Z-BOY INCORPORATED, a Michigan
22 corporation, STITCH INDUSTRIES INC., a
Delaware corporation,

23 Defendants.

Case No. 25CU038051N

[E-FILE]

CLASS ACTION

**DECLARATION OF TODD D. CARPENTER IN
SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR ATTORNEYS' FEES, COSTS, AND
INCENTIVE AWARD**

Date: March 6, 2026

Time: 1:30 p.m.

Judge: Hon. Michael D. Washington

Dept: N-31

24
25 I, Todd D. Carpenter, declare:

26 1. I am an attorney duly admitted to practice law before all courts of the State of California,
27 and I am an owner in the law firm of Lynch Carpenter, LLP, counsel for Plaintiffs and the Settlement
28 Class in this action. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs,

1 and Incentive Award. If called as a witness, I could and would competently testify to the following:

2 2. I have personally been involved in the investigation, prosecution, and resolution of this
3 class action from its inception through the present. I oversaw the investigation into Defendant La-Z-Boy
4 Incorporated’s Joybird brand pricing practices. I directed the investigation through associates and
5 paralegals, remained actively involved in overall case management, assigned litigation tasks to my team,
6 led settlement negotiations, and oversaw all law-and-motion and settlement approval work.

7 3. Class Counsel began tracking items in Defendant’s stores in February 2024 in California,
8 Oregon, and Washington. Based on our investigation, Defendant consistently advertised furniture
9 products with strikethrough “original” prices paired with purported sale prices and percentage-off discount
10 representations, creating the false impression of time-limited or genuine discounts. Beginning in
11 approximately February 2024 and continuing through September 2024, my firm systematically tracked
12 numerous products offered for sale on joybird.com on a daily or near-daily basis. That tracking
13 demonstrated that the advertised discounts were perpetual and that the referenced “original” prices did not
14 prevail for a reasonably substantial period of time. All products observed appear to have been “on sale”
15 throughout the investigation, “discounted” against a false reference price that has never been observed as
16 the actual selling price. In other words, all items had prices that were perpetually “discounted” by in-store
17 signage indicating a large percentage off (“__% Off”) discount. Likewise, online listings also included a
18 “Save \$__” amount in red font representing the difference between the strikethrough price and reduced
19 price. The investigation further showed that this pricing scheme was uniform across products and time
20 periods. In my professional opinion, based on my review of the evidence, Defendant’s discount advertising
21 practices violated California’s False Advertising Law (“FAL”),¹ the California Unfair Competition Law
22 (“UCL”),² the Consumer Legal Remedies Act (“CLRA”),³ and the Federal Trade Commission Act,
23 including the Commission’s former-price guidance.⁴

24 4. On May 29, 2024, Plaintiff Jeffrey Jacobs filed a putative class action lawsuit against
25 Defendant in the United States District Court for the Central District of California, entitled *Jeffrey Jacobs*

26 ¹ Cal. Bus. & Prof. Code §§ 17500, *et seq.*

27 ² Cal. Bus. & Prof. Code §§ 17200, *et seq.*

28 ³ Cal. Civ. Code §§ 1750, *et seq.*

⁴ 15 U.S.C. §§ 45(a)(1) and 52(a); 16 C.F.R. §§ 233.1(a) and (b).

1 v. *La-Z-Boy Incorporated et al.*, alleging that Defendant deceptively advertised discounts of its products
2 at its Joybird physical stores and website, joybird.com. On October 18, 2024, Plaintiff Madeline Casey
3 sent Defendant a notice letter demanding corrective action for Defendant's violation of Washington's
4 Consumer Protection Act, making similar allegations against Defendant with respect to its pricing
5 practices.

6 5. My firm's investigation continued after the filing of the initial federal action. Counsel also
7 reviewed historical website captures maintained by the Wayback Machine, which corroborated the
8 findings of the live website tracking and confirmed that the challenged discount representations had
9 persisted over time. As the case progressed, the parties engaged in a thorough evaluation of the legal issues
10 and risks and entered into preliminary settlement discussions. In connection with those efforts, the parties
11 exchanged and analyzed informal information relevant to settlement, including transaction metrics, class
12 size estimates, customer contact data, and arbitration exposure, all of which informed settlement posture
13 and valuation.

14 6. The parties engaged in arm's-length negotiations over an extended period, including an in-
15 person mediation on September 16, 2024 with the Honorable Ann I. Jones (Ret.), followed by continued
16 negotiations and a second mediation on March 24, 2025, before experienced mediator Bruce Friedman of
17 JAMS. Following the exchange of multiple proposals and counterproposals, the parties reached a class-
18 wide settlement in principle on April 9, 2025. Each aspect of the Settlement Agreement was heavily
19 negotiated, including (1) the value of Settlement Vouchers and cash payments available under the
20 Settlement; (2) the distribution of those direct benefits, including the automatic distribution of Settlement
21 Vouchers to Class Members for whom Defendant has contact information regardless of whether the Class
22 member files a Claim; and (3) the Notice plan, including the content and form of the Notices.

23 7. After reaching agreement in principle, Class Counsel engaged in negotiations regarding
24 the material terms of the settlement and worked collaboratively to finalize the Settlement Agreement and
25 associated notice and administration provisions. Only after the substantive relief for the Settlement Class
26 was agreed upon did the parties negotiate attorneys' fees, costs in the amount of \$1,325,000, as well as
27 incentive awards of \$7,500 to each Plaintiff, which Defendant agreed to pay separately from and in
28 addition to the relief made available to the Settlement Class. As part of the settlement process, and to

1 present a unified settlement for approval, Plaintiff agreed to dismiss the pending federal action and present
2 the settlement through a California state-court approval proceeding asserting substantially similar claims
3 on behalf of the Settlement Class. That process also involved coordination with co-counsel to consolidate
4 related claims and releases into a single approval track, avoiding parallel proceedings and duplicative
5 judicial oversight.

6 8. Class Counsel devoted substantial time and effort to the prosecution and resolution of this
7 case. In my opinion, the Settlement represents a fair and reasonable result for the Class in light of the risks
8 of continued litigation, including challenges relating to arbitration, class certification, and damages proof.
9 The requested fee is reasonable and appropriate given the results achieved, the complexity of the issues,
10 the contingent nature of the representation, and the significant risk undertaken by Class Counsel in
11 litigating this matter without any guarantee of recovery.

12 9. My firm's hourly rates as of the date of this declaration are \$1,195.00 for partners, \$550.00
13 for associates, and \$225.00 for paralegals. I have established these rates through ongoing familiarity with
14 prevailing market rates for consumer class action litigation in Southern California, including consultation
15 with similarly experienced plaintiff-side practitioners and defense counsel in comparable matters. I also
16 expect to spend additional time concluding this case, including coordination with the settlement
17 administrator, responding to any objections, and preparing for and attending the final approval hearing. In
18 addition, my firm has spent approximately \$8,760.51 in unreimbursed litigation expenses incurred in
19 connection with this case, which are summarized below:

20 **COSTS**

21

No.	General Description	Cost:
1.	Court fees, filing fees, service of process, and related expenses	\$2,260.51
2.	Scanning, photocopying, printing, and other office related costs	Waived
3.	Mediation	\$6,500

26 **TOTAL: \$8,760.51**

27 10. My lodestar billing time records are available if required by the Court. A general summary
28

of my firm's accrued time is as follows:

No.	General Description	Hours	Rate	Lodestar
1.	<i>Pre-filing investigation; research establishing theory of liability, and addressable market: (Partner Time)</i> Designed and led the pre-suit investigation and legal strategy for Plaintiffs' false discount and fictitious reference pricing claims against La-Z-Boy Incorporated, arising from the marketing and sale of Joybird-branded furniture products. This work included developing a statutory liability framework under California's False Advertising Law (FAL), Unfair Competition Law (UCL), and Consumer Legal Remedies Act (CLRA), as well as evaluating related federal and state consumer-protection theories implicated by Defendant's pricing practices. Oversaw a pre-filing investigation beginning in approximately February 2024, including systematic, daily or near-daily tracking of pricing and discount representations on Defendant's e-commerce website, joybird.com, documenting the perpetual use of strikethrough "original" prices paired with purported sale prices and percentage-off discount messaging. Because the merchandise at issue was exclusive to Defendant's website and not sold in any other retail market, counsel's analysis focused on whether the advertised reference prices functioned as bona fide former prices under applicable legal standards, rather than on external price comparison. Counsel also evaluated Plaintiff's purchase experience and Defendant's public disclosures to assess the legal significance of Joybird's limited showroom presence in connection with its primarily e-commerce sales model. Counsel reviewed the consolidated operative complaint that was used to present the parties' settlement for approval in state court. Additional work included evaluating likely defenses and procedural risks—including arbitration exposure, standing, and class definition issues—to inform filing strategy and settlement posture.	76	\$1,195	\$90,820
2.	<i>Pleadings: (Associate Time)</i> Conducted legal research on California and federal case law involving false discount and fictitious reference price advertising, and reviewed comparable consumer class action pleadings to inform drafting strategy. Gathered and synthesized factual support from counsel's investigation record, including online pricing displays, strikethrough "original" price representations, and uniform discount advertising patterns observed on Defendant's e-commerce website, as well as Wayback Machine captures reflecting historical pricing practices. Prepared supporting materials and drafted, revised, and finalized pleadings for filing. Coordinated revisions with partners, incorporated feedback, and managed logistics for filing, service, and case	85	\$550	\$46,750

No.	General Description	Hours	Rate	Lodestar
	administration. As the case progressed into settlement posture, assisted with drafting the consolidated operative complaint used to present the parties' settlement for approval in state court, ensuring the pleading accurately reflected the settled claims, class period parameters, and the theory that Plaintiff's showroom-initiated purchase was fulfilled through Defendant's online sales system and subject to the same challenged pricing practices.			
3.	Investigation Time (Paralegal time): Conducted a sustained investigation of Defendants' pricing and discount advertising practices beginning in approximately February 2024 and continuing through filing of complaint and onward up to September 2024. This work focused on systematic, daily or near-daily monitoring of Defendant's e-commerce website, joybird.com, and included capturing and preserving screenshots of category pages, product detail pages, and sitewide promotional banners displaying strikethrough "original" prices paired with purported sale prices and percentage-off discount messaging. Paralegals also assisted in researching and preserving historical versions of Defendant's website using the Wayback Machine to confirm the persistence and uniformity of the challenged pricing practices over time. Investigation efforts included maintaining and updating a detailed item-tracking chart documenting pricing representations across multiple products during the investigation period, a representative portion of which was submitted as an exhibit to the Complaint. Paralegals further organized and indexed screenshots and investigation materials for use in the pleadings, mediation materials, and preliminary approval motion, and maintained investigation files to support counsel's analysis, motion practice, mediation briefing, and settlement approval submissions.	160	\$225	\$36,000
4.	Law and Motion (Associate time): Conducted legal research and drafted briefing related to Defendant's federal motion to dismiss in the Jacobs action (filed August 23, 2024), including researching standing, reliance/materiality, deception standards, and statutory pleading requirements for false discount/reference pricing cases. Assisted with preparation of supporting filings and procedural documents (including deadline stipulations and other case-management submissions as needed). Worked closely with partners to revise and finalize confirmed arguments and ensure the briefing aligned with the developing evidentiary record and classwide theory. Assisted with integrating the motion-to-dismiss outcome (denial on November 11, 2024) into litigation strategy and subsequent settlement/approval narratives.	48	\$550	\$26,400
5.	Law and Motion (Partner time): Provided strategic oversight and detailed review of all law-and-motion work, including partner-level revision, editing, and refinement of the motion-to-dismiss briefing in federal court to ensure legal accuracy, persuasive structure, and alignment with Plaintiffs' classwide	18	\$1,195	\$21,510

No.	General Description	Hours	Rate	Lodestar
	theory of deception and consumer harm. Guided the litigation response strategy to anticipated defenses (including confirming the most durable UCL/FAL/CLRA framing and risk-managed class definition choices). Used the denial of Defendant’s motion to dismiss (November 11, 2024) as an objective litigation milestone to inform mediation leverage, settlement posture, and the fairness narrative for settlement approval.			
6.	Mediation / Settlement (Associate time): Provided substantial support before, during, and after formal mediation sessions by conducting legal research, drafting and revising mediation materials, and organizing investigation evidence into a cohesive settlement presentation. Assisted with informal discovery/information exchange used to evaluate class size, sales data, customer contact information, and arbitration-related exposure for putative class members. Coordinated draft term sheets and settlement structure proposals; and, after agreement in principle was reached, assisted with drafting, editing, and finalizing the long-form settlement agreement and related notice materials, incorporating counsel feedback and opposing counsel redlines. Assisted in coordinating with the settlement administrator regarding notice/website logistics and implementation considerations to ensure the settlement could be efficiently administered and presented for preliminary approval. Associates also assisted with implementing the agreed procedural strategy for settlement approval, including compiling settlement exhibits and administrator materials, confirming consistency between the settlement agreement and the operative settlement allegations, and coordinating with co-counsel to support an efficient transition into the preliminary approval phase.	98	\$550	\$58,900
7.	Mediation / Settlement: (Partner time): Led settlement strategy and negotiations from inception through execution, in coordination with co-counsel, including requesting and analyzing informal data exchanged by Defendant relevant to class size, transaction metrics, customer contact information, and arbitration exposure—each of which materially informed litigation risk assessment and settlement valuation. Settlement strategy was driven by the strength of the uniform, perpetual discount evidence developed during the investigation and the resulting liability exposure under the Federal Trade Commission’s former-price guidance and California’s false reference pricing laws, as well as damages tied to inflation of advertised “original” prices rather than individualized pricing variation. Participated in and directed settlement negotiations spanning nearly a year, including an in-person mediation on September 16, 2024, followed by continued negotiations and a second mediation on March 24, 2025 before well-regarded mediator Bruce Friedman of JAMS. Following productive negotiations through the mediator, guided the parties to settlement on April 9, 2025; oversaw execution of a term sheet finalized May 7, 2025; and supervised the negotiation and	75	\$1,195	\$89,625

No.	General Description	Hours	Rate	Lodestar
	execution of the long-form settlement agreement (executed July 2, 2025). This work also included coordinating the procedural strategy to present the negotiated settlement for approval in California state court, including managing the transition from the federal litigation posture to the settlement-approval track, coordinating with co-counsel to consolidate related actions and releases into a single approval proceeding, and ensuring the settlement presentation preserved a clear record of arm's-length negotiations while avoiding parallel proceedings or duplicative judicial oversight. Reviewed and revised multiple iterations of settlement documents and notice components to ensure enforceability, clarity, and compliance with California class settlement requirements, and ensured attorneys' fees were negotiated only after agreement on substantive class relief.			
8.	<i>Motion for Preliminary Approval of Settlement (Associate Time):</i> Researched legal standards governing preliminary approval of class action settlements in California state court and drafted the motion and supporting documents seeking preliminary approval and provisional settlement class certification. Incorporated updated case facts, settlement structure terms, class definition and class period parameters (including the class period ending at preliminary approval), and notice and administration protocols. Coordinated with the settlement administrator (Analytics Consulting LLC) regarding notice dissemination logistics and settlement website content requirements, and ensured compliance with applicable California procedural rules and supporting evidentiary showings. Circulated drafts for partner review, incorporated revisions, finalized filing-ready versions, and assisted with preparation for the preliminary approval hearing.	29	\$550	\$15,950
9.	<i>Motion for Preliminary Approval of Settlement (Partner Time):</i> Reviewed and revised the preliminary approval motion and all supporting submissions to ensure legal sufficiency, persuasive framing, and full compliance with California settlement approval standards, including the required fairness showing and procedural integrity under Rule 3.769 and related authorities. Provided strategic edits to strengthen articulation of the class benefit structure, settlement administration mechanics, and the reasons class counsel was well-informed (including the investigation record, informal discovery exchange, and motion-to-dismiss denial). Coordinated with the settlement administrator regarding notice and website logistics and prepared for appearance at the preliminary approval hearing on October 31, 2025.	8	\$1,195	\$9,560
10.	<i>General case management; coordination with co-counsel and defense counsel: (Partner Time)</i> Oversaw overall case management and litigation execution, including conducting internal strategy conferences to delegate tasks, coordinate the online investigation workflow, and maintain progress through	20	\$1,195	\$23,900

No.	General Description	Hours	Rate	Lodestar
	motion practice, mediation, and settlement finalization. Maintained ongoing coordination with co-counsel and defense counsel regarding procedural scheduling, mediation logistics, informal discovery exchanges, settlement negotiations, and transition planning for the settlement approval track. Ensured the case maintained momentum through multiple mediation sessions and the post-mediation drafting period, and coordinated with the settlement administrator as needed to support timely notice dissemination and settlement administration requirements.			
11.	<i>Motion for Attorneys' Fees (In Progress) (Associate Time):</i> Researched applicable standards governing fee awards in California class action settlements, including lodestar methodology and percentage-of-recovery cross-check principles. Drafted the attorneys' fees motion and supporting materials, including detailed litigation history, lodestar summary and task-category breakdowns, timekeeper rate summaries consistent with approved firm rates, and argument supporting the reasonableness of the requested award (including multiplier analysis as appropriate). Coordinated compilation of supporting exhibits and administrator posting logistics, and ensured the motion complied with applicable procedural requirements and the terms of the settlement agreement.	25	\$550	\$13,750
12.	<i>Motion for Attorneys' Fees (Partner time):</i> Reviewed and revised the attorneys' fees motion and supporting lodestar presentation to ensure accuracy, clarity, and persuasive framing consistent with counsel's work, results achieved, and the contingent risk assumed. Drafted and finalized the partner declaration supporting the fee request, describing the investigation, motion practice success (including the MTD denial), mediation process, settlement negotiations, settlement administration structure, and the reasonableness of the rates and requested fee award. Ensured proper coordination with the settlement administrator and co-counsel for timely posting/filing requirements.	10	\$1,195	\$11,950
13.	<i>Motion for Final Approval (Prospective) (Associate Time):</i> Anticipate confirming applicable California final approval standards and supporting co-counsel's preparation of the motion for final approval. Anticipated work includes reviewing settlement administrator data regarding notice dissemination, claims and participation rates, opt-outs, and objections for consistency with the settlement agreement and preliminary approval order; assisting with integration of those materials into the final approval record; coordinating revisions with partners and co-counsel; and supporting timely filing and service under applicable procedural rules.	10	\$550	\$5,500

No.	General Description	Hours	Rate	Lodestar
14.	Motion for Final Approval (Prospective) (Partner time): Anticipate providing senior-level review and strategic oversight of the final approval papers prepared in coordination with co-counsel, ensuring the motion persuasively addresses the fairness, adequacy, and reasonableness of the settlement, the integrity of the notice and administration process, and compliance with applicable approval standards. Anticipated work includes coordinating with the settlement administrator as needed to confirm notice and claims metrics, preparing for and attending the final approval (fairness) hearing, and responding to any objections or inquiries from the Court.	8	\$1,195	\$9,560
	TOTAL HOURS	670		
	TOTAL FEES:	\$455,175		
	EXPENSES:	\$8,760.51		
	GRAND TOTAL FEES AND EXPENSES:	\$463,935.51		

11
12 11. Named Plaintiff Jeffrey Jacobs maintained continued involvement in the litigation,
13 including reviewing pleadings, communicating with Class Counsel regarding the status of the federal
14 action and the subsequent state-court settlement approval proceeding, and participating in discussions
15 relevant to settlement.

16 12. Lynch Carpenter, LLP agreed to accept Plaintiff's case on a pure contingency fee basis.

17 13. Lynch Carpenter, LLP maintains a primary office in San Diego, California. The hourly rate
18 of \$1,195.00 per hour for Lynch Carpenter partners is in line with comparable hourly rates charged by
19 other law firms handling class action litigation in Southern California. My prior hourly rate of \$995.00
20 was approved by Judge Michael D. Washington on August 19, 2024, in *Martinez v. American Freight,*
21 *LLC* (Super. Ct. San Diego Cnty., No. 37-2024-00002841-CU-BT-NC), as well as by Judge Robert P.
22 Dahlquist on March 4, 2024, in *Fallenstein v. PVH Corp. et al.* (Super. Ct. San Diego Cnty., No. 37-2023-
23 00029952-CU-MC-NC), and on July 28, 2023, in *Williams v. Udemy Inc.* (Super. Ct. San Diego Cnty.,
24 No. 37-2023-00003666-CU-BT-NC). That rate was also approved by Judge Cynthia Freeland on January
25 19, 2024, in *Aberl v. Ashley Global Retail, LLC* (Super. Ct. San Diego Cnty., No. 37-2023-00011536-CU-
26 BT-NC), and on February 16, 2024, in *Rivali v. Shutterfly, LLC* (Super. Ct. San Diego Cnty., No. 37-
27 2023-00019221-CU-BT-NC). My prior rate before that of \$750.00 per hour was approved by Judge
28 Jeffrey T. Miller on January 21, 2021, in *Figuroa v. Capital One, N.A.* (S.D. Cal., Jan. 21, 2021, No.

1 18CV692 JM (BGS)) 2021 WL 211551; by Judge Joel R. Wohlfeil on July 15, 2020, in *Petkevicius v.*
2 *Lamps Plus, Inc.* (Super. Ct. San Diego Cnty., No. 37-2019-00020667-CU-MC-CTL); by Judge Richard
3 S. Whitney on February 11, 2020, in *Olmedo v. PVH Retail Stores LLC* (Super. Ct. San Diego Cnty., No.
4 37-2019-00003250-CU-MC-CTL); by Judge Ronald F. Frazier on July 12, 2019, in *Dennis v. Ralph*
5 *Lauren Corp. et al.* (Super. Ct. San Diego Cnty., No. 37-2018-00058462-CU-MC-CTL); and on
6 September 27, 2019, in *Rael v. RTW Retailwinds, Inc. et al.* (Super. Ct. San Diego Cnty., No. 37-2019-
7 00003850-CU-MC-CTL)—each, as here, on unopposed fee applications in false and deceptive price
8 discounting class action cases. My rate has increased since that time commensurate with prevailing market
9 rates for plaintiff-side class action practitioners in Southern California with comparable experience and
10 results. A firm résumé for Lynch Carpenter, LLP is attached hereto as **Exhibit 1**.

11 14. My hourly rate is consistent with my level of expertise in consumer class actions. Over the
12 course of my career, I have taken and defended more than 100 depositions in personal injury, complex,
13 and class action matters. I have participated in mediations resulting in aggregate settlements or awards
14 exceeding \$100,000,000 in class action cases and have drafted, filed, and argued motions involving
15 discovery, dispositive issues, and class certification. My practice focuses exclusively on consumer class
16 action and complex litigation, including cases involving unfair business practices, false and deceptive
17 advertising, and product misrepresentation.

18 15. Based on my experience litigating complex consumer class actions in California, I believe
19 the requested 1.7 multiplier is reasonable and well within the range routinely approved by California courts
20 in contingency fee cases involving significant risk, novel legal issues, and favorable results for the class.
21 (See *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132–1133 [approving use of a lodestar multiplier to
22 reward counsel for assuming contingency risk and to encourage enforcement of important rights];
23 *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 556–557 [approving a multiplier greater than 2.0
24 in a CLRA/UCL class action involving risk and skill].) Here, Class Counsel investigated the case for
25 approximately one year before filing suit, developed a false reference pricing theory, and successfully
26 resolved the matter on a classwide basis through arm’s-length negotiations with experienced defense
27 counsel and a respected mediator. The multiplier reflects the substantial contingency risk assumed, the
28 high-quality legal work performed efficiently without formal discovery, and the strong monetary and

1 injunctive relief obtained for the Class. Moreover, attorneys' fees were negotiated only after agreement
2 on material settlement terms and will be paid separate and apart from the class benefit.

3 16. I have represented plaintiffs in numerous class action proceedings in California and
4 throughout the United States in both state and federal courts. I have represented thousands of purchasers
5 of consumer products, food, dietary supplements, and over-the-counter drugs in cases arising out of
6 various false advertising claims against manufacturers and retailers, including Procter & Gamble, General
7 Mills, Bayer, Clorox, WD-40, Dean Foods, Botanical Laboratories, Inc., Irwin Naturals, Inc., General
8 Nutrition Corporation, and Pharmavite. I was appointed interim co-lead class counsel in 2021 in the
9 ongoing multidistrict litigation *In re Folgers Coffee Marketing* (W.D. Mo., No. 4:21-cv-02984-BP) (ECF
10 No. 48). I also served as class counsel for the settlement class in FACTA actions against Hugo Boss
11 U.S.A., Inc. (*Travis Benware v. Hugo Boss, U.S.A., Inc.* (S.D. Cal., No. 3:12-cv-01527-L-MDD)),
12 Southwest Airlines Co. (*Lumos v. Southwest Airlines Co.* (N.D. Cal., No. C-13-1429-CRB)), and AllSaints
13 USA Limited (*Mocek, Varoz, et al. v. AllSaints USA Limited* (Cir. Ct. Cook Cnty. Ch. Div., No. 2016-
14 CH-10056)).

15 17. I have also represented thousands of consumer credit cardholders in class actions arising
16 from violations of the Song-Beverly Credit Card Act (Civ. Code, § 1747.08), achieving substantial results,
17 including class benefits valued between \$40 and \$120 against Gucci America, Inc. I have further
18 represented thousands of consumer debit cardholders against major commercial banks, including serving
19 in leadership roles as prosecuting counsel in *In re Checking Account Overdraft Litigation, Larsen v. Union*
20 *Bank and Dee v. Bank of the West* (MDL No. 2036 (S.D. Fla.)). I have filed similar actions nationwide
21 alleging manipulation of debit transaction processing to maximize overdraft fees, including actions against
22 Northwest Savings Bank (*Toth v. Northwest Savings Bank* (Ct. Com. Pl. Allegheny Cnty., No. GD-12-
23 8014)), Pinnacle National Bank (*Higgins v. Pinnacle Bank* (Cir. Ct. 12th Jud. Dist., No. 11-C-4858)), and
24 Mission Federal Credit Union (*Taylor v. Mission Fed. Credit Union* (Super. Ct. San Diego Cnty., No. 37-
25 2012-00092073-CU-BT-CTL)). I also served as lead counsel in *Figueroa v. Capital One, N.A.*, which
26 settled on a classwide basis for \$13,000,000. (See *Figueroa v. Capital One, N.A.* (S.D. Cal., No. 3:18-cv-
27 00692), ECF No. 93 at p. 2.)

EXHIBIT 1



LYNCH CARPENTER

Pittsburgh ▪ San Diego ▪ Chicago
Los Angeles ▪ Philadelphia

OUR MISSION

Lynch Carpenter is a national law firm with a singular mission – to provide a voice to those who have been silenced by the disproportionate powers which too often exist in America. With lawyers based in Pittsburgh, San Diego, Los Angeles, Philadelphia, and Chicago, Lynch Carpenter has created an inclusive national community of like-minded legal talent to represent plaintiffs in complex litigation. Lynch Carpenter lawyers have developed strong collaborative working relationships with counsel throughout the nation and have been involved in numerous high-profile multidistrict litigation proceedings, frequently in leadership roles.

The Lynch Carpenter platform is self-made, without reliance upon the legacy of a long-established “repeat player” law firm, and is based upon the fundamental principle that input from a broad base of lawyers with diverse backgrounds, working together with mutual respect, will result in the strongest possible organization. At Lynch Carpenter, diversity is utilized, not tokenized. To this end, the firm strives to provide equal opportunities for promotion and leadership to its attorneys and supporting professionals. Eleven of the 22 Lynch Carpenter attorneys have been appointed to leadership positions in multidistrict or otherwise consolidated litigation, in class-action matters involving financial fraud (including securities fraud, derivative actions, and lending fraud), data breach, privacy, consumer fraud, breach of contract, labor and employment, antitrust, and civil rights, in federal and state courts throughout the country.

Lynch Carpenter represents a wide variety of clients, including individual consumers and employees, small businesses, non-profits, issue advocacy groups, and governmental entities. Over the past ten years, Lynch Carpenter lawyers emerged as national leaders in data breach and privacy litigation, and in that time have negotiated or contributed to class recoveries totaling more than \$250 million in that sector alone. Along the way, the Lynch Carpenter team has generated seminal legal authority in both trial and appellate courts. For example, in 2018, as a direct result of Lynch Carpenter’s tenacious appellate advocacy, the Pennsylvania Supreme Court became one of the first state high courts to recognize that a common-law duty of reasonable care applies to the collection and storage of sensitive electronically-stored data. This landmark opinion, *Dittman v. UPMC*, 196 A.3d 1036 (Pa. 2018), paved the way for data breach victims to bring viable negligence claims against companies whose inadequate security practices allow major breach incidents to happen.

In October 2020, *The Legal Intelligencer* named Lynch Carpenter (under its predecessor name) “Litigation Department of the Year” for general litigation in Pennsylvania. In 2021, the firm was named as a finalist for Litigation Department of the Year in the Pennsylvania region by *The American Lawyer*. Several of its partners co-author the current edition of *Class Actions: The Law of 50 States* published by Law Journal Press. Lynch Carpenter’s attorneys are recipients of numerous additional individual awards, as described in more detail in the individual biographies on the firm’s website.

Lynch Carpenter continues to grow and establish itself as a leader in representing plaintiffs in complex litigation throughout the country. The firm remains committed to developing its younger lawyers and providing them with opportunities for professional growth, both inside and outside of the firm. In leading major complex litigation, the firm draws strength from its decentralized management structure, which fosters collaboration within the firm and enables the assembly of internal litigation teams for each case. In this way, Lynch Carpenter epitomizes the synergistic benefits which result from a group of good lawyers working together to do good things.

REPRESENTATIVE AND NOTABLE CASES

PRIVACY & DATA BREACH LITIGATION

Biscan v. Shields Health Care Group, Inc., 1:22-cv-10901-PBS (D. Mass). Jude Saris appointed Elizabeth Pollock Avery as Interim Co-Lead Counsel, and Hannah Barnett as member of the Interim Executive Committee in this data breach case against a healthcare company involving patients from several states.

In re TikTok, Inc., Consumer Privacy Litig., No. 20-cv-4699 (MDL No. 2948) (N.D. Ill.). Judge Lee appointed Katrina Carroll as Co-lead Counsel in this multidistrict litigation alleging that one of the world's biggest social media platforms captured, collected, and transmitted personal data from TikTok users and their devices without their consent and/or knowledge, including private information and biometric information within the meaning of the Illinois Biometric Information Privacy Act.

In re Equifax, Inc. Customer Data Security Breach Litig., MDL 2800 (N.D. Ga.). The Equifax data breach compromised the nation's entire credit reporting system. More than 400 lawsuits filed by consumers and financial institutions were consolidated in the MDL. Gary Lynch was appointed co-lead counsel for financial institution plaintiffs. After significant dispositive motions practice and initial rounds of discovery, the parties negotiated a settlement of the financial institution class action that provides up to \$7.75 million in cash benefits, plus additional injunctive relief. The court granted preliminary approval of the settlement in June 2020 and final approval in October 2020.

In re Blackbaud, Inc. Customer Data Breach Litig., MDL 2972 (D.S.C.). In 2020, data security company Blackbaud, Inc. was target for a ransomware attack. In the litigation that followed, brought by Blackbaud's customers, Kelly Iverson was appointed to the Plaintiffs' Steering Committee. On October 19, 2021, the Honorable J. Michelle Childs denied Blackbaud's motion to dismiss Plaintiffs' negligence and gross negligence claims.

In re Wawa, Inc. Data Security Litig., 2:19-cv-6019 (E.D. Pa.). Gary Lynch was appointed co-lead counsel for a putative class of financial institution plaintiffs in consolidated actions brought against Wawa, Inc. arising out of a 2019 payment card data breach involving the convenience store's point-of-sale systems. A consolidated amended complaint was filed in July 2020, and in 2021 the district court denied the defendant's motion to dismiss the primary claims.

In re Marriott International Customer Data Security Breach Litigation, MDL No. 2879 (D. MD.). Lynch Carpenter was appointed to the Plaintiffs' Steering Committee in this multidistrict litigation related to the data breach involving Starwood guest information dating back to at least 2014. The MDL includes more than 100 cases and is in pretrial litigation. The District Court certified several bellwether classes in May 2022.

Opris v. Sincera Reproductive Medicine, 2:21-cv-3072 (E.D. Pa.). Lynch Carpenter serves as co-lead counsel in this data breach case involving the 2020 compromise of patients' personal identifiable information and protected health information from a reproductive health services provider. In May 2022, Judge Slomsky denied the majority of the defendant's motion to dismiss, and the case is now in discovery.

In re Anthem, Inc. Customer Data Security Breach Litig., No. 5:15-md-02617, MDL 2617 (N.D. Cal.). Lynch Carpenter attorneys represented customers of a national health insurer which experienced a data breach involving the personal information, including social security numbers, of up to an estimated 80 million customers. The case was consolidated and transferred to the Northern District of California in June 2015. Lynch Carpenter attorneys participated in discovery related to Highmark, the Pennsylvania-based member of the Blue Cross Blue Shield Association and a co-defendant in the MDL. The parties reached a settlement valued at \$117 million, which was approved by the Court.

In re Home Depot Customer Data Breach Litig., 1:14-md-02583, MDL 2583 (N.D. Ga.). In this multidistrict litigation, Lynch Carpenter attorneys represented financial institutions in litigation related to the major data breach at the retailer which continued for almost six months in 2014 and resulted in the compromise of approximately 56 million payment card accounts. Lynch Carpenter was appointed by Judge Thrash to be one of three lead counsel managing the financial institution track of the litigation. In September 2017, the Court granted final approval to a comprehensive class settlement that provides over \$27 million in relief to the financial institution class.

First Choice Federal Credit Union v. The Wendy's Company et al, 2:16-cv-0506, (W.D. Pa.). This class action arose out of a malware installed on the point-of-sale systems of Wendy's franchised restaurants for the purpose of capturing and ex-filtrating customer payment card data. Approximately 18 million payment cards were exposed. The United States District Court for the Western District of Pennsylvania consolidated several proposed class actions and appointed Lynch Carpenter as Co-lead Counsel on behalf of the plaintiff financial institutions. In November 2018, after three rounds of in-person mediation, Wendy's agreed to pay \$50 million into a non-reversionary fund and to adopt and/or maintain certain reasonable safeguards to manage its data security risks. When the settlement received final approval in November 2019, the Honorable Maureen P. Kelly noted Class Counsel's "national reputation," "significant experience in these types of class actions and in data breach litigation," and "high level of skill and efficiency." Judge Kelly further explained:

This case has gone on for three and a half years...This was a very involved case and everyone brought to the table an incredible wealth of knowledge, was always prepared, really was thorough and professional in everything that was provided to the Court. And as involved as this case was, if every case I had was as well organized and professionally presented as this case has been, my life would be much easier... The briefs I got in this case and any filings were just so well-done and detailed. And my law clerks and I have discussed that a number of times. I want to thank counsel for the way you have conducted yourselves and the way you've all presented this case.

Dittman et al v. UPMC d/b/a The University of Pittsburgh Medical Center and UPMC McKeesport, Allegheny Cty., Pa. No. GD-14-003285; 196 A.3d 1036 (Pa. 2018). Lynch Carpenter represented several employees of the health care group UPMC in a class action stemming from a breach of UPMC's personnel files. On November 21, 2018, the Supreme Court of Pennsylvania issued a landmark decision, reversing two lower courts, regarding the viability of common law negligence claims in the wake of a data breach. The Court found that UPMC engaged in affirmative conduct by collecting and storing employee data, and that general principles of negligence support holding actors to "a duty to others to exercise the care of a reasonable man to protect [others] against an unreasonable risk of

harm to them arising out of the act.” As to the economic loss doctrine, the Court agreed with Plaintiffs’ interpretation of Pennsylvania legal precedent on the issue, finding that the question of whether the economic loss doctrine applies necessarily turns on the “source of the duty alleged,” and, accordingly, a plaintiff may seek pecuniary damages under a negligence theory if the duty sought to be enforced arises independently of any contractual relationship between the parties. After remand to the trial court, additional motions practice, and initiating discovery, the parties reached a multimillion-dollar settlement that received final approval in December 2021.

In re Target Corporation Customer Data Breach Litig., 0:14-md-02522, MDL 2522 (D. Minn.). This multidistrict litigation arose out of the massive data breach that occurred in late 2013. Judge Magnuson appointed Gary Lynch to the five-member Plaintiffs’ Executive Committee that managed the litigation on behalf of all Plaintiffs’ tracks (consumer, financial institution, and shareholder). A settlement agreement which provided \$10 million to affected individual customers was granted final approval in November 2015. A separate settlement providing approximately \$39 million in relief to plaintiff financial institutions was granted final approval in May 2016.

Greater Chautauqua Federal Credit Union et al v. Kmart Corporation et al, No. 15-cv-02228 (N.D. Ill.). In this consolidated data breach case in which financial institutions were seeking recovery for losses sustained as a result of a 2014 data breach at one of the nation’s largest discount retail chains, Judge Lee appointed Gary Lynch to the Plaintiffs’ Executive Committee, and Katrina Carroll to serve as Liaison Counsel. A settlement was reached and approved in June 2017.

In re Ashley Madison Customer Data Security Breach Litig., MDL No. 2669 (E.D. Mo.). In this well-publicized data breach case Lynch Carpenter attorneys represented individuals whose highly sensitive account information was leaked from a social media company. The case was consolidated and transferred to the Eastern District of Missouri in December 2015. Judge Ross appointed Gary Lynch and Katrina Carroll (while with her prior firm) to the Executive Committee. A class settlement for \$11.2 million was given final approval in November 2017.

In re Vizio, Inc. Consumer Privacy Litig., MDL No. 2693 (C.D. Cal.). This action was filed on behalf of individuals who purchased Vizio “Smart TVs,” which contained software that collected information about the users in a manner that allegedly violates numerous consumer protection statutes. The case was consolidated and transferred to the Central District of California in April 2016, and Lynch Carpenter was appointed to the Plaintiffs’ Steering Committee. The case was settled and received final approval in 2019, providing for a \$17 million common fund.

Veridian Credit Union v. Eddie Bauer LLC, 2:17-cv-356 (W.D. Wash.). Lynch Carpenter served as co-lead counsel on behalf of a class of financial institutions in this class action against Eddie Bauer arising out of payment card data breach of the retailer’s point-of-sale systems in 2016, which led to the exposure of up to 1.4 million payment cards. After overcoming a motion to dismiss and engaging in substantial discovery, the parties negotiated a class action settlement, which was approved in 2019. The agreement made up to \$2.8 million available in direct cash relief to class members and provided for an addition \$7 million worth of injunctive relief and other benefits.

In Re: Solara Medical Supplies Data Breach Litigation, 19-cv-02284 (S.D. Cal.). In January 2020, Judge Marilyn Huff appointed Kelly Iverson to the Plaintiffs’ Steering Committee in this data

breach action that affected both the personally identifiable information as well as protected health information of Plaintiffs' and the classes.

In re Community Health Systems, Inc., Customer Data Security Breach Litigation, 2:15-cv-00222, MDL 2595 (N.D. Ala.). Gary Lynch served as a member of the plaintiffs' steering committee in consolidated multidistrict litigation stemming from a 2014 data breach involving one of the nation's largest hospital chains. The breach affected over 200 hospitals and the sensitive personal information of approximately 4.5 million patients was compromised. The action settled on a class basis for up to \$3.1 million.

In re Arby's Restaurant Group, 1:17-mi-55555 (N.D. Ga.). In October 2016, computer hackers accessed Arby's inadequately protected point-of-sale system and installed malware that infected nearly 1,000 Arby's restaurant locations. Gary Lynch was appointed by Judge Totenberg as Chair of the Financial Institution Plaintiffs' Executive Committee. The case settled and received final approval in November 2020.

Vance v. International Business Machines Corp., 1:20-cv-577 (N.D. Ill.). Lynch Carpenter attorneys were appointed Co-lead Counsel in this class action claiming IBM violated Illinois's Biometric Information Privacy Act when it collected, obtained, disclosed, redisclosed, disseminated, and otherwise profited from Illinois residents' unique facial geometric measurements without providing notice or obtaining consent. In September 2020, Lynch Carpenter defeated nearly all of the arguments raised in IBM's motion to dismiss, allowing the case to proceed forward toward class certification.

In Re: Clearview AI, Inc., Consumer Privacy Litig., 1:21-cv-00135 (N.D. Ill.). Lynch Carpenter attorneys served as counsel in this multidistrict litigation on behalf of a proposed class of Illinois citizens alleging that Clearview, in violation of the Illinois Biometric Information Privacy Act, scraped over 3 billion facial images from the internet, scanned the facial images' biometrics, and built a searchable database of the scanned images and biometrics, allowing users to instantly identify an unknown individual with only a photograph. Clearview then sold or otherwise gave access to these biometrics to hundreds of law enforcement agencies, private entities, and individuals.

Lewert v. PF Chang's China Bistro, Inc., No. 1:14-cv-04787 (N.D. Ill.): Katrina Carroll served as Court-appointed co-lead counsel representing P.F. Chang's customers who had their personal financial information compromised in a 2014 security breach. This matter was one of the first data breach cases on record. Ms. Carroll oversaw all of the appellate briefing in ultimately obtaining a landmark ruling in the Seventh Circuit on Article III standing, hailed by Law360 as one of the "top privacy cases" of 2016.

Salam v. Lifewatch, Inc., No. 1:13-cv-09305 (N.D. Ill.): In this hard-fought litigation, Lynch Carpenter partner Katrina Carroll is currently involved as court-appointed Co-lead Counsel on behalf of a certified class in this privacy matter brought under the Telephone Consumer Protection Act ("TCPA"). Ms. Carroll has been directly involved in all aspects of litigation, including discovery and motion practice which culminated in a total victory for plaintiffs in contested class certification.

CONSUMER PROTECTION/PRODUCTS LIABILITY

In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litig., MDL No. 3014 (W.D. Pa.). In February 2022, Kelly Iverson was appointed as one of four co-lead counsel from a pool of 75 applicants. The MDL includes over 300 actions involving allegations regarding the potentially harmful degradation of sound abatement foam on recalled continuous positive airway pressure (CPAP) machines and the manufacturers' conduct in marketing and ultimate recall of the machines. The actions are in the early pretrial stages.

In re Robinhood Outage Litig., No. 20-cv-1626 (N.D. Cal.). In July 2020, Jamisen Etzel was appointed to the executive committee overseeing consolidated actions brought by consumers who sustained losses when the trading application Robinhood suffered severe service outages in early 2020 during a period of intense market volatility. A consolidated amended complaint was filed in August 2020, and rulings on class certification are expected in 2022.

Morrow v. Ann Inc., 16-cv-3340 (S.D.N.Y.). Lynch Carpenter attorneys were co-class counsel in a case alleging deceptive pricing practices by a major national retail chain. After plaintiffs overcame a motion to dismiss, the case settled for \$6.1 million worth of class benefits. The settlement was approved in April 2018.

Luca v. Wyndham Hotel Group, LLC, 2:16-cv-746 (W.D. Pa.). Lynch Carpenter attorneys were co-lead counsel in a class action against the Wyndham hotel companies for violations of New Jersey consumer protection statutes. Plaintiffs alleged that Wyndham's websites deceptively masked the resort fees charged at certain hotels and forced patrons to agree to illegal terms and conditions. In 2017, plaintiffs defeated a motion to dismiss filed by two of the primary operating subsidiaries. A class settlement worth up to \$7.6 million was reached in 2019 and approved later that year.

Van v. LLR, Inc., 3:18-cv-0197 (D. Ak.); 962 F.3d 1160 (9th Cir. 2020). Lynch Carpenter partners Jamisen Etzel and Kelly Iverson won a significant consumer rights ruling from the United States Court of Appeals for the Ninth Circuit. The appeals court reversed a district court dismissal for lack of standing, and, in a published decision, held that the temporary loss of money is a sufficient "injury-in-fact" under Article III of the Constitution to confer standing on a consumer to file a federal lawsuit. In September 2021, the District of Alaska certified a class of consumers asserting claims under Alaska's Unfair Trade Practices and Consumer Protection Act.

Mednick v. Precor, Inc., No. 14-cv-03624 (N.D. Ill.): Lynch Carpenter partner Katrina Carroll served as court-appointed Co-lead Counsel in this products liability matter concerning the heart rate monitoring feature on Precor fitness machines. Due to Ms. Carroll's efforts, the plaintiffs defeated a contested class certification motion and obtained class certification for a multi-state consumer class. Ms. Carroll was instrumental in negotiating a class settlement providing meaningful relief for class members shortly thereafter, for which the Court recently issued final approval.

In re Rust-Oleum Restore Marketing, Sales Practices and Prods. Liab. Litig. No. 1:15-cv-1364 (N.D. Ill.): In this sprawling products liability MDL relating to defective deck resurfacing products, Katrina Carroll was instrumental in negotiating a \$9.3 million settlement providing meaningful relief to consumers, which received final approval in March of 2017 by the Honorable Amy J. St. Eve of the

United States District Court for the Northern District of Illinois, now a sitting Judge of the Court of Appeals for the Seventh Circuit.

FINANCIAL FRAUD, LENDING PRACTICES, AND SECURITIES

In re: FedLoan Student Loan Servicing Litigation – MDL No. 2833, (E.D. Pa.). Lynch Carpenter serves as court-appointed co-lead counsel on behalf of student loan borrowers and federal grant recipients in this multidistrict litigation. The claims relate to widespread and systemic failures on the part of a student loan servicer and the U.S. Department of Education to adequately service the programs and advise its participant. A consolidated complaint was filed in November 2019. As of January 2022, a motion to dismiss is fully briefed and currently awaiting resolution by the Court.

CitiMortgage SCRA Litigation, (S.D.N.Y.). Lynch Carpenter attorneys were tri-lead counsel in this class action against CitiMortgage on behalf of Sergeant Jorge Rodriguez in the Southern District of New York. This case alleges that CitiMortgage improperly foreclosed upon Mr. Rodriguez’s home (and the homes of similarly situated individuals) while he was serving his country in Iraq, in violation of the Servicemembers Civil Relief Act. The case settled and received final approval in October 2015, securing a total recovery of \$38.2 million for members of our military service.

In re Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Secondary Mortgage Loan Litigation, (W.D. Pa./3d Cir.). Lynch Carpenter attorneys were co-lead class counsel in this national litigation on behalf of second mortgage borrowers under the Real Estate Settlement Procedures Act. The class was certified by the district court and affirmed by the Third Circuit, 795 F.3d 380 (2015). A class settlement was finalized in early 2017 and obtained a total recovery of \$24 million.

In re Tenet Healthcare Corp. Securities Litigation, 02-cv-8462 (C.D. Cal.). Prior to joining the firm, Katrina Carroll represented the State of New Jersey’s Division of Investment in this securities class action against Tenet Healthcare and its outside auditor, KPMG, related to false and misleading public statements those entities made between 2000 and 2002 about Tenet’s financial health. Katrina played a large role in drafting motions *in limine* briefing issues regarding the admissibility of plaintiff’s expert witness report. Tenet settled in 2006 for \$215 million, and KPMG settled in 2008 for \$65 million.

In re Motorola Securities Litig., 03-cv-287 (N.D. Ill.). Katrina Carroll represented the State of New Jersey’s Division of Investment in this securities class action against Motorola, stemming from misrepresentations made by the company regarding a \$2 billion loan it made to a Turkish entity that was not repaid. The case settled a few days before trial for \$190 million.

Figueroa v. Capital One, 18-cv-692 (S.D. Cal.). Todd Carpenter and Eddie Kim served as Class Counsel in a class action challenging the unlawful assessment of multiple ATM fees in contravention of the customer account agreement, which resulted in a \$13 million settlement.

Bingham v. Acorns Grow, 30-2019-0150842 (Cal. Sup. Ct. Orange Cnty.). Eddie Kim served as Class Counsel in a class action on behalf of customers of a financial mobile app that automatically transferred “spare change” from each purchase using debit cards issued by customers’ banks into an Acorns Grow investment account. This action challenged the app’s failure to prevent overdrafts of

customers' checking accounts as a result of the automated transfers and the resultant assessment of overdraft fees. A \$2.5 million settlement is pending court approval.

COVID-19 INSURANCE LITIGATION

In re Generali Covid-19 Travel Insurance Litig., No. 20-md-2968, MDL 2968 (S.D.N.Y). In January 2021, Jamisen Etzel was appointed co-lead counsel in this MDL comprising actions brought on behalf of consumers whose travel plans were cancelled as a result of the Covid-19 pandemic, and whose travel insurance provider either denied coverage or refused to return premiums paid for post-departure risks the insurer was not required to cover.

Business Income Insurance Coverage Litigation, various. Lynch Carpenter attorneys represents numerous business-policyholders who were forced to close or curtail their business operations as a result of government shut down orders in the wake of the Covid-19 pandemic and who have been denied insurance coverage under their "all risks" property insurance coverage.

WAGE AND HOUR & EMPLOYMENT DISCRIMINATION LITIGATION

Copley v. Evolution Well Services, LLC, 2:20-cv-01442 (W.D. Pa.). In February 2022, Lynch Carpenter obtained collective certification under the FLSA of several hundred "hitch employees." These employees spent hours per week travelling to remote job sites, time for which they were unpaid. The litigation is currently in the post-conditional certification discovery phase.

Verma v. 3001 Castor Inc., (E.D. Pa.). As co-class counsel, Lynch Carpenter attorneys won a \$4.59 million jury verdict in 2018 for misclassified workers at a Philadelphia nightclub. The claims were brought under the FLSA and Pennsylvania Minimum Wage Act. The trial verdict was fully affirmed by the Third Circuit in August 2019.

Genesis Healthcare v. Symczyk (U.S. Supreme Court). Gary Lynch served as Counsel of Record before the United States Supreme Court in an appeal addressing the application of mootness principles in a putative collective action filed under Section 216(b) of the Fair Labor Standards Act. When defendant served the plaintiff with a Rule 68 offer of judgment for "make whole" relief, the district court dismissed the case as moot. Gary Lynch successfully argued the appeal in the United States Court of Appeals for the Third Circuit, which held that the FLSA collective action did not become moot upon the plaintiff's receipt of a Rule 68 offer of judgment for full satisfaction of her individual claim. The Supreme Court reversed in a 5-4 opinion, with Justice Kagan writing a strong dissent on behalf of our client—a position which was subsequently adopted by the majority of the Court in *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153 (2016). Plaintiff's position before the Supreme Court was supported by the United States as Amicus Curiae.

ANTITRUST

In Re Railway Industry Employee No-Poach Antitrust Litigation, MDL 2850, (W.D. Pa.), Chief Judge Joy Flowers Conti appointed Lynch Carpenter partner Kelly K. Iverson as Plaintiffs' Liaison Counsel on behalf of the class of employees who alleged the defendants and their co-conspirators entered into unlawful agreements to reduce and eliminate competition among them for employees and to suppress the compensation of those employees. The two defendants agreed to class settlements worth a combined \$48.95 million, and final approval was granted in August 2020.

In Re Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406, (N.D. Ala.). Lynch Carpenter attorneys represent healthcare subscriber plaintiffs in four states in this nationwide class action challenging the anti-competitive practices of Blue Cross/Blue Shield's nationwide network of local insurers who do not compete with each other based on geographic boundaries. A \$2.7 billion settlement received preliminary approval in early 2021.

CIVIL RIGHTS

ADA (Americans with Disabilities Act) Accessibility Litigation. Lynch Carpenter is currently counsel for plaintiffs in a substantial number of putative class actions filed on behalf of individuals with disabilities to enforce the ADA's accessibility requirements. Over the last ten years, Lynch Carpenter attorneys have represented individuals with visual and mobility disabilities in seeking improved access to physical locations, ATMs, Point of Sale devices, and websites.