

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

TAMI BRUIN, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

CASE NO. 3:22-cv-140-MOC-WCM

**JOINT DECLARATION IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR
ATTORNEYS' FEES, COSTS, AND CLASS REPRESENTATIVE SERVICE AWARDS**

We, David Wilkerson, Sophia Gold, Christopher Gold, and Andrew Shamis, declare and state that:

We are counsel of record for Plaintiffs and the conditionally certified Class. We submit this declaration in support of Plaintiffs' Unopposed Motion for Attorneys' Fees, Costs, and Class Representative Service Awards. Unless otherwise noted, we have personal knowledge of the facts set forth in this Declaration and could and would testify competently to them if called upon to do so.

BACKGROUND AND PROCEDURAL HISTORY

1. This multi-state putative class action alleges that Defendant Bank of America, N.A. ("Defendant" or "BANA") violated the consumer protection laws of New York, New Jersey, and North Carolina, and was unjustly enriched, through its practice of charging fees on otherwise free

push transfers of accountholder funds via the National Automated Clearing House Association network the accountholders' own external accounts (the "Action").

2. Following the Court's Order on the Motion to Dismiss, and after the Court issued a Scheduling Order, the Parties¹ began an extensive discovery effort. Plaintiff Bruin served Interrogatories and Requests for Production of Documents and engaged in extensive negotiations with BANA over a confidentiality order and protocol to govern the exchange of electronically stored information. BANA propounded discovery requests on Plaintiffs, as well, including interrogatories and Requests for Production.

3. The Parties immediately began meeting and conferring on various discovery related issues, such as the Parties' respective discovery responses, custodial ESI searches, and the production of transactional data.

4. BANA produced, and Plaintiffs' Counsel reviewed, critical internal documents related to BANA's ACH fee practices, such as bank contractual agreements and transactional database excerpts showing revenues from the disputed fees at issue, among others.

5. Plaintiffs also took the deposition of a BANA corporate representative. BANA took, and Plaintiffs defended, the in-person deposition of Plaintiff Bruin, as well.

6. Further, in preparation for their motion for class certification, Plaintiffs began researching and interviewing, and ultimately retained, an expert witness to opine on the issues of consumer perception of the challenged disclosures and were in the process of preparing various survey evidence when the settlement was finalized.

¹ The definitions and capitalized terms in the Settlement Agreement are hereby incorporated as though fully set forth in this Declaration and shall have the same meanings attributed to them as in that document. *See* Dkt. No. 42-3.

7. Additionally, Plaintiffs retained an expert to opine on issues relating to the ascertainability of the class, and to analyze potential classwide damages.

8. While discovery was ongoing, the Parties participated in a private mediation session with Judge Diane Welsh (Ret.) on June 30, 2023, which ultimately resulted in the Parties reaching a settlement in principle.

9. Following the mediation and an agreement in principle, the Parties proceeded with limited confirmatory discovery related to class damages, and worked on finalizing the Settlement Agreement involving several more months of negotiations. The Parties also worked diligently with the Settlement Administrator to prepare notice to the Settlement Class.

10. Under the Settlement, BANA will provide a Settlement Fund of \$8 million, which alone (not including the value of the injunctive relief) represents approximately 37% of the estimated classwide damages.

11. In addition to this cash payment, BANA has also agreed going forward to not assess fees on push transfers of Accountholder funds via the National Automated Clearing House Association network to accountholders' own external accounts (i.e. ACH First Party Fees), which will save current accountholder Settlement Class Members approximately \$21,000,000 over the next five years in fees that otherwise would have been assessed. In short, the Settlement benefits are tremendous.

12. The total monetary value of the Settlement is an \$8 million Settlement Fund combined with an estimated \$21 million in business practice changes, equivalent to approximately 133% of the most probable amount of classwide damages.

CLASS COUNSEL EXPERIENCE AND EXPERTISE

13. Class Counsel are highly experienced in consumer class actions throughout the United States involving deceptive practices, including cases involving bank fees, as demonstrated by their firm resumes, and have brought that significant experience to bear in litigating and settling this case. *See* Firm Resume of KalieGold PLLC, attached hereto as Exhibit 1; Firm Resume of Shamis & Gentile, P.A., attached hereto as Exhibit 2; Firm Resume of The Van Winkle Law Firm, attached hereto as Exhibit 3; Firm Resume of Edelsberg Law, P.A., attached hereto as Exhibit 4.

14. Class Counsel collectively have decades of experience litigating consumer class actions (including those against financial institutions) and have litigated and settled dozens of class actions involving deceptive practices, banking fees, and other types of allegedly wrongful conduct by financial institutions.

15. Liaison Counsel David M. Wilkerson is a graduate of the University of South Carolina Law School and member of good standing of the North Carolina Bar and the South Carolina Bar. He is a Senior Principal at The Van Winkle Law Firm with over 25 years of experience. He currently serves as class counsel in numerous class actions around the nation and practices in the area of complex business litigation. He served for six years on the council for the Antitrust and Complex Litigation Section of the North Carolina Bar Association and served on the North Carolina Business Court Rules Committee. His recent leadership in class actions includes, but is not limited to, serving as co-lead counsel in *Gaston v. Lexis Nexis Risk Solutions, et al.*, No. 5:16-cv-9 (W.D.N.C.); class counsel in *In Re Blue Cross Antitrust*, No. 2:13-cv-20000 (N.D. Ala.); interim liaison counsel in *In Re Sanderson and Koch Broiler Chicken Grower Litigation*, No. 7:10-cv-00031 (E.D.N.C.); co-lead counsel in *Morris v. Bank of America, N.A.*, No. 3:18-CV-157 (W.D.N.C.); class counsel in *Boardman v. Green Dot Corporation*, No. 3:21-cv-00174

(W.D.N.C.); and co-lead counsel in *Millwood v. State Farm Life Insurance Company*, No. 7:19-cv-01445 (D.S.C.) He practices in courts around the nation. Since 2021, he has argued cases at the Ninth Circuit Court of Appeals, the Federal Circuit Court of Appeals, the United States Patent and Trademark Appeal Board in Washington, D.C., and served as counsel in class actions in South Carolina, Oklahoma, Virginia, and Missouri, among others.

16. Co-lead Counsel Sophia Gold is a graduate of the University of California, Berkeley, School of Law and a member in good standing of the District of Columbia Bar and the State Bar of California. She has substantial experience with consumer class actions in both state and federal court. She has won contested motions for class certification; briefed, argued, and overturned dispositive lower court rulings at the federal appellate level; and worked extensively with economics and information technology experts to build damages models. She has also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for millions of class members. Her firm, KalieGold PLLC (“KG”), has extensive class action experience and has been appointed as class counsel in numerous class actions in which courts have recognized the firm’s expertise in the area of class action litigation in particular. *See, e.g., Hinton v. Atlantic Union Bank*, No. 20-cv-00651 (E.D. Va.) (“Class Counsel’s expertise, perseverance, and skill allowed them to obtain an excellent result for the Settlement Class.”); *Kelly v. Community Bank*, No. 18-cv-00919 (N.D.N.Y.) (determining Class Counsel to be “qualified, experienced, and able to conduct the litigation of this Action”); *Gonzalez v. Banner Bank*, No. 20-cv-05151 (E.D. Wa.) (Class counsel “were diligent in their representation of the Class”); *Lambert v. Navy Federal Credit Union*, No. 19-cv-00103 (E.D. Va.) (Class Counsel’s “tenacity in the face of significant risk and complexity allowed to achieve an outstanding recovery that provides substantial benefits to Settlement Class Members.”); *Walters v. Target Corporation*, No. 16-cv-

01678 (S.D. Cal.) (“It is undisputed that Class Counsel achieved this result through tenacity and skill in presenting novel and complex legal issues.”); *Figueroa v. Capital One, N.A.*, No. 18-cv-00692 (S.D. Cal.) (praising Class Counsel for the “very positive result achieved for the class” in a case involving a “novel legal issue”); *White v. Members 1st Credit Union*, No. 19-cv-00556 (M.D. Pa.) (finding Class Counsel to be “highly trained in class action law and procedure” and noting their “ability to negotiate the instant Settlement at the early stages of this litigation demonstrates their high level of skill and efficiency”); *Perks v. Activehouse d/b/a Earnin*, No. 19-cv-05543 (N.D. Cal.) (“Class Counsel have substantial experience in litigating and settling consumer class actions.”). KG’s tenacity is frequently reflected in the results it achieves for the classes it represents, especially in cases involving similar bank fees. *See, e.g., Roberts v. Capital One*, No. 16-cv-04841 (S.D.N.Y.) (\$17 million settlement approved for the class); *Perks v. TD Bank*, Case No. 18-cv-11176 (S.D.N.Y.) (\$41.5 million settlement approved for the class); *Morris et al. v. Bank of America, N.A.*, No. 18-cv-00157 (W.D.N.C.) (\$75 million settlement approved for the class).

17. Co-lead Counsel Christopher Gold has experience litigating all genres of class action and multidistrict litigation against the most sophisticated litigants, including cases involving false advertising, consumer fraud, data breach, privacy, securities fraud, merger & acquisitions, and insurance. Mr. Gold served on the Plaintiffs’ Steering Committee in *In re Allergan Biocell Textured Breast Implant Prods, Liab. Litig.* (D.N.J.), and he sat on the Law and Briefing and Government Entity Committees in *In re Juul Labs, Inc. Mktg., Sales Pracs., & Prods. Liab. Litig.*, where he represented the School Boards of Broward and Miami-Dade County, and other government entities seeking damages caused by the public nuisance of youth e-cigarette use in those communities. Mr. Gold also served as Class Counsel in *In re Facebook Biometric Information Privacy Litigation*, No. 3:15-cv-03747-JD (N.D. Cal.), which achieved a \$650 million

settlement against Facebook in a landmark biometric privacy case. As a result of that record-breaking achievement, Mr. Gold was named one of Florida's Most Effective Lawyers in the Privacy category by American Law Media, 2020. Mr. Gold also represented institutional investors and sovereign wealth funds in Brazilian arbitration proceedings against Brazilian oil giant, Petrobras, arising out of the company's massive Lava Jato fraud. Some of his other notable successes include a settlement valued at \$15 million in *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.* (S.D. Cal.), a case arising from a massive data breach of Sony's PlayStation Network; a \$15 million settlement in *Boland v. Gerdau S.A.* (S.D.N.Y.) on behalf of investors in a Brazilian steel conglomerate that failed to disclose its alleged bribery of Brazilian tax authorities; a \$9 million settlement in *In re Winn-Dixie Stores, Inc. S'holder Litig.* (Fla. 4th Cir. Ct.), for former Winn-Dixie shareholders whose stock was undervalued in a buyout of the company; and a \$10 million settlement in *In re AuthenTec, Inc. S'holder Litig.* (Fla. 18th Cir. Ct.), on behalf of the former shareholders of AuthenTec following its buyout by Apple, which incorporated AuthenTec's fingerprint technology into the Apple iPhone.

18. Co-lead Counsel Andrew Shamis is the managing partner at Shamis & Gentile, P.A. where he heads the class action and mass torts division of the firm. Mr. Shamis and his extensive experience in civil litigation has helped him recover over 1 billion dollars for consumers and plaintiffs throughout the country through his relentless, expertise, and calculated approach. Mr. Shamis is routinely certified class counsel which has resulted in many favorable class settlements. To litigate class cases throughout the country, Mr. Shamis has made it a point to become a permanent member of numerous bars to effectively represent those communities. Mr. Shamis is permanently admitted to practice law in the states of Florida, New York, Illinois, Georgia, Ohio, Arizona, Texas, Washington, and Missouri, as well as the U.S. District Courts for

the Southern, Middle, and Northern Districts of Florida, Northern, Eastern, Western, and Southern Districts of New York, Northern and Southern Districts of Illinois, Northern, Middle, and Southern Districts of Georgia, Eastern and Western Districts of Michigan, Eastern and Western Districts of Wisconsin, Northern and Southern Districts of Ohio, Southern District of Indiana, Eastern and Western Districts of Missouri, Western and Eastern Districts of Oklahoma, Northern, Western, Eastern, and Southern Districts of Texas, Eastern and Middle Districts of Tennessee, US District Court of Colorado, US District Court of Arizona, and the US District Court of Nebraska. Some of Mr. Shamis' successes include the following: *Albrecht v. Oasis Power, LLC*, No. 1:18-cv-1061 (N.D. Ill.) (\$7,000,000 Class Settlement); *Cortazar v. CA Management Services Parent, LLC*, No. 19-cv-22075 (S.D. Fla.) (\$1,500,000.00 Class Settlement); *DeFranks v. Nastygal.com USA Inc.*, No. 19-cv-23028-DPG (S.D. Fla.) (\$4,025,000 Class Settlement); *Deleon III, et. al. v. Direct General Insurance Company, et. al.*, No. 19-CA-001636 (Fla. 9th Cir. Ct.) (\$2,450,000 Class Settlement); *Dipuglia v. US Coachways, Inc.*, No. 17-23006-Civ, 2018 U.S. Dist. LEXIS 72551 (S.D. Fla.) (\$2,600,000 Class Settlement); *Eisenband v. Schumacher Automotive, Inc.*, No. 18-cv-01061 (S.D. Fla.) (\$5,000,000 Class Settlement); *Flores v. Village Ford, Inc.*, No. 2:19-CV-12368 (E.D. Mich.) (\$1,050,000 Class Settlement); *Gottlieb v. Citgo Corporation*, No. 16-cv-81911 (S.D. Fla.) (\$8,300,000 Class Settlement); *Bloom v. Jenny Craig, Inc.*, No. 18-CV-21820-KMM (S.D. Fla.) (\$3,00,000 Class Settlement); *Hindes v. Ohio Mutual Insurance Company*, No. 20CV007627 (Franklin County, OH) (\$1,875,000 Class Settlement); *Jacques, et. al. v. Security National Insurance Company*, No. CACE-19-002236 (Fla. 17th Cir. Ct.) (\$6,000,000 Class Settlement); *Jones v. Washington State Employee's Credit Union*, No. 20-2-06596-5 (Superior Court of the State of Washington County of Pierce) (\$2,400,000 Class Settlement); *Soto Melendez v. Banco Popular de Puerto Rico*, No. 3:20-cv-01057 (D.P.R.) (\$5,500,000 Class Settlement);

THE REQUESTED FEE IS REASONABLE

19. Class Counsel has not been paid for their extensive efforts in securing the Settlement benefits for the Settlement Class and has not been reimbursed for litigation costs and expenses incurred.

20. The total lodestar of all of the law firms that worked on this case is **\$1,265,687.20**, broken down by firm as follows:

- a. KalieGold PLLC – \$519,776.10
- b. Edelsberg Law, P.A. – \$373,425.00
- c. Van Winkle Law Firm – \$94,328.60
- d. Shamis & Gentile, P.A. – \$278,157.50

21. The attorneys' fee request of one-third of the common fund results in a lodestar multiplier of **2.11**.

22. The total costs and expenses incurred by all of the law firms in this Action are \$47,747.85, broken down by firm as follows:

- a. KalieGold PLLC – \$30,490.32
- b. Edelsberg Law, P.A. – \$3,406.99
- c. Van Winkle Law Firm – \$1,555.62
- d. Shamis & Gentile, P.A. – \$12,294.92

23. The retention agreements with the Plaintiffs in this case are contingent fee agreements. No payment of attorneys' fees would occur in this case but for a fee award in an individual or class settlement. Consistent with standard-contingent fee agreements in individual cases, were the case to settle on an individual basis, Class Counsel agreed to set its fees at 33.33% of any recovery. Class Counsel took on this case with no guarantee they would receive any compensation for their work, which occupied significant resources at Class Counsel firms even before this case was filed almost three years ago. Public interest is served by rewarding attorneys who assume representation on a contingent basis with an enhanced fee to compensate them for the

risk that might be paid nothing at all for their work. This practice encourages attorneys to assume this risk and allows plaintiffs who would otherwise not be able to hire an attorney to obtain competent counsel.

KALIELGOLD’S LODESTAR

24. KG has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

25. The current hourly rates for the attorneys and support staff at KG who worked on this case are as follows:

- a. Jeff Kaliel (Partner) - \$878.00
- b. Sophia Gold (Partner) - \$777.00
- c. Brittany Casola (Associate) - \$538.00
- d. Neva Garcia (Paralegal) - \$239.00

26. These rates are derived from the Adjusted Laffey Matrix, which is published by the D.C. Circuit Court, and which measure prevailing market rates based on seniority in the D.C. area. Courts have acknowledged that the “[t]he Laffey Matrix is used as a guideline for reasonable attorneys’ fees in the Washington/Baltimore area.” *In re Neustar, Inc. Sec. Litig.*, No. 1:14cv885 (JCC/TRJ), 2015 WL 8484438, at *10 n.6 (E.D. Va. Dec. 8, 2015) (internal quotation and citation omitted); *see also Salazar ex rel. Salazar v. D.C.*, 809 F.3d 58, 64 (D.C. Cir. 2015) (confirming that the use of the Adjusted Laffey Matrix for attorneys in Washington, D.C. is appropriate).

27. KG’s time, broken out by categories, is set out below. Class Counsel will submit detailed time records for each attorney should the Court so require.

<u>Task</u>	<u>Jeff Kaliel</u>	<u>Sophia Gold</u>	<u>Brittany Casola</u>	<u>Neva Garcia</u>
Presuit investigation, Factual Development, Client Meetings and Correspondence <i>Performed first of its kind industrywide investigation regarding</i>	16	24		

<u>Task</u>	<u>Jeff Kalief</u>	<u>Sophia Gold</u>	<u>Brittany Casola</u>	<u>Neva Garcia</u>
<i>NACHA Rules, ACH item processing, ACH fee practices across the industry, researched existence of any other similar cases; researched potential causes of action; researched potentially applicable federal laws and regulations; researched North Carolina, New York, and New Jersey state law; researched BANA's disclosures and compared to other financial institution disclosures; interviewed clients; reviewed monthly bank statements; reviewed online consumer complaints; prepared preservation letter.</i>				
Strategy, Case Analysis, Class Counsel Conferences <i>Strategy meetings internally at the firm and with co-counsel throughout the case</i>	20.3	26		
Pleadings <i>Researched, drafted, and edited complaint for both New York and North Carolina; researched choice of law issues; reviewed answer and researched viability of affirmative defenses.</i>	24.5	39		
Motion Practice <i>Researched and drafted two oppositions to motions to dismiss complaint; researched and drafted opposition to motion for reconsideration; researching issues for forthcoming class certification motion.</i>	78.5	92.5	14.5	1.5
Discovery <i>Promulgated discovery requests; negotiated protective order; negotiated ESI Protocol and ESI</i>	9.4	135.5	2.5	2.0

<u>Task</u>	<u>Jeff Kaliel</u>	<u>Sophia Gold</u>	<u>Brittany Casola</u>	<u>Neva Garcia</u>
<i>search terms; reviewed documents; worked with an expert regarding data; worked with an expert to develop consumer perception survey; analyzed class data; drafted 30(b)(6) notice; took Rule 30(b)(6) deposition; responded to discovery requests issued to Plaintiffs; defended Plaintiff deposition.</i>				
Case Management and Other Court Mandated Tasks <i>Conducted case management conference; prepared joint motions to continue deadlines; prepared status updates</i>		2		
Settlement <i>Engaged in settlement discussions with opposing counsel; coordinated settlement strategy with co-counsel; prepared mediation brief; attended full-day mediation; negotiated and finalized settlement agreement and all associated documentation.</i>	30	60		1.5
Preliminary Approval <i>Drafted motion for preliminary approval of class action settlement and accompanying declarations.</i>	2	16		
Class Notice <i>Received and reviewed detailed bids from notice administrators; worked with notice administrator to develop notice plan and find cost-efficiencies; drafted notices; oversaw notice process; responded to class member inquiries</i>	1	5.5		
Final Approval, Settlement Execution, Distribution of Common Fund (Estimated)		50		

<u>Task</u>	<u>Jeff Kaliel</u>	<u>Sophia Gold</u>	<u>Brittany Casola</u>	<u>Neva Garcia</u>
<i>Prepare motion for final approval and all supporting declarations, respond to objections, prepare for and attend final approval hearing, work with settlement administrator to ensure proper distribution of funds to class members, prepare any post-final approval motions.</i>				
Totals	181.7	450.5	17.0	5.0

28. The total hours billed by the attorneys and support staff at KG for this case are **654.2**. Applying the above hourly rates, the total lodestar is **\$519,912.10**.

29. This lodestar includes hours of estimated time that will be spent from the date of this declaration forward, which I expect will include tasks related to preparing the motion for final approval and all supporting declarations, responding to objections if any, attending to class member inquiries, preparing for and attending the final approval hearing, working with the settlement administrator, ensuring proper distribution of funds to class members, and any post-final approval motions. It is estimated that KG will spend approximately 50 hours on these tasks.

30. Additionally, KG's expenses in prosecuting this case are set forth below. KG is not seeking reimbursement for internal overhead expenses that are ordinarily reimbursed to Class Counsel in class actions. In addition, though KG incurred travel-related expenses for this case, KG is not seeking any reimbursement for travel costs. Cost receipts will be submitted to the Court should it likewise so require.

Category	Expenses
Mediation	\$3,875
Depositions/Document Hosting/Transcripts	\$ 2,518.82
Expert Fees	\$ 24,096.50
Total	\$30,490.32

SHAMIS & GENTILE'S LODESTAR

31. Shamis & Gentile has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

32. The current hourly rates for the attorneys and support staff at Shamis & Gentile who worked on this case are as follows:

- a. Andrew J. Shamis (Partner) - \$775.00
- b. Edwin E. Elliott (Partner) - \$650.00
- c. Leanna Loginov (Associate) - \$500.00
- d. Stephanie Babani (Paralegal) - \$225.00

33. These rates are the standard rates we charge in other contingency and class action matters.

34. The hourly rates for the attorneys and professional support staff of my firm included above are the same as the regular rates charged for their services in non-contingent matters and/or which have been accepted in other complex or class action litigation, subject to subsequent annual increases.

35. Shamis & Gentile's time, broken out by categories, is set out below. Class Counsel will submit detailed time records for each attorney should the Court so require.

<u>Task</u>	<u>Andrew Shamis</u>	<u>Edwin Elliott</u>	<u>Leanna Loginov</u>	<u>Stephanie Babani</u>
Presuit investigation, Factual Development, Client Meetings and Correspondence <i>Performed first of its kind industrywide investigation regarding NACHA Rules, ACH item processing, ACH fee practices across the industry, researched existence of any other similar cases; researched potential causes of action; researched potentially applicable federal laws and regulations;</i>	8	14		

<u>Task</u>	<u>Andrew Shamis</u>	<u>Edwin Elliott</u>	<u>Leanna Loginov</u>	<u>Stephanie Babani</u>
<i>researched North Carolina, New York, and New Jersey state law; researched BANA's disclosures and compared to other financial institution disclosures; interviewed clients; reviewed monthly bank statements; reviewed online consumer complaints; prepared preservation letter.</i>				
Strategy, Case Analysis, Class Counsel Conferences <i>Strategy meetings internally at the firm and with co-counsel throughout the case</i>	17.8	21.5		
Pleadings <i>Researched, drafted, and edited complaint for both New York and North Carolina; researched choice of law issues; reviewed answer and researched viability of affirmative defenses.</i>	9.5	17		
Motion Practice <i>Researched and drafted two oppositions to motions to dismiss complaint; researched and drafted opposition to motion for reconsideration; researching issues for forthcoming class certification motion.</i>	15.5	36.5	5.5	2
Discovery <i>Promulgated discovery requests; negotiated protective order; negotiated ESI Protocol and ESI search terms; reviewed documents; worked with an expert regarding data; worked with an expert to develop consumer perception survey; analyzed class data; drafted 30(b)(6) notice; took Rule 30(b)(6) deposition; responded to discovery requests</i>	6.4	174.2	8	2

<u>Task</u>	<u>Andrew Shamis</u>	<u>Edwin Elliott</u>	<u>Leanna Loginov</u>	<u>Stephanie Babani</u>
<i>issued to Plaintiffs; defended Plaintiff deposition.</i>				
Case Management and Other Court Mandated Tasks <i>Conducted case management conference; prepared joint motions to continue deadlines; prepared status updates</i>	2	9		1
Settlement <i>Engaged in settlement discussions with opposing counsel; coordinated settlement strategy with co-counsel; prepared mediation brief; attended full-day mediation; negotiated and finalized settlement agreement and all associated documentation.</i>	36	7.2		
Preliminary Approval <i>Drafted motion for preliminary approval of class action settlement and accompanying declarations.</i>	.5	5		
Class Notice <i>Received and reviewed detailed bids from notice administrators; worked with notice administrator to develop notice plan and find cost-efficiencies; drafted notices; oversaw notice process; responded to class member inquiries</i>	3.2	3.5		
Final Approval, Settlement Execution, Distribution of Common Fund (Estimated) <i>Prepare motion for final approval and all supporting declarations, respond to objections, prepare for and attend final approval hearing, work with settlement administrator to ensure proper distribution of funds to class members, prepare any post-final approval motions.</i>		10		

<u>Task</u>	<u>Andrew Shamis</u>	<u>Edwin Elliott</u>	<u>Leanna Loginov</u>	<u>Stephanie Babani</u>
Totals	98.9	297.9	13.5	5

36. The total hours billed by the attorneys and support staff at Shamis & Gentile for this case are **415.3**. Applying the above hourly rates, the total lodestar is **\$278,157.50**.

37. This lodestar includes approximate hours of estimated time that will be spent from the date of this declaration forward, which I expect will include tasks related to preparing the motion for final approval and all supporting declarations, responding to objections if any, attending to class member inquiries, preparing for and attending the final approval hearing, working with the settlement administrator, ensuring proper distribution of funds to class members, and any post-final approval motions. It is estimated that Shamis & Gentile will spend approximately 10 hours on these tasks.

38. Additionally, Shamis & Gentile's expenses in prosecuting this case are set forth below. Cost receipts will be submitted to the Court should it likewise so require.

Category	Expenses
Travel	\$1,829.99
Legal Research	\$2,950.72
Document Hosting/Discovery	\$1,098.56
Postage/Printing/Telephone/ Courier	\$421.27
Mediation	\$3,875.00
Filing Fees/Process Server/Pro Hac Admissions/Pacer	\$2,119.38
Total	\$12,294.92

VAN WINKLE'S LODESTAR

39. Van Winkle has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

40. The hourly rates for the attorneys and support staff at Van Winkle who worked on this case are as follows:

- a. David Wilkerson (Partner) - \$750.00

- c. Sandy Holder (Paralegal) - \$175.00
- d. Ryan Anderson (Paralegal) - \$150.00

41. These rates are equal to or less than the rates we charge in other contingency and class action matters. Van Winkle's time, broken out by categories, is set out below. Class Counsel will submit detailed time records for each attorney should the Court so require.

<u>Task</u>	<u>David Wilkerson</u>	<u>Sandy Holder</u>	<u>Ryan Anderson</u>
Presuit investigation, Factual Development, Client Meetings and Correspondence <i>Performed first of its kind industrywide investigation regarding NACHA Rules, ACH item processing, ACH fee practices across the industry, researched existence of any other similar cases; researched potential causes of action; researched potentially applicable federal laws and regulations; researched North Carolina, New York, and New Jersey state law; researched BANA's disclosures and compared to other financial institution disclosures; interviewed clients; reviewed monthly bank statements; reviewed online consumer complaints; prepared preservation letter.</i>			.7
Strategy, Case Analysis, Class Counsel Conferences <i>Strategy meetings internally at the firm and with co-counsel throughout the case</i>	4.1		
Pleadings	37.2	8.0	

<u>Task</u>	<u>David Wilkerson</u>	<u>Sandy Holder</u>	<u>Ryan Anderson</u>
<i>Researched, drafted, and edited complaint for both New York and North Carolina; researched choice of law issues; reviewed answer and researched viability of affirmative defenses.</i>			
Motion Practice <i>Researched and drafted two oppositions to motions to dismiss complaint; researched and drafted opposition to motion for reconsideration; researching issues for forthcoming class certification motion.</i>	5.0		
Discovery <i>Promulgated discovery requests; negotiated protective order; negotiated ESI Protocol and ESI search terms; reviewed documents; worked with an expert regarding data; worked with an expert to develop consumer perception survey; analyzed class data; drafted 30(b)(6) notice; took Rule 30(b)(6) deposition; responded to discovery requests issued to Plaintiffs; defended Plaintiff deposition.</i>	24.10		
Case Management and Other Court Mandated Tasks <i>Conducted case management conference; prepared joint motions to continue deadlines; prepared status updates</i>	27.5		
Settlement <i>Engaged in settlement discussions with opposing</i>	15.6		

<u>Task</u>	<u>David Wilkerson</u>	<u>Sandy Holder</u>	<u>Ryan Anderson</u>
<i>counsel; coordinated settlement strategy with co-counsel; prepared mediation brief; attended full-day mediation; negotiated and finalized settlement agreement and all associated documentation.</i>			
Preliminary Approval <i>Drafted motion for preliminary approval of class action settlement and accompanying declarations.</i>	5.4		
Class Notice <i>Received and reviewed detailed bids from notice administrators; worked with notice administrator to develop notice plan and find cost-efficiencies; drafted notices; oversaw notice process; responded to class member inquiries</i>	4.7		
Totals	123.6	8.0	.7

42. The total hours billed by the attorneys and support staff at Van Winkle for this case are **132.30**. Applying the above hourly rates, the total lodestar is **\$94,328.60**.

43. This lodestar does not include hours of estimated time that will be spent from the date of this declaration forward, which I expect will include tasks related to preparing for final approval of the Settlement, including the motion for final approval and supporting papers.

44. Additionally, Van Winkle's expenses in prosecuting this case are set forth below. Cost receipts will be submitted to the Court should it likewise so require.

Category	Expenses
Filing Fees	\$1,554.00

Postage/Printing/Telephone/ Courier	\$54.00
Total	\$1,555.62

EDELSBERG LAW'S LODESTAR

45. Edelsberg Law has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

46. The current hourly rates for the attorneys and support staff at Edelsberg Law who worked on this case are as follows:

- a. Scott Edelsberg (Partner) - \$750.00
- b. Christopher Gold (Partner) - \$750.00
- c. Stephanie Ramos (paralegal) - \$225.00

47. These rates are the rates we charge in other contingency and class action matters. Edelsberg Law's time, broken out by categories, is set out below. Class Counsel will submit detailed time records for each attorney should the Court so require.

<u>Task</u>	<u>Scott Edelsberg</u>	<u>Chris Gold</u>	<u>Stephanie Ramos</u>
Presuit investigation, Factual Development, Client Meetings and Correspondence <i>Performed first of its kind industrywide investigation regarding NACHA Rules, ACH item processing, ACH fee practices across the industry, researched existence of any other similar cases; researched potential causes of action; researched potentially applicable federal laws and regulations; researched North Carolina, New York, and New Jersey state law; researched BANA's disclosures and compared to other financial institution disclosures; interviewed clients; reviewed monthly bank statements;</i>			

<u>Task</u>	<u>Scott Edelsberg</u>	<u>Chris Gold</u>	<u>Stephanie Ramos</u>
<i>reviewed online consumer complaints; prepared preservation letter.</i>			
Strategy, Case Analysis, Class Counsel Conferences <i>Strategy meetings internally at the firm and with co-counsel throughout the case</i>	19.3	24.1	
Pleadings <i>Researched, drafted, and edited complaint for both New York and North Carolina; researched choice of law issues; reviewed answer and researched viability of affirmative defenses.</i>	15.2	43	
Motion Practice <i>Researched and drafted two oppositions to motions to dismiss complaint; researched and drafted opposition to motion for reconsideration; researching issues for forthcoming class certification motion.</i>	58	81.3	2
Discovery <i>Promulgated discovery requests; negotiated protective order; negotiated ESI Protocol and ESI search terms; reviewed documents; worked with an expert regarding data; worked with an expert to develop consumer perception survey; analyzed class data; drafted 30(b)(6) notice; took Rule 30(b)(6) deposition; responded to discovery requests issued to Plaintiffs; defended Plaintiff deposition.</i>		99	3
Case Management and Other Court Mandated Tasks <i>Conducted case management conference; prepared joint motions to</i>		2	

<u>Task</u>	<u>Scott Edelsberg</u>	<u>Chris Gold</u>	<u>Stephanie Ramos</u>
<i>continue deadlines; prepared status updates</i>			
Settlement <i>Engaged in settlement discussions with opposing counsel; coordinated settlement strategy with co-counsel; prepared mediation brief; attended full-day mediation; negotiated and finalized settlement agreement and all associated documentation.</i>	22	53.5	1
Preliminary Approval <i>Drafted motion for preliminary approval of class action settlement and accompanying declarations.</i>	3	21	
Class Notice <i>Received and reviewed detailed bids from notice administrators; worked with notice administrator to develop notice plan and find cost-efficiencies; drafted notices; oversaw notice process; responded to class member inquiries</i>		5	
Final Approval, Settlement Execution, Distribution of Common Fund (Estimated) <i>Prepare motion for final approval and all supporting declarations, respond to objections, prepare for and attend final approval hearing, work with settlement administrator to ensure proper distribution of funds to class members, prepare any post-final approval motions.</i>		50	
Totals	117.5	378.9	6

48. The total hours billed by the attorneys and support staff at Edelsberg Law for this case are **502.1**. Applying the above hourly rates, the total lodestar is **\$373,425.00**.

49. This lodestar includes hours of estimated time that will be spent from the date of

this declaration forward, which I expect will include tasks related to preparing the motion for final approval and all supporting declarations, responding to objections if any, attending to class member inquiries, preparing for and attending the final approval hearing, working with the settlement administrator, ensuring proper distribution of funds to class members, and any post-final approval motions. It is estimated that Edelsberg Law will spend approximately 50 hours on these tasks.

50. Additionally, Edelsberg Law’s expenses in prosecuting this case are set forth below. Cost receipts will be submitted to the Court should it likewise so require.

Category	Expenses
Travel	\$2,284.19
Legal Research	\$500
Postage/Printing/Telephone/ Courier	\$17.50
Document Hosting/Discovery	\$405.30
Pro Hac Fees	\$200.00
Total	\$3,406.99

THE SERVICE AWARDS ARE JUSTIFIED

51. The Class Representatives took risks by offering their services when the viability of their claims was uncertain. Their claims, which publicly disclosed their personal financial information, created notoriety regardless of their success on the claims. Had they failed, they created risk to their reputations. They should be commended for taking action to protect the interests of hundreds of thousands of Bank of America accountholders who were affected by the Bank’s fee policies, on top of their own individual claims.

52. It cannot be disputed that the Plaintiffs’ efforts have created extraordinary financial benefits for the Class, compensating them for past harm and protecting them from future harm. Plaintiffs expended hours in advancing this litigation against a large and powerful adversary. Each conferred with Class Counsel on a number of occasions. Specifically, Plaintiffs provided assistance that enabled Class Counsel to successfully prosecute the Action and reach the

Settlement, including: (1) submitting to interviews with Class Counsel; (2) locating and forwarding relevant documents and information; and (3) participating in conferences with Class Counsel. Additionally, Plaintiffs Bruin and Barokas responded to written discovery requests, and Plaintiff Bruin was deposed in-person.

We declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 15th day of February, 2024 at San Francisco, California.

s/ Sophia Gold

Dated this 15th day of February, 2024 at Miami, Florida.

s/ Christopher Gold

Dated this 15th day of February, 2024 at Miami, Florida.

s/ Andrew J. Shamis

Dated this 15th day of February, 2024 at Asheville, North Carolina.

s/ David M. Wilkerson

Exhibit 1

KALIELGOLD PLLC

KalielGold PLLC was founded in 2017 and is a 100% contingency Plaintiff-side law firm. Our attorneys have decades of combined experience and have secured hundreds of millions of dollars for their clients. Our firm's practice focuses on representing consumers in class action litigation and specifically on cases in the consumer financial services sector. In the four years since our firm was founded, our firm has been appointed lead counsel or co-lead counsel in numerous class action and putative class action lawsuits in state and federal courts nationwide including most recently in *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.); *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.); *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1st Cir. Haw.); *Liggio v. Apple Federal Credit Union*, No. 18-cv-01059 (E.D. Va.); *Morris et al. v. Bank of America, N.A.*, No. 3:18-cv-00157-RJC-DSC (W.D.N.C.); *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cnty., Colo.); *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.); *White v. Members 1st Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.); *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cnty. Of Bartholomew, Ind.); *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.); *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct., San Francisco Cnty, Cal.); *Martin v. Le^oN Federal Credit Union*. No. 19-CI-022873 (Jefferson Cir. Ct., Div. One); *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cnty.); *Morris v. Provident Credit Union*, Case No. CGC-19-581616 (Super. Ct., San Francisco Cnty., Cal.).

As shown in the biographies of our attorneys and the list of class counsel appointments, KalielGold PLLC is well versed in class action litigation and zealously advocates for its clients. To learn more about KalielGold PLLC, or any of the firm's attorneys, please visit www.kalielgold.com.

JEFFREY D. KALIEL

Jeffrey Kaliel earned his law degree from Yale Law School in 2005. He graduated from Amherst College summa cum laude in 2000 with a degree in Political Science, and spent one year studying Philosophy at Cambridge University, England.

Over the last 10 years, Jeff has built substantial class action experience. He has received "Washington D.C. Rising Stars Super Lawyers 2015" recognition.

Jeff has been appointed lead Class Counsel in numerous nationwide and state-specific class actions. In those cases, Jeff has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. Jeff has also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for millions of class members.

Currently Jeff is actively litigating several national class action cases, including actions against financial services entities and other entities involved in predatory lending and financial services targeting America's most vulnerable populations.

Jeff's class action successes extend beyond financial services litigation. He seeks to lead cases that serve the public interest. Jeff has worked with nonprofits such as the Humane Society, Compassion Over Killing, and the National Consumers League to fight for truth in the marketplace on food and animal products.

Jeff has over a decade of experience in high-stakes litigation. He was in the Honors Program at the Department of Homeland Security, where he worked on the Department's appellate litigation. Jeff also helped investigate the DHS response to Hurricane Katrina in preparation for a Congressional inquiry. Jeff also served as a Special Assistant US Attorney in the Southern District of California, prosecuting border-related crimes.

Jeff is a former Staff Sergeant in the Army, with Airborne and Mountain Warfare qualifications. He is a veteran of the second Iraq war, having served in Iraq in 2003.

Jeff is admitted to practice in California and Washington, DC, and in appellate and district courts across the country.

Jeff lives in Washington, D.C. with his wife, Debbie, and their three children.

SOPHIA GOREN GOLD

Sophia Goren Gold is a third-generation Plaintiff's lawyer. A *summa cum laude* graduate of Wake Forest University and the University of California, Berkeley, School of Law, Sophia has spent her entire career fighting for justice.

A fierce advocate for those in need, Sophia's practice centers around taking on financial institutions, insurance companies, and other large corporate interests. Sophia has participated in hundreds of individual and class cases in both state and federal courts across the country. Collectively, she has helped secure tens of millions of dollars in relief on behalf of the classes she represents.

In addition to providing monetary relief, Sophia's extensive litigation experience has resulted in real-world positive change. For example, she brought litigation which resulted in the elimination of the Tampon Tax in the State of Florida, and she was influential in changing the state of Delaware's Medicaid policy, resulting in greater access to life-saving medication.

Sophia is currently representing consumers in numerous cases involving the assessment of improper fees by banks and credit unions, such as overdraft fees, insufficient funds fees, and out of network ATM fees. She is also currently representing consumers who have been the victims of unfair and deceptive business practices.

Sophia is admitted to practice in California and Washington, D.C. When not working, Sophia enjoys spending time with her husband, daughter, and their goldendoodle.

BRITTANY CASOLA

Brittany Casola attended the University of Central Florida in Orlando and graduated in 2012 with a bachelor's degree in Political Science and a minor in Spanish. Brittany earned her Juris Doctorate from California Western School of Law in 2015 and graduated magna cum laude in the top 10% of her class.

Throughout the course of her law school career, she served as a judicial extern to the Honorable Anthony J. Battaglia for the United States District Court, Southern District of California and worked multiple semesters as a certified legal intern for the San Diego County District Attorney's Office. Brittany was awarded Academic Excellence Awards in law school for receiving the highest grade in Trial Practice, Health Law & Policy, and Community Property.

Before joining KalielGold PLLC, Brittany worked as a judicial law clerk for the Honorable Anthony J. Battaglia and as an associate attorney for Carlson Lynch LLP, specializing in consumer complex litigation.

AMANDA ROSENBERG

Amanda Rosenberg graduated *cum laude* from the University of California, Hastings College of the Law in 2011 and the University of California, San Diego in 2008, where she earned departmental Honors with Highest Distinction in history.

Before joining KalielGold PLLC, Amanda represented and advised small businesses and financial institutions in litigation matters including employment disputes, merchant disputes, credit and charge card disputes, wrongful foreclosures, and securities. She has successfully litigated cases in California, Illinois, and Michigan.

Amanda is an active volunteer in her community and has helped numerous individuals understand and navigate their rights in the workplace.

In law school, Amanda worked as an extern for the Honorable Judge Vaughn Walker in the United States District Court, Northern District of California. Amanda was awarded academic excellence awards for receiving the highest grades in Trial Advocacy and Litigating Class Action Employment.

When not working, Amanda loves exploring Michigan's outdoors with her husband, kids, and rescue dog.

CLASS COUNSEL APPOINTMENTS

- *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.);
- *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.);
- *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.).
- *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1st Cir. Haw.);
- *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cnty., Colo.).
- *Liggio v. Apple Federal Credit Union*, Civil No. 18-cv-01059 (E.D. Va.);
- *Morris et al. v. Bank of America, N.A.*, Civil No. 3:18-cv-00157-RJC-DSC (W.D.N.C.);
- *White v. Members 1st Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.);
- *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Bartholomew Cnty., Ind.);
- *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.);
- *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct., San Francisco, Cnty., Cal.);
- *Martin v. Le&N Federal Credit Union*. No. 19-CI-022873 (Jefferson Cir. Ct., Division One);
- *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cnty.);
- *Morris v. Provident Credit Union*, Case No. CGC-19-581616 (Super. Ct. San Francisco Cnty., Cal.).
- *Bodnar v. Bank of America, N.A.*, 5:14-cv-03224 (E.D. Pa.);
- *In re Higher One OneAccount Marketing and Sales Practice Litigation.*, No. 12-md-02407-VLB (D. Conn.).
- *Shannon Schulte, et al. v. Fifth Third Bank.*, No. 1:09-cv-06655 (N.D. Ill.);
- *Kelly Mathena v. Webster Bank*, No. 3:10-cv-01448 (D. Conn.);
- *Nick Allen, et al. v. UMB Bank, N.A., et al.*, No. 1016 Civ. 34791 (Cir. Ct. Jackson Cnty., Mo.);
- *Thomas Casto, et al. v. City National Bank, N.A.*, 10 Civ. 01089 (Cir. Ct. Kanawha Cnty., W. Va.);
- *Eaton v. Bank of Oklahoma, N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.*, No. CJ-2010-5209 (Dist. Ct. for Tulsa Cnty., Okla.);
- *Lodley and Tehani Taulva, et al., v. Bank of Hawaii and Doe Defendants 1-50*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.);
- *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al*, No. 1:10-cv-21080 (S.D. Fla.);
- *Mascaro, et al. v. TD Bank, Inc.*, No. 10-cv-21117 (S.D. Fla.);
- *Theresa Molina, et al., v. Intrust Bank, N.A.*, No. 10-cv-3686 (18th Judicial Dist., Dist. Ct. Sedgwick Cnty., Kan.);
- *Trombley v. National City Bank*, 1:10-cv-00232-JDB (D.D.C.); *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.);
- *Brown et al. v. Transurban USA, Inc. et al.*, No. 1:15-CV-00494 (E.D. Va.);
- *Grayson v. General Electric Co.*, No. 3:13-cv-01799 (D. Conn.);
- *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.).

Exhibit 2



SHAMIS & GENTILE, P.A.
CLASS ACTION LAW FIRM

Our Firm

Shamis & Gentile, P.A. has and continues to provide outstanding legal services in the Florida, New York, Texas, Georgia, Illinois, Ohio, and Arizona communities. Shamis & Gentile, P.A. distinguishes itself because of our experience and legal resources to handle virtually any case involving class action, mass tort, personal injury, personal injury protection, and contract disputes. Specifically, as it relates to class actions, Shamis & Gentile, P.A. has filed and litigated thousands of banking, insurance breach of contract, data privacy, deceptive and unfair trade practice and product liability cases. At Shamis & Gentile, P.A. our seasoned attorneys are some of the most innovative and progressive attorneys in the profession. Often, Shamis & Gentile, P.A. is called upon to litigate and settle cases that other law firms may not be able to handle on their own.

Shamis & Gentile, P.A. is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

Who We Are

Andrew Shamis is the managing partner at Shamis & Gentile P.A. Mr. Shamis heads the class action and mass torts divisions of the firm, where his extensive experience in civil litigation has gained him the reputation of an attorney who can deliver where it matters the most, monetary results for his clients. Mr. Shamis has recovered over 1 billion dollars for consumers and plaintiffs throughout the country through his relentlessness, expertise, and calculated approach. Mr. Shamis is routinely certified class counsel and has successfully litigated over 10,000 civil cases in his young career.

Mr. Shamis is admitted to practice law in the states of Florida, New York, Georgia, Ohio, Illinois, Arizona, and Texas, as well as the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, Northern, Eastern, Western, and Southern Districts of New York, Northern and Southern District of Illinois, Northern, Middle, and Southern District of Georgia, Eastern and Western Districts of Michigan, Eastern and Western Districts of Wisconsin, Northern District and Southern Districts of Ohio, Southern District of Indiana, Eastern and Western Districts of Missouri, Western and Eastern Districts of Oklahoma, Northern, Western, Eastern, and Southern District of Texas, Eastern and Middle District of Tennessee, US District Court of Colorado, US District Court of Arizona, and the US District Court of Nebraska.

Mr. Shamis specializes in Consumer Protection Class Action Litigation, Mass Torts, Personal Injury, Personal Injury Protection, Wrongful Death, as well as General Civil Litigation.

Angelica Gentile is a named partner at Shamis & Gentile P.A. Ms. Gentile heads the catastrophic injury, personal injury, and personal injury protection divisions of Shamis & Gentile, P.A. Ms. Gentile is recognized throughout the legal community as an extremely professional and efficient attorney. A consistent favorite, clients routinely rave about how well Ms. Gentile works to protect their interests and advocate on their behalf. Ms. Gentile is admitted to practice law in both Florida and Texas and has extensive civil litigation experience, involving hundreds of depositions and motions throughout the state of Florida. Ms. Gentile not only prides herself in collecting millions of dollars in benefits owed to clients, but also in forging long lasting, successful relationships with clients.

Ms. Gentile specializes in Personal Injury, Personal Injury Protection, Class Action Litigation (TCPA, banking, insurance breach of contract, data breach, unfair and deceptive trade practices), Wrongful Death, Wrongful Termination, as well as General Civil Litigation.

Garrett Berg is a partner at Shamis & Gentile, P.A and leads the firms Telephone Consumer Protection department of Shamis & Gentile, P.A. Mr. Berg's practice involves all aspects of federal and state civil litigation with a focus on consumer-protection class action lawsuits. Mr. Berg has been responsible for recovering millions of dollars owed to clients and class members across the nation and has litigated hundreds of cases.

Edwin Elliott is a partner at Shamis & Gentile, P.A. Mr. Elliott's practice involves all aspects of complex, high-level class action litigation. Mr. Elliott represents clients in federal and state courts across the nation in class actions involving consumer fraud, deceptive and unfair trade practices, false advertising, predatory financial services, digital privacy, and complex insurance disputes. Having prosecuted numerous class actions through all stages of the litigation process, Mr. Elliott's work has contributed to hundreds of millions in recoveries for consumers.

Our staff sets the standard on being innovative and technologically savvy. This innovation and use of fully customized cutting-edge case management software allows us to create an unparalleled level of customer service and attention to detail with our clients, which has led to an exceptional growth rate rarely seen in law firms.

Shamis & Gentile, P.A. has the resources, infrastructure and staff to successfully represent large putative classes. The attorneys and staff are not simply litigators, but directors of creating successful results with the ultimate level of satisfaction by the clients.

Class Actions

Shamis & Gentile, P.A. has initiated and served as both lead counsel and co-lead counsel in hundreds of class actions, many of which have generated internet articles. Currently, the firm serves as lead counsel or co-counsel on over 100 class action lawsuits. The lawsuits range from all Districts of Florida to the Central District of California. Shamis & Gentile, P.A. has also successfully settled many Class Action cases prior to verdict.

Prominent Class Action Settlements

Over the years, Shamis & Gentile attorneys have obtained outstanding results in some of the most well-known cases.

- *Albrecht v. Oasis Power, LLC*, No. 1:18-cv-1061 (N.D. Ill. 2018) (\$7,000,000.00 Class Settlement)
- *Avila-Preciado v. Horace Mann Property and Casualty Insurance Company*, No. 19-CA-004683 (20th Judicial Circuit, Lee County) (\$150,000.00 Class Settlement)
- *Bellenger v. Accounts Receivable Management, Inc.*, No. 19-cv-60205-DIMITROULEAS (S.D. Fla. 2019) (\$425,000.00 Class Settlement)
- *Bloom v. Jenny Craig, Inc.*, No. 1:18-cv-21820-KMM, 2018 U.S. Dist. LEXIS 151686 (S.D. Fla. 2018) (\$3,000,000.00 Class Settlement)
- *Bracero, et. al. v. Mendota Insurance Company*, No. 19-CA-015886 (11th Judicial Circuit, Miami-Dade County) (\$790,000.00 Class Settlement)
- *Cortazar v. CA Management Services Parent, LLC*, No. 19-cv-22075 (S.D. Fla. 2019) (\$1,500,000.00 Class Settlement)
- *Cruz-Santiago v. Amica Mutual Insurance Company*, No. 19-CA-006930 (13th Judicial Circuit, Hillsborough County) (\$464,168.00 Class Settlement)
- *DeFranks v. Nastygal.com USA Inc.*, No. 19-cv-23028-DPG (S.D. Fla. 2019) (\$4,025,000 Class Settlement)
- *Deleon III, et. al. v. Direct General Insurance Company, et. al.* No. 19-CA-001636 (9th Judicial Circuit, Osceola County) (\$2,450,000 Class Settlement)
- *Dipuglia v. US Coachways, Inc.*, No. 17-23006-Civ, 2018 U.S. Dist. LEXIS 72551 (S.D. Fla. 2018) (\$2,600,000.00 Class Settlement)
- *Dunleavy v. Sunrise Detox III, LLC*, No. 18-cv-25090 (S.D. Fla. 2018) (\$500,000.00 Class Settlement)
- *Eisenband v. Schumacher Automotive, Inc.*, No. 18-cv-01061 (S.D. Fla 2018) (\$5,000,000.00 Class Settlement)
- *Flores v. Village Ford, Inc.*, No. 2:19-CV-12368 (E.D. Mich. 2019) (\$1,050,000.00 Class Settlement)
- *Gottlieb v. Citgo Corporation*, No. 16-cv-81911 (S.D. Fla. 2016) (\$8,300,000.00 Class Settlement)
- *Halperin v. YouFit Health Clubs, LLC*, No. 18-CV-61722-WPD (S.D. Fla. 2018) (\$1,418,635.00 Class Settlement)

(\$1,875,000.00 Class Settlement)

- *Jacques, et. al. V. Security National Insurance Company*, No. CACE-19-002236 (17th Judicial Circuit, Broward County) (\$6,000,000.00 Class Settlement)
- *Jones v. Washington State Employee's Credit Union*, No. 20-2-06596-5 (Superior Court of the State of Washington County of Pierce) (\$2,400,000.00 Class Settlement)
- *King v. Classic Chevrolet, Inc. et al.*, No. 4:19-cv-00429-CVE-JFJ (N.D. Okla. 2019) (\$850,000.00 Class Settlement)
- *Locke v. Nationwide Insurance Company of America*, No. 19-12148 CIDL (Fla. 7th Cir. Ct.) (\$540,000.00 Class Settlement)
- *Marengo v. Miami Resch. Assocs., LLC*, No. 1:17-cv-20459-KMW, 2018 U.S. Dist. LEXIS 122098 (S.D. Fla. 2018) (\$1,236,300.00 Class Settlement)
- *McGowan v. First Acceptance Insurance Company, Inc.*, No. 21-CA-004864 (Fla. 9th Cir. Ct.) (\$2,200,000.00 Class Settlement)
- *Mclean v. Brett A. Osborn, D.O., PLLC*, No. 18-cv-81222-DMM (S.D. Fla. 2018) (\$800,000.00 Class Settlement)
- *Ostendorf v. Grange Indem. Ins. Co.*, No. 2:19-CV-1147 (S.D. Ohio 2020) (\$12,000,000.00 Class Settlement)
- *Papa v. Greico Ford Fort Lauderdale, LLC*, No. 1:18-cv-21897 (S.D. Fla. 2018) (\$4,800,000.00 Class Settlement)
- *Patterson v. McCarthy Ford, Inc.*, No. 2020-CH-07042 (Circuit Court of Cook County, Illinois County Department, Chancery Division) (\$1,870,000.00 Class Settlement)
- *Pena v. John C. Heath, Attorney at Law, PLLC, d/b/a Lexington Law Firm*, No. 18-cv-24407-UU (S.D. Fla. 2018) (\$11,450,863.00 Class Settlement)
- *Petit Beau, et. al., v. Ocean Harbor Casualty Insurance Company*, No. CACE-18-029268 (17th Judicial Circuit, Broward County) (\$4,500,000.000 Class Settlement)
- *Picton v. Greenway Chrysler-Jeep-Dodge Inc. d/b/a Greenway Dodge Chrysler Jeep*, No. 19-cv-00196-GAP-DCI (M.D. Fla. 2019) (\$2,745,000.00 Class Settlement)
- *Poierier v. Cubamax Travel Inc.*, No. 1:18-cv-231240 (S.D. Fla. 2018) (\$808,734.00 Class Settlement)
- *Prieto v. Crete Carrier Corporation*, No. 19-CV-60903-BB (S.D. Fla. 2019) (\$600,000.00 Class Settlement)

- *Rattner v. Tribe App. Inc.*, No. 17-cv-21344, 2017 U.S. Dist. LEXIS 198517 (S.D. Fla. 2017) (\$200,000.00 Class Settlement)
- *Robley v. IDS Property Casualty Insurance Company*, No. 2019-022263-CA-10 (11th Judicial Circuit, Miami-Dade County) (\$105,000.00 Class Settlement)
- *Smart, et. al. v. Auto Club Insurance Company of Florida, et. al.*, No. 19-CA-005580 (13th Judicial Circuit, Hillsborough County) (\$780,000.00 Class Settlement)
- *Suarez v. MAPFRE Insurance Company of Florida*, No. 19-02729-CA-01 (11th Judicial Circuit, Miami-Dade County) (\$633,525.25 Class Settlement)
- *Whitworth v. HH Entm't, Inc.*, No. 9:17-cv-80487-KAM, 2018 U.S. Dist. LEXIS 112223 (S.D. Fla. 2018) (\$750,000.00 Class Settlement)
- *Wijesinha v. Susan B. Anthony List, Inc.* No. 18-cv-22880 (S.D. Fla. 2018) (\$1,017,430.00 Class Settlement)

More About Shamis & Gentile, P.A.

To learn more about our firm, please visit www.shamisgentile.com, or view links to our blogs at <https://www.sflinjuryattorneys.com/blog/>.

Exhibit 3

The Van Winkle Law Firm

The Van Winkle Law Firm's experience in class action litigation includes cases filed in state and federal courts in North Carolina and outside the state, including appearances as lead counsel by several of its attorneys in the Federal District Courts and before the Fourth Circuit Court of Appeals. In addition, its attorneys have served as local and *de facto* liaison counsel in other complex litigation in association with firms outside the state.

Van Winkle is the largest law firm in North Carolina west of Charlotte. While the Firm's practice is principally throughout North Carolina, it has a growing practice nationally, especially in the Southeast. It has enjoyed an "AV" rating for decades in Martindale-Hubbell's listing of attorneys.

David Wilkerson

David Wilkerson holds his undergraduate degree from Furman University, a master's degree from the University of Iowa, and his law degree from the University of South Carolina. He is a senior partner at The Van Winkle Law Firm. He practices in the area of complex litigation, including disputes involving class actions, intellectual property and antitrust law. Since 2013, he has served on the Subscriber's Discovery Committee in *In Re Blue Cross Blue Shield Antitrust* (MDL 2406) (N.D.A.L 2:13-cv-2000), where the court has recently preliminarily approved a \$2.67 Billion dollar settlement on behalf of his clients. Other current complex litigation cases include serving as co-lead class counsel in *Morris et al. v. Bank of America*, case No. 3:18-cv-157 (W.D.N.C, Charlotte Division), where Bank of America has agreed to a settlement involving cash and injunctive relief valued at \$375 million. Mr. Wilkerson has extensive experience in litigating cases involving intellectual property, including patents, trademarks, copyrights, trade secrets, and issue involving the licensing of the same.

In addition, he has served as class counsel in numerous cases in all federal districts in North and South Carolina. He has an active practice in the North Carolina Business Court where he has litigated numerous trade secret, breach of contract, and unfair and deceptive trade practices claims. He served on the section council of the Antitrust and Complex Business Disputes Law Section of the North Carolina Bar Association from 2011 to 2017, where he chaired both the Legislative and Pro Bono Committees. He served on the North Carolina Business Court Rules Committee. He has been recognized by Best Lawyers in the areas of Commercial Litigation and Patent Litigation, and Super Lawyers in the areas of Intellectual Property, Commercial and Antitrust litigation. He holds the NITA Advocate designation from the National Institute of Trial Advocacy. Mr. Wilkerson has presented at numerous CLE events related to litigation and class action law.

Exhibit 4

EDELSBERG **LAW**

MIAMI

20900 NE 30TH AVE #47 AVENTURA, FL 33180
786 289 9471 | EDELSBERGLAW.COM

ABOUT US

Your Trusted Class Action Law Firm. We are a dedicated class action firm committed to providing wide-ranging legal representation focused on delivering for our clients. Edelsberg Law is one of the top class action and commercial litigation law firms in the country.

THE EDELSBERG LAW PROMISE

Never shying away from litigating large consumer national class actions, Edelsberg Law is trusted by clients across the country to represent their interests and resolve their legal matters.

OUR MISSION

The attorneys and legal professionals at Edelsberg Law take pride in offering the highest caliber legal representation. We strive to help those that need help vindicating their rights and do not shy away from the difficult cases. If we take your case, we promise to work hard, efficient, and in your best interest.

SETTLEMENTS

Defranks V. Nastygal Class Settlement For \$5 Million Case No. 19-Cv-23028 (S.D. Fla 2020), Picton V. Greenway Dodge Class Settlement For \$2,745,000 Case No. 19-Cv-196-Orl (M.D. Fla 2020), Ostendorf V. Grange Indem. Ins. Co. Class Settlement For \$12 Million Case No. 2:19-Cv-1147, 2020 WI 134169 (S.D. Ohio 2020), Banks V. Fuccilloo Affiliates Of Florida Class Settlement For \$1,854,260 Case No. 19-Cv-00227 (M.D. Fla 2020), Goldschmidt V. Rack Room CLASS SETTLEMENT FOR \$25.9 MILLION Case No. 18-CV-21220 (S.D. FLA 2020), PENA V. LEX LAW CLASS SETTLEMENT FOR \$11.5 MILLION Case No. 18-CV-24407 (S.D. FLA 2020), Cortazar V. Ca Ventures Class Settlement For \$600,000 Case No. 19-Cv-22075 (S.d. Fla 2020), Albrecht V. Oasis Power Class Settlement For \$11 Million Case No. 18-Cv-1061 (S.D. Fla 2020), Robley V. Ids Property Casulaty Ins. Co. Class Settlement For \$275,000 Case No. 2019-022263-Ca-01 (Fla. 11th Cir. Ct.), Bracero V. Mendota Ins. Co. Class Settlement For \$1.1 Million Case No. 2019-015886-Ca-01 (Fla. 11th Cir. Ct.), Avila-Preciado V. Horace Mann Property & Casualty Insurance Co. Class Settlementfor \$290,000 Case No. 19-Ca-004683 (Fla. 20th Cir. Ct.), Colon V. Direct General Ins. Co. Class Settlement For \$780,000 Case No. 2019-Ca-1636 Oc, (Fla. 9th Cir. Ct.), Junior Et Al. V. Infinity Auto Insurance Company Over \$20 Million Settlement For Unpaid Sales Tax And Certain Fees, Final Approval Pending Case No. 6:18-Cv-01598-Wwbejk (M.D. Fla), Smart Et Al. V. Auto Club Insurance Et Al. Class Settlement For Over \$850,000 Case No. 19-Ca-005580 (Fla. 13th Cir. Ct.), Suarez V. Mapfre Insurance Co. Of Florida Class Settlement For \$800,000 Case No. 2019-020729-Ca-01 (Fla. 11th Cir. Ct.), George V. Peachtree Casualty Insurance Co. Class Settlement For \$580,000 Case No. Ca-19-674 (Fla. 7th Cir. Ct.), Dunleavy V. Surinse Detox Class Settlement For \$500,000 Case No. 18-Cv-25090 (S.D. Fla 2019), Eisenband V. Schumacher Automative Class Settlement For \$5 Million Case No. 9:18-Cv-80911 (S.D. Fla 2019), Poirier V. Cubamax Class Settlement For \$800,000 Case No. 1:18-Cv-23240 (S.D. Fla 2019), Mclean V. Osborn Class Settlement For \$800,000 Case No. 18-Cv-81222 (S.D. Fla 2019), Bloom V. Jenny Craig Class Settlement For \$3 Million Case No. 1:18-Cv-21820 (S.D. Fla 2019), Papa V. Greico Ford Class Settlement For \$4.9 Million Case No. 18-21897 (S.D. Fla 2019), Wijesinha V. Susan B. Anthony Class Settlement For \$1,017,430 Case No. 18-Cv-22880 (S.D. Fla 2019), Halperin V. Youfit Heath Clubs Class Settlement For \$1,418,635 Case No. 18-Cv-61722 (S.D. Fla 2019), Dipuglia V. U.S. Coachways, Inc. Class Settlement For \$2.6 Million Case No. 17-23006-Civ (S.D. Fla 2018), Gottlieb V. Citgo Class Settlement For \$8.3 Million Case No. 9:16-81911 (S.D. Fla 2017), Masson V. Tallahassee Dodge Jeep Chrysler, Llc. Class Settlement For \$850,000 Case No. 1-17-Cv-22967 (S.D. 2017), Stathakos V. Columbia Sportswear Company Obtained Classwide Injunctive Relief Case No. 4:15-Cv-04543 (N.D. California 2017).



SCOTT EDELSBERG

PARTNER

E: scott@edelsberglaw.com

O: 310-438-5355

C: 305-975-3320

Scott Edelsberg's broad-based litigation experience representing both plaintiffs and defendants provides him with an invaluable perspective when prosecuting claims on behalf of consumers who have been harmed by corporate wrongdoing.

Scott Edelsberg is the founding partner of Edelsberg Law, PA and focuses his practice in the areas of class actions, consumer fraud and personal injury.

In connection with his representation in class action matters, Edelsberg has litigated cases in multiple state and federal jurisdictions throughout the country, including two multi-district litigation proceedings. In those cases, Edelsberg has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. His efforts have led to numerous class settlements, resulting in millions of dollars in relief for millions of class members.

Edelsberg is a native of South Florida and earned a Bachelor of Arts degree in Political Science from the University of Michigan. While at Michigan, he was awarded the Michigan Merit Scholar award and served as an intern for the Washtenaw County Public Defender's office. Edelsberg went on to receive a Juris Doctor degree, Cum Laude, from the University of Miami School of Law. While attending law school, he was on the Dean's List, a member of the International and Comparative Law Review, a Merit Scholarship recipient and served as an Equal Justice for America Fellow.

EDUCATION

University of Miami School of Law,
J.D. - 2012

University of Michigan, B.A. - 2009

BAR ADMISSIONS

Florida
California

COURT ADMISSIONS

Southern District of Florida
Middle District of Florida

PRIMARY PRACTICE
Class Action



ADAM SCHWARTZBAUM

PARTNER

E: adam@edelsberglaw.com

O: 786-673-2405

C: 305-725-1245

Adam Schwartzbaum is a Partner at Edelsberg Law in Miami, Florida, where he plays a leading role representing individuals in class action litigation across the country. Adam has a wealth of experience representing both plaintiffs and defendants in state and federal court and at the trial and appellate levels. Adam's passion for using the law to better the lives of ordinary people makes him a fierce advocate for his clients and a champion for justice. Further, Adam has helped recover over \$1.6 billion for his clients over the course of his legal career.

Adam was previously a partner at The Moskowitz Law Firm, where he worked on some of the country's largest class actions and multi-district litigation cases. Adam directly represented many survivors of the Champlain Towers South Condominium Collapse Litigation in the firm's role as lead counsel for the economic loss victims and helped achieve a historic \$1.1 billion settlement. Adam also worked directly with Co-Lead Counsel to help organize and run two federal multi-district litigations: the FieldTurf Artificial Turf Marketing and Sales Practices Litigation, and the Erie COVID-19 Business Interruption Insurance Protection Litigation. Other representative matters include the Transamerica and Lincoln cost of insurance litigation; the COVID-19 student fee cases against Florida public schools, including appeals in all of Florida's District Courts of Appeal; several Ponzi scheme cases on behalf of investors against both principals and aiders and abettors; suits challenging illegal and deceptive and unfair business practices in the insurance industry; and a certified issue class concerning the Fort Lauderdale Water Main Break against Florida Power & Light and several of its subcontractors that was affirmed on appeal and resulted in a trial victory for the certified class. Adam also chaired the firm's busy appellate practice, utilizing his twelve years of appellate experience to lead over a dozen appeals in the Florida District Courts of Appeal and the federal Circuit Courts of Appeal. For example, Adam helped lead a team of lawyers to brief and argue *Cherry v. Dometic*, 986 F.3d 1296 (11th Cir. 2021), an appeal that resulted in an opinion clarifying and revising the "ascertainability" standard to the benefit of class action plaintiffs across the country.

Adam began his legal career with a defense-oriented practice split between appellate and trial level advocacy. At Weiss Serota Helfman Cole & Bierman, Adam represented many local governments, as well as businesses and individuals, in both state and federal court, in a variety of commercial disputes and lawsuits involving complex constitutional and statutory issues. Prior to that, Adam practiced complex commercial litigation at White & Case.

Adam was raised in the Cuban-Jewish community in Miami Beach. He attended Brandeis University as a Justice Brandeis Scholar where he earned a Bachelor of Arts with highest honors and graduated summa cum laude and Phi Beta Kappa. Adam performed a year of national service in Washington, D.C. with City Year before attending the University of Pennsylvania Law School as a Levy Scholar. Adam was a Senior Editor of the University of Pennsylvania Law Review (which published his scholarship) and a member of the Penn Moot Court Board. Adam was President of the Penn Law student chapter of the American Constitution Society and was honored for his outstanding contributions to pro bono work on behalf of workers and children in Philadelphia.

Since 2015, Adam has served on the Board of Directors of Nu Deco Ensemble, Miami's 21st Century chamber orchestra, and is currently the corporate Secretary. Adam is the founder and Team Captain for Jewish Community Service's Miami Marathon and Half Marathon Team Blue Card, which since 2013 has raised over half a million dollars to support indigent Holocaust Survivors. Adam also sits on the Board of Directors of Temple Menorah in Miami Beach.

EDUCATION

Brandeis University, B.A., 2007

University of Pennsylvania Law School,
2011

BAR ADMISSIONS

Florida Bar

Southern District of Florida

Middle District of Florida

Eleventh Circuit Court of Appeals

Third Circuit Court of Appeals

AWARDS & RECOGNITION

Rising Star, Super Lawyer Magazine,
2018, 2019, 2020, 2021, 2022, 2023

Miami Dade County Bar Association
"40 Under 40" Award (2023)

Palm Beach Media Group
Top Lawyers, 2023

PRIMARY PRACTICE

Class Action



CHRIS GOLD

PARTNER

E: chris@edelsberglaw.com

O: 786-673-2405

C: 561-789-4413

Chris's practice focuses on all forms of complex, high-level class action and mass tort litigation. Before joining the Firm, Chris spent over ten years at Robbins Geller Rudman & Dowd, the country's most elite plaintiffs' class action firm, where he was a partner and part of the team that achieved a \$650 million settlement against Facebook in a landmark biometric privacy case. As a result of that record-breaking achievement, Chris was named one of Florida's Most Effective Lawyers in the Privacy category by American Law Media, 2020.

Chris has experience litigating all genre of class action and multidistrict litigation against the most sophisticated litigants, including false advertising, consumer fraud, data breach, privacy, securities fraud, merger & acquisition, and insurance. Chris served on the Plaintiffs' Steering Committee in *In re Allergan Biocell Textured Breast Implant Prods, Liab. Litig. (D.N.J.)*, and he sat on the Law and Briefing and Government Entity Committees in *In re Juul Labs, Inc. Mktg., Sales Pracs., & Prods. Liab. Litig.*, where he represented the School Boards of Broward and Miami-Dade County, and other government entities seeking damages caused by the public nuisance of youth e-cigarette use in those communities.

Chris has also represented institutional investors and sovereign wealth funds in Brazilian arbitration proceedings against Brazilian oil giant, Petrobras, arising out of the company's massive Lava Jato fraud.

Some of Chris's other notable recoveries include the following:

- Settlement valued at \$15 million in *In re Sony Gaming Networks & Customer Data Sec. Breach Litig. (S.D. Cal.)*, a case arising from a massive data breach of Sony's PlayStation Network.
- \$15 million settlement in *Boland v. Gerdau S.A. (S.D.N.Y.)* on behalf of investors in a Brazilian steel conglomerate that failed to disclose its alleged bribery of Brazilian tax authorities.
- \$9 million settlement in *In re Winn-Dixie Stores, Inc. S'holder Litig. (Fla. 4th Cir. Ct.)*, for former Winn-Dixie shareholders whose stock was undervalued in a buyout of the company.
- \$10 million settlement in *In re AuthenTec, Inc. S'holder Litig. (Fla. 18th Cir. Ct.)*, on behalf of the former shareholders of AuthenTec following its buyout by Apple, which incorporated AuthenTec's fingerprint technology into the Apple iPhone.

Chris was recognized as a Super Lawyer Rising Star in 2020 and 2021. He holds a Bachelor of Science degree in Business Administration from Lynn University, in Boca Raton Florida, and a Juris Doctor degree from DePaul University College of Law in Chicago, Illinois.

Chris is a Blackbelt in Brazilian Jiu-jitsu and a former MMA fighter. Chris is fluent in Brazilian Portuguese.

EDUCATION

DePaul University College of Law,
J.D. -2010

Lynn University, B.S., Business - 2006

BAR ADMISSIONS

Florida

United States District Courts for the
Middle and Southern Districts of
Florida

United States District Court for the
Eastern District of Michigan

United States District Court for the
Southern District of Texas

Southern District of Florida

Middle District of Florida

ACCOLADES

Named one of "Florida's Most Effective
Lawyers" in the Privacy category by
American Law Media, 2020

Rising Star, Super Lawyers Magazine,
2019-2020



GABRIEL MANDLER

SENIOR ASSOCIATE

E: gabriel@edelsberglaw.com

C: 786-200-4316

Gabriel Mandler is a Senior Associate at Edelsberg Law. His practice focuses on multi-state consumer class action litigation, representing clients in both state and federal courts at the trial and appellate levels.

Gabriel has experience litigating a broad range of class action disputes, including employment discrimination, insurance disputes and mass torts. Gabriel previously worked at Stroock & Stroock & Lavan LLP, where he was part of a team in the remedial phase of a Title VII class action that recovered approximately \$2 billion for African American and Latino teachers who were discriminated against by New York City's Board of Education. Gabriel also has extensive experience handling complex commercial litigation disputes through trial.

A Miami native, Gabriel graduated magna cum laude from the University of Miami School of Law, where he was a member of the Business Law Review and Charles C. Papy, Jr. Moot Court Board. During this time, Gabriel interned for the Honorable Jonathan Goodman, a United States Magistrate Judge for the Southern District of Florida. Prior to law school, Gabriel earned his Bachelor of Arts Degree in Journalism and Communications from the University of Florida.

EDUCATION

University of Miami Law School, J.D.
University of Florida, B.A.



RACHEL DEEPER OF COUNSEL

E: rachel@edelsberglaw.com

C: 305-610-5223

Rachel Dapeer's practice focuses on multi-state consumer class action litigation and complex commercial litigation. She handles a broad range of disputes involving insurance policies, fraudulent business practices, labeling claims, and other consumer matters.

Rachel is of-counsel at Edelsberg Law and manages her own law firm, Dapeer Law, P.A. where her litigation practice spans a variety of industries including real estate, automotive, banking and retail. Prior to joining Edelsberg law, Rachel was an Associate at Greenspoon Marder, LLP., where she represented businesses and individuals in a variety of disputes involving breach of contract, commercial transactions, fraud, business torts, deceptive and unfair trade practices, tax lien and real estate litigation.

Rachel attended undergraduate school at the University of North Carolina at Chapel Hill (B.S.B.A., 2007) and obtained a Juris Doctorate degree from Cardozo Law School (J.D., 2011). Before returning home to Miami, Rachel practiced in New York City at Windels, Marx, Lane & Mittendorf, LLP, representing lenders, financial institutions, and servicers with complex tax lien and mortgage foreclosure proceedings.

EDUCATION

Cardozo Law School, J.D. - 2011

University of North Carolina,
B.S., B.A. - 2007