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Co-Lead Interim Class Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re VNGR BEVERAGE, LLC
LITIGATION

Case No. 4:24-cv-03229-HSG

CLASS ACTION

**MARIE A. MCCRARY DECLARATION
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL**

This Document Relates To:
Case No. 4:24-cv-04396-HSG

Date: May 8, 2025
Time: 2:00 p.m.
Courtroom: 2 – 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.

1 I, Marie A. McCrary, declare and state that:

2 1. I am an attorney licensed to practice law in the State of California and in this
3 Court, and a partner of Gutride Safier LLP (“GSLLP”). My firm is counsel of record for Plaintiffs
4 Carol Lesh¹ and Sarah Coleman (“*Lesh* Plaintiffs”), in the above captioned matter against VNGR
5 Beverage LLC d/b/a Poppi (“Defendant”).

6 2. I submit this declaration in support of Plaintiffs’ Motion for Preliminary Approval
7 of Class Settlement.² Unless otherwise noted, I have personal knowledge of the facts set forth in
8 this declaration and could and would testify competently to them if called upon to do so. I dis-
9 cuss, in the following order, (a) the history of this litigation, which includes a summary descrip-
10 tion of the legal services provided by GSLLP in this litigation to date; (b) evaluation of the
11 proposed settlement; and (c) selection of the Settlement Administrator.

12 **A. History of the Actions**

13 3. On June 14, 2024, the *Lesh* Plaintiffs, by and through their counsel, GSLLP, filed
14 a Class Action Complaint in the United States District Court for the Northern District of Califor-
15 nia (the “*Lesh* Action”) alleging claims for violations of the California Consumer Legal Reme-
16 dies Act, Civil Code § 1780, *et seq.* (“CLRA”), false advertising under California Business and
17 Professions Code § 17500, *et seq.*; unfair business practices under California Business and Pro-
18 fessions Code § 17200 *et seq.*; and fraud, seeking damages, an injunction and other relief. *Lesh*
19 Plaintiffs sought to pursue these claims on behalf of themselves and all purchasers of Poppi soda
20 products (the “Products”) in California and the United States (other than resellers) between June
21 14, 2020, and the present.

22 4. The *Lesh* Plaintiffs generally allege that unlawfully, misleadingly, and deceptively
23 marketed and labeled its Products as gut healthy based on the presence of putatively prebiotic fi-
24 ber and the Products’ sugar content.

25 5. GSLLP drafted and filed the *Lesh* complaint against Defendant and caused it to be
26

27 ¹ Ms. Lesh passed away before the execution of the Settlement Agreement.

28 ² Plaintiffs are joined by Kristin Cobbs and Megan Wheeler in their Motion for Preliminary Ap-
approval of Settlement.

1 served. Prior to doing so, GSLLP spent time communicating with Plaintiffs and potential clients
2 concerning their claims and gathering documents and information. GSLLP also undertook exten-
3 sive pre-filing investigation, including without limitation, researching and reviewing publicly
4 available reports and research concerning inulin prebiotics; researching highly technical FDA reg-
5 ulations; and researching publicly available information regarding Defendant, sales of its Prod-
6 ucts, its business practices, and prior litigation involving it. Throughout this litigation, GSLLP
7 has continued to monitor, research, and review such materials. GSLLP also reviewed informal
8 discovery provided by Defendant concerning its amount of sales.

9 6. A substantially similar putative class action, involving the same questions of law
10 and fact, was previously filed in the Northern District of California, captioned *Cobbs v. VNGR*
11 *Beverage, LLC*, No. 4:24-cv-03229-HSG (the “*Cobbs Action*”). On June 25 and 27, 2024, the
12 Court entered orders relating and then consolidating the *Lesh Action* to the *Cobbs Action*, recap-
13 tioned as *In re VNGR Beverage LLC, Litigation* (the “*Consolidated Action*”), and set deadlines
14 for filing a consolidated amended complaint and related responsive filings.

15 7. On July 19, 2024, a third substantially similar putative class action, involving the
16 same questions of law and fact as in the Consolidated Action, was filed in the Northern District of
17 California, captioned *Wheeler v. VNGR Beverage LLC*, No. 4:24-cv-04396 (the “*Wheeler Ac-*
18 *tion*”).

19 8. On July 25, 2024, Plaintiffs in the *Cobbs* and *Lesh* Actions filed a Consolidated
20 Amended Complaint in the Consolidated Action.

21 9. On August 20, 2024, Plaintiffs in the *Cobbs*, *Lesh*, and *Wheeler* Actions filed a
22 Second Consolidated Amended Complaint in the Consolidated Action.

23 10. On August 21, 2024, the Court consolidated the *Wheeler Action* into the Consoli-
24 dated Action. The Court also appointed GSLLP and Bursor & Fisher, P.A., as co-lead Interim
25 Class Counsel in the Consolidated Action.

26 11. On September 23, 2024, Poppi filed a Motion to Dismiss the Second Consolidated
27 Amended Complaint under Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6). De-
28 fendant argued that 1) Plaintiffs failed to plausibly allege the products’ labeling was false and

1 misleading; 2) Plaintiffs failed to pled their fraud claims with the requisite particularity; 3) Plain-
2 tiffs failed to plead that a reasonable consumer would be misled; 4) the Products' labeling does
3 not violate the Sherman law requirements; and 5) Plaintiffs' express warranty claim and unjust
4 enrichment claim fails for the same reasons.

5 12. Plaintiffs opposed the motion on October 21, 2024, and Defendant filed its reply
6 on November 12, 2024. The Court vacated the motion to dismiss hearing, scheduled for Decem-
7 ber 14, 2024, and took the motion under submission.

8 13. On December 4, 2024, the Parties attended an all-day private mediation with the
9 Honorable Judge Jay C. Gandhi (Ret.) at JAMS to achieve a global settlement. The Parties ac-
10 tively continued settlement discussions with Gahndhi's oversight over the next few weeks. That
11 mediation resulted in the settlement memorialized in the Settlement Agreement.

12 14. GSLLP's prosecution of the *Lesh* Action has been diligent, efficient, and profes-
13 sional and the quality of the work that it has performed is evidenced by the substantial relief it has
14 obtained on behalf of the Class.

15 **B. Evaluation of the Proposed Settlement Agreement**

16 15. A true and correct copy of GSLLP's current resume is attached as **Exhibit 1**. As
17 can be seen from the resume, GSLLP has substantial experience in the litigation, certification, and
18 settlement of class action cases. Indeed, as is further detailed in the resume, GSLLP has been ap-
19 pointed as class counsel in more than 25 consumer cases and has overseen more than a dozen
20 large class action settlements. Numerous judges in this District and other jurisdictions have com-
21 mended GSLLP for its vigorous and effective advocacy and for the results achieved to curb false
22 advertising and to recover damages and obtain injunctive relief to benefit consumers. Some of
23 these commendations are recited in **Exhibit 1**.

24 16. Based on my experience, Defendant's counsel is also highly experienced in this
25 type of litigation. It is thus my considered opinion that counsel for each side have fully evaluated
26 the strengths, weaknesses, and equities of the Parties' respective positions and believe that the
27 proposed settlement fairly resolves their respective differences.
28

1 17. The Settlement in this case is the product of arms-length negotiations between ex-
2 perienced attorneys who are familiar with class action litigation and with the legal and factual is-
3 sues in this litigation. The Parties negotiated the proposed settlement in good faith with the
4 assistance of an independent, experienced mediator, Hon. Jay Gandhi. As stated, the Parties also
5 did not discuss attorneys' fees or expenses or representative payments until they had reached
6 agreement on all other material terms of the Settlement.

7 18. Plaintiffs maintain that their claims are meritorious; that they would establish lia-
8 bility and recover substantial damages if the case survived the motion to dismiss; obtained certifi-
9 cation of a nationwide class; proceeded to trial; and that the final judgment recovered in favor of
10 Plaintiffs and the Class would be affirmed on an appeal. But Plaintiffs' ultimate success would
11 require them to prevail, in whole or in part, at all of these junctures. Conversely, Defendant's suc-
12 cess at any one of these junctures could or would have spelled defeat for Plaintiffs and the Class.
13 Thus, continued litigation posed significant risks and countless uncertainties, as well as the time,
14 expense and delays associated with trial and appellate proceedings.

15 19. On the basis of my investigation into this case and experience with and knowledge
16 of the law and procedure governing the claims of Plaintiffs and the Class, it is my belief that it is
17 in the best interests of the Class to enter into this Settlement. Indeed, in light of the risks, uncer-
18 tainties and delays associated with continued litigation, the Settlement represents a significant
19 achievement by providing guaranteed benefits to class members in the form of direct compensa-
20 tion.

21 20. Defendant has agreed to pay \$8,900,000 under the Settlement into a Settlement
22 Fund, which will be used to pay Class Payments to the Settlement Class. The specifics of the Set-
23 tlement are summarized in the proposed Website Notice. *See* Ex. D of the Settlement Agreement.
24 Each member of the Class who submits an Approved Claim will receive a Class Payment up to as
25 follows: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars
26 (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Prod-
27 uct purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased. A
28 Class Member who does not provide valid Proof of Purchase shall recover a maximum of sixteen

1 dollars (\$16.00). The Minimum Class Payment for any Approved Claim shall be five dollars
2 (\$5.00) per Household. However, the Class Payment amount may be reduced or increased pro
3 rata depending on the number of Approved Claims and the cost of other expenses paid out of the
4 Settlement Fund. Any leftover funds after payment of Administrative and Notice Costs, Attor-
5 neys' Fees and Expenses, payments to the Class Representatives, and payment of Approved
6 Claims will go to a charitable organization. The Administrative and Notice Costs will be paid out
7 of the Settlement Fund.

8 21. Additionally, Plaintiffs will request the actual amount of costs and expenses in-
9 curred in the Consolidated Action currently in an amount of approximately \$30,000, an award of
10 attorneys' fees in the amount of up to 30% of the Settlement Fund, and Service Awards for each
11 of the Plaintiffs of \$5,000 for their service to the Class. These payments will also be made out of
12 the Settlement Fund.

13 22. I am confident in the strength of Plaintiffs' case, but I am also pragmatic regarding
14 the risks in continuing with the Consolidated Action, including the possibility of losing at trial.
15 There was no guarantee that that Plaintiffs would prove that Defendant engaged in any unlaw-
16 ful/harmful conduct. In addition, Plaintiffs would have had to prove the viability of their class
17 damages model.

18 23. Moreover, even if Plaintiffs prevailed at trial, any recovery could be delayed by an
19 appeal. Thus, even in the best case, it could take additional years to get relief for the Class. The
20 Settlement provides substantial, indeed excellent, relief to the Class without further delay.

21 24. Under the circumstances, Plaintiffs and GSLLP appropriately determined that the
22 Settlement outweighs the gamble of continued litigation.

23 25. On balance, given the risks associated with this Litigation, I believe that the recov-
24 ery offered in this Settlement is excellent.

25 **C. Selection of Settlement Administrator**

26 26. The proposed Settlement Administrator is Verita Global LLC. The parties selected
27 the administrator after requesting and comparing bids from four different claims administrators.
28 Those bids were compared based on price quotes, estimated claims, previous experience with

1 those administrators, and notice plans and fraud detection programs. My firm has worked with
2 Verita once in the past two years. In particular, Verita is administering the notice program in
3 *Swartz v. Dave's Killer Bread, et al.*, Case No. 4:21-cv-10053 (N.D. Cal.) (Dkt. 146). My partner
4 at GSLLP, Seth Safier, has communicated with the principals at Vertia who will be responsible
5 for administering this Settlement about the Notice Plan and the claims process for distributing
6 Class Payments to Class Members. Based on those communications and on my experience, I be-
7 lieve that Verita will adequately and professionally discharge its duties as Settlement Administra-
8 tor.

9 27. The information requested by N.D. Cal. Guide ¶ 11 regarding past comparable class
10 settlements obtained by GSLLP is provided in the chart attached hereto as **Exhibit 2**.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true of my own personal knowledge.

13 Executed at Timnath, Colorado, this 14th day of March 2025.

14 Marie McCrary
15 Marie McCrary (Mar 14, 2025 16:18 MDT)
16 Marie A. McCrary, Esq.
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GUTRIDE SAFIER LLP RESUME

Gutride Safier LLP represents investors, small businesses, consumers and employees in a wide-array of class action litigation throughout the country. The attorneys of GSLLP are skilled litigators with years of experience at all levels of federal and state court. GSLLP is based in San Francisco, California, and has office addresses in Seattle, Washington and Boulder, Colorado. Members of the firm are licensed to practice in California, Texas, Colorado, New York, Massachusetts, Oregon, Washington, and the District of Columbia.

As described in detail below, GSLLP attorneys have represented consumers and small businesses in appeals to the Ninth Circuit (Section A), have obtained important victories on legal issues at the district court level (Section B), achieved settlements in class action cases to make available to class members over \$500 million in cash and other settlement benefits (Section C), and have won praise from numerous judges (Section D). As shown in the individual attorney biographies, GSLLP attorneys have strong academic credentials and extensive experience litigating complex cases (Section E). GSLLP has been appointed as class counsel in over a dozen cases (Appendix A) and is currently counsel for plaintiffs in many other cases asserting class claims that have not yet been certified in both federal and state court (Appendix B).

A. Key Appellate Cases

- ***Davidson, et al. v. Sprout Foods Inc.*, Case No. 22-16656 (9th Cir. June 28, 2024)**
The Ninth Circuit ruled in favor of our client, reversing the district court. It held that federal law **did not preempt private enforcement** of the Sherman Law’s labeling requirements,
- ***McArdle v. AT&T Mobility LLC, et al.*, 772 F. App’x 575, No. 17-17246 (9th Cir. June 28, 2019) (certiorari denied June 1, 2020)**
The Ninth Circuit ruled in favor of our client, affirming the district court order that invalidated AT&T’s arbitration agreement, pursuant to *McGill v. Citibank, N.A.*, 2 Cal. 5th 945 (2017), because the provision contained a public injunctive relief waiver. The Ninth Circuit held that **the Federal Arbitration Act did not preempt California’s McGill rule** and that AT&T’s arbitration agreement was null and void in its entirety.
- ***Davidson v. Kimberly-Clark Corp.*, 873 F.3d 1103 (9th Cir. 2017)**
The Ninth Circuit ruled in favor of our client, reversing the district court. It held that our client had **Article III standing to seek injunctive relief** regarding the false labeling of “flushable wipes,” even though she was already on notice of the misrepresentation. This ruling resolved a split among the district courts. The *en banc* petition was denied.
- ***Just Film, Inc. v. Buono*, 847 F.3d 1108 (9th Cir. 2017)**
The Ninth Circuit ruled in favor of our client, affirming the district court order certifying two nationwide classes of small business owners defrauded in a scheme that involved equipment leases and credit card processing services. The Ninth Circuit **upheld certification despite differences** between claims of named plaintiffs and certain absent class members and even though assessment of damages would require individual inquiry.
- ***Just Film, Inc. v. Merch. Servs., Inc.*, 474 F. App’x 493 (9th Cir. 2012)**
The Ninth Circuit ruled in favor of our client, affirming a district court’s order issuing a **preliminary injunction prior to class certification**, to prevent further collection activities in connection with equipment leases. The Ninth Circuit held that the district court “did not abuse its discretion by finding sufficient evidence to support its preliminary injunction, which was carefully tailored to maintain the status quo where class certification is pending and the plaintiff has shown that a class-wide injunction is necessary to remedy the alleged class-wide harm.”

- ***Stearns v. Ticketmaster Corp.*, 655 F.3d 1013 (9th Cir. 2011)**
The Ninth Circuit ruled in favor of our clients, reversing district court orders that had dismissed certain claims and denied class certification on other claims. The Ninth Circuit held that our clients had pled viable claims that they were deceived into registering for a coupon program with a paid monthly subscription by a website “click through” and that the defendant was liable to all consumers, even those who may have wanted to enroll. The Court held that a showing of class-wide reliance was not required for certification of a UCL claim and established the standard that “California has created what amounts to a conclusive presumption that **when a defendant puts out tainted bait and a person sees it and bites, the defendant has caused an injury**; restitution is the remedy.”
- ***Chavez v. Blue Sky Nat. Bev. Co.*, 340 F. App’x 359 (9th Cir. 2009)**
The Ninth Circuit ruled in favor of our client, reversing a district court order that had dismissed a case involving soda labeling. The Ninth Circuit **recognized the “benefit of the bargain” theory for standing in consumer class actions** and held that plaintiff stated a claim based on his allegations that “he purchased beverages that he otherwise would not have purchased in absence of the alleged misrepresentations [and] lost the purchase price, or part thereof, that he paid for those beverages.” After the case was remanded, it was eventually certified and became one of the first food and beverage labeling cases certified in the Northern District of California. *Chavez v. Blue Sky Natural Beverage Co.*, 268 F.R.D. 365 (N.D.Cal. 2010) (certifying nationwide class).

B. Selection of Important District Court Cases

- **Dismissal of Anticompetitive Claims Against Small Business Owners.**
GSLLP represented Veronica Foods, a small local distributor of “Ultra-Premium” olive oils, in a lawsuit filed by the North American Olive Oil Association, representing large olive oil producers, accusing Veronica Foods and its retailers of defaming the NAOOA and its members in *North American Olive Oil Association v. D’Avolio et al.*, No. 16-cv-06986 (E.D.N.Y. Dec. 19, 2016). The district court agreed with Defendants’ arguments that Veronica Foods’ “UP” mark was not misleading, and that the NAOOA had failed to state any facts supporting its contention that Veronica Foods’ advertisements disparaged the NAOOA or its members. Judge Feuerstein granted Veronica’s motion to dismiss with prejudice and without leave to amend. (Dkt. #70).
- **Denial of Motions for Summary Judgment by Peter Thomas Roth.**
GSLLP represented consumers in a case for fraud, false advertising, and unfair competition against prestige cosmetic company Peter Thomas Roth, based on false claims in its advertising for its Water Drench and Rose Stem Cell product lines in *Kari Miller and Samantha Paulson v. Peter Thomas Roth LLC and Peter Thomas Roth Labs LLC*, No. 19-cv-00698 (N.D. Cal. Dec. 19, 2016). Noting the “helpful” expert reports submitted by plaintiffs’ expert Michael Pirrung, Ph.D., the district court held that plaintiffs had presented sufficient evidence of a proper jury question as to (i) whether hyaluronic acid absorbs 1,000 times its weight in water and (ii) whether the rose stem cell products help regenerate and repair human skin. Judge Alsup denied in relevant part both PTR’s motions for summary judgment. *Miller v. Peter Thomas Roth*, No. 19-cv-0698 (Dkt. #104).
- **Certification of Nationwide Settlement Class.**
GSLLP represented consumers in the first, or nearly the first, case to propose a methodology for establishing predominance in a nationwide class settlement after the Ninth Circuit’s decision in *In re Hyundai and Kia Fuel Economy Litig.*, No. 15-65014 (9th Cir. Jan. 23, 2018). The district court accepted the methodology and certified a nationwide class where the class representatives were from a variety of states that collectively represented the variations among the laws of all states. Judge Seeborg granted final approval of the settlement. *Koller v. Med Foods, Inc.*, No. 14-cv-02400-RS (Dkt. #169).

- **Arbitration and Public Injunctive Relief.**

GSLLP represented consumers in the first, or nearly the first, case to apply *McGill v. Citibank*, N.A., 2 Cal. 5th 945 (2017) to invalidate an arbitration agreement that contained a waiver of public injunctive relief. *McArdle v. AT&T Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal) (Dkt. #287). This was also the first case to rule that AT&T's arbitration provision was invalid, after the U.S. Supreme Court had upheld the enforceability of that exact provision, on other grounds, in an earlier case. *AT&T Mobility LLC v. Concepcion*, 563 U.S. 333 (2011) (examining class action waiver). The district court held in *McArdle* that, despite *Concepcion*, the *McGill* ruling was not preempted by the Federal Arbitration Act, and it invalidated the arbitration agreement which purported to waive public injunctive relief in all forums.

- **Pleading and Certification of Claims Where Product Quality Varies.**

GSLLP represented consumers in two cases that were the first (or among the first) in the Northern District of California in which courts found that the named plaintiffs had standing, and then later, met the requirements for class certification, where the plaintiffs had alleged that some, but not necessarily all, of the products (olive oil) failed to meet the represented grade (extra virgin). In *Koller v. Med Foods, et al.*, 3:14-cv-02400-RS (N.D. Cal. Jan. 6, 2015) (Dkt. #49), the defendant moved to dismiss based on its argument that the plaintiff lacked standing because he did not allege he tested the quality of the olive oil that he purchased and it was theoretically possible that the oil he purchased met the standard for extra virgin. The court rejected the argument, finding that “[i]n the event [plaintiff] is able to prove his allegations that the oil generally does not warrant that label because of its quality when first bottled and/or because of [defendant’s] packaging and handling practices, it would hardly be a defense that some bottles may nevertheless meet the minimum standards when purchased.” *Id.* at 6; *see also Kumar v. Salov N. Am. Corp.*, No. 14-CV-2411-YGR, 2015 U.S. Dist. LEXIS 12790, at *13 (N.D. Cal. Feb. 3, 2015) (denying dismissal based on standing and holding that “[w]hether some bottle of olive oil might not have degraded, despite the mixing, packaging, and shipping defects alleged, does not defeat the claim.”). The defendant in one of the cases raised similar unsuccessful arguments in opposition to certification. *Koller v. Med Foods, Inc.*, No. 14-cv-02400-RS, 2017 U.S. Dist. LEXIS 141025, at *6 (N.D. Cal. Aug. 24, 2017) (finding common questions predominate and rejecting defendant’s argument that “putative class member only has claims if the specific bottle he or she purchased no longer met EVOO standards, and as a result, the liability inquiry is inherently individual and not subject to class-wide resolution”).

C. Examples of Class Settlements Obtained by GSLLP

- *Miller, et al. v. Travel Guard Group, Inc., et al.*, Case No. 3:21-cv-09751 (N.D. Cal.) (Dkt. No. 209) (plaintiffs allege violations of consumer protection laws regarding hidden fees associated with travel insurance and assistance related to the travel insurance service)
- *Elgindy, et al. v. AGA Service Co. et al.*, Case No. 4:20-cv-06304 (N.D. Cal.) (Dkt. No. 152) (plaintiffs alleged that defendants engaged in deceptive, unfair, and unlawful acts and practices in charging consumers hidden fees in connection with travel insurance and event ticket insurance)
- *Marek v. Molson Coors Beverage Company et al.*, Case No. 3:2021-cv-07174 (Dkt. No. 77) (plaintiff alleged that Vizzy brand hard seltzer beverages were unlawfully and misleadingly labeled as “with antioxidant vitamin C from acerola superfruit.”)

- *Taylor v. Shutterfly Inc.*, Case No. 5:18-cv-00266 (N.D. Cal.) (Dkt. No. 106) (plaintiff alleged violations of consumer protection laws related to defendants' deceptive, unfair, and unlawful acts and practices in selling Groupon deals for the purchase of photo products)
- *In re The Hertz Corporation, et al.*, Case No. 20-bk-11247-MFW (Del.) (Dkt. No. 179) (plaintiff alleges violations of consumer protection laws related to Hertz, Dollar, Thrifty and Firefly brand rental cars advertising in rates in U.S. dollars during the online reservation process and advertising insurance as "optional," but converting the cost to pesos at an inflated exchange rate and charging a mandatory insurance fee when consumers pick up the cars in Mexico)
- *McArdle v. AT&T Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal.) (Dkt. #409) (international roaming rates) (current customers choice of automatic free day of international roaming or up to \$50 account credit and former customers up to \$50 cash refund)
- *Carlotti v. ASUS Computer International, et al.*, Case No. 4:18-cv-03369-DMR (N.D. Cal. June 22, 2020) (Dkt. #86) (gaming laptops) (choice of \$210 credit certificate or \$110 cash (or choice of \$105 credit or \$55 cash without certain proof of purchase) for claimants who experienced relevant issues with their laptops)
- *Fitzhenry-Russell v. The Coca-Cola Company*, Case No. 5:17-cv-00603-EJD (N.D. Cal. Oct. 3, 2019) (Dkt. #95) (ginger ale) (\$2.45 million non-reverting common fund: \$0.80 per unit purchased with a guaranteed minimum of \$4.00 per household-claimant)
- *In re Arctic Sentinel, Inc. (Miller v. Fuhu, Inc.)*, Case No. 15-bk-12465 (Bankr. D. Del. May 7, 2019) (Dkt. #1301) (electronic tablets) (up to \$30 per defective tablet purchased and up to \$10 per other tablet purchased)
- *Fitzhenry-Russell, et al. v. Keurig Dr Pepper Inc., et al.*, Case No. 17-cv-00564-NC (N.D. Cal. Apr. 10, 2019) (Dkt. #350) (ginger ale) (\$0.40 per unit purchased with a guaranteed minimum of \$2.00 per claimant)
- *Pettit v. Procter & Gamble Company*, Case No. 15-cv-02150-RS (N.D. Cal. Mar. 29, 2019) (Dkt. #135) (flushable wipes) (\$0.60 per package purchased)
- *Koller v. Med Foods Inc., et al.*, Case No. 3:14-cv-02400 (N.D. Cal. Aug. 29, 2018) (Dkt. #169) (olive oil) (\$7 million non-reverting common fund)
- *Kumar v. Safeway Inc.*, Case No. RG 14726707 (Alameda County Super. Ct. Mar. 16, 2018) (olive oil) (\$0.50 in cash or \$1.50 in vouchers per bottle purchased)
- *Rainbow Business Solutions, Inc., et al. v. MBF Leasing LLC, et al.*, Case No. 10-cv-01993-CW (N.D. Cal. Dec. 5, 2017) (Dkt. #730) (credit card terminal leases) (refunds of overcharged property taxes and improper debits up to \$9.2 million)
- *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411-YGR (N.D. Cal. July 7, 2017) (Dkt. #173) (olive oil) (per-purchase payments of \$0.50 per bottle on a claims-made basis up to \$5 million) (settlement upheld on appeal)
- *Machlan v. Nehemiah Manufacturing Co., et al.*, Case No. CGC-14-538168 (San Francisco Super. Ct. June 5, 2017) (flushable wipes) (\$1 per package purchased)
- *Mackinnon v. IMVU, Inc.*, Case No. 111-cv-193767 (Santa Clara Super. Ct. Feb. 24, 2016) (online music purchases) (automatic 60% refund of amounts paid)

- *Miller, et al. v. Ghirardelli Chocolate Company*, Case No. 12-cv-04936-LB (N.D. Cal. Feb. 20, 2015) (Dkt. #170) (white chocolate) (\$5.25 million non-reverting common fund)
- *Rainbow Business Solutions, Inc., et al. v. Merchant Services, Inc., et al.*, Case No. 10-cv-01993-CW (N.D. Cal. Dec. 11, 2013) (Dkt. # 578) (credit card processing services) (\$350 per claimant)
- *Mancini, et al v Ticketmaster, et al.*, Case No. 07-cv-01459-DSF-JTL (C.D. Cal. Aug. 2, 2013) (Dkt. #510) (monthly coupon subscription service) (\$23 million reverting common fund)
- *Chavez v. Blue Sky Natural Beverage Co., et al.*, Case No. 3:06-cv-06609-JSW (N.D. Cal. June 1, 2012) (Dkt. #318) (soda) (50% refund of purchase price up to maximum of \$100 per claimant)
- *Embry v. Acer America Corp.*, Case No. 09–01808 JW (N.D. Cal. Feb. 4, 2012) (Dkt. #218) (computer operating system software) (cash refunds up to \$50, new operating software, and/or repairs at defendant expense, to claimants)
- *Witthoff v. Honest Tea, Inc.*, Case No. CGC-10-504987 (San Francisco Super. Ct. Jan. 10, 2012) (kombucha) (100% cash refunds to class members with proof of purchase; up to \$6 in coupons to those without proof of purchase)
- *Gauss v. Millennium Products, Inc.*, Case No. CGC-10-503347 (San Francisco Super. Ct. Nov. 22, 2011) (kombucha) (same as *Witthoff*)
- *Cho v. Seagate Technology (US) Holdings, Inc.*, Case No. CGC-06-453195 (San Francisco Super. Ct. June 22, 2010) (hard disk capacity) (refunds to claimants of 5% of purchase price or drive management software valued at \$40)
- *Deaton, et al. v. Hotwire*, Case No. CGC-05-437631 (San Francisco Super. Ct., December 24, 2009) (online hotel reservation taxes and fees) (refunds on claims-made basis up to \$5,490,000)
- *Nelsen v. PeoplePC*, Case No. CGC-07-460240 (San Francisco Super. Ct. Aug. 8, 2008) (subscription to dial-up Internet) (refunds up to \$30 per claimant)
- *Siemers v. Wells Fargo & Co. et al.*, Case No. c05-cv-04518 (N.D. Cal. Feb. 5, 2008) (Dkt. # 408) (securities fraud regarding mutual fund fees) (common fund of \$1,098,500)
- *Vroegh v. Eastman Kodak Co. et al.*, Case No. CGC-04-428953 (San Francisco Super. Ct. Nov. 20, 2006) (flash memory capacity) (cash refunds to claimants of 5% of purchase price or 10% discount off future purchases)
- *Chavez v. Netflix, Inc.*, Case No. CGC-04-434884 (San Francisco Super. Ct. April 28, 2006) (DVD rental subscriptions) (free month of membership for former subscribers (retail value up to \$17.99) and free month subscription upgrade for current subscribers (retail price \$6.00))
- *Safier v Western Digital*, Case No. 3:05-cv-03353-BZ (N.D. Cal June 15, 2006) (Dkt. #45) (hard disk capacity) (hard drive management software valued at \$30)

D. Selected Praise for GSLLP's Work

Many judges have commended GSLLP's work as class counsel. *See, e.g., Taylor v. Shutterfly, Inc., et al.*, No. 5:18-cv-00266-BLF (N.D. Cal. Dec. 17, 2021) (Dkt. #106) (finding "Class Counsel has vigorously prosecuted this action through discovery and formal mediation" and that "Class Counsel did not compromise the claims of the Class in exchange for higher fees"); *Fitzhenry-Russell v. The Coca-Cola Company*, 5:17-cv-00603-EJD (N.D. Cal. Oct. 3, 2019) (Dkt. #95) (finding "Class Counsel has vigorously prosecuted this action through dispositive motion practice, extensive discovery, and formal mediation" and that "counsel represented their clients with skill and diligence and obtained an excellent result for the class"); *Fitzhenry-Russell, et al. v. Keurig Dr. Pepper, Inc., et al.*, Case No. 17-cv-00564-NC (N.D. Cal. April 10, 2019) (Cousins, J.) (finding that GSLLP "achieved a strong result through skillful litigation and settlement negotiation"); *Pettit v. Procter & Gamble Company*, Case No. 15-cv-02150-RS (N.D. Cal. Mar. 29, 2019) (Dkt. #135) (Seeborg, J.) (finding that GSLLP "represented their clients with skill and diligence and obtained an excellent result for the class"); *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411-YGR (N.D. Cal. July 7, 2017) (Dkt. # 173) (Gonzales-Rogers, J.) (same); *Koller v. Med Foods Inc., et al.*, Case No. 3:14-cv-02400 (N.D. Cal. Aug. 29, 2018) (Dkt. #169) (Seeborg, J.) (finding that GSLLP were "highly qualified counsel who, throughout this case, vigorously and adequately represented their [clients'] interests"); *Kumar v. Safeway Inc.*, Case No. RG 14726707 (Alameda County Super. Ct. March 16, 2018) (Smith, J.) (same); *Rainbow Business Solutions, Inc., et al. v. MBF Leasing LLC, et al.*, Case No. 10-cv-01993-CW (N.D. Cal., Dec. 5, 2017) (Dkt. #730) (Wilken, J.) (same); *Mackinnon v. IMVU, Inc.*, Case No. 11-cv-193767 (Santa Clara Super. Ct. Feb. 24, 2016) (Kirwan, J.); *Chavez v. Blue Sky Natural Beverage Co., et al.*, 3:06-cv-06609-JSW (N.D. Cal., June 1, 2012) (Dkt. #318) (White, J.); *Embry v. Acer America Corporation*, Case No. 09-cv-01808-JW (N.D. Cal. Feb. 4, 2012) (Dkt. #218) (Ware, J.) (same); *Mancini, et al. v. Ticketmaster, et al.*, Case No. 07-cv-01459-DSF-JTL (C.D. Cal. August 2, 2013) (Dkt. #510) (Fischer, J.) (similar).

E. The Lawyers of Gutride Safier LLP**Adam J. Gutride**

Mr. Gutride is a founding partner of Gutride Safier LLP and has served as co-lead counsel in each of the cases litigated by the firm.

Mr. Gutride has successfully argued several of the seminal consumer class action cases in the United States Court of Appeals for the Ninth Circuit. These include *Just Film v. Buono*, 847 F.3d 1108 (2017), which established that a class could be certified to pursue claims under the federal Racketeering and Corrupt Practices Act even though class members suffered different injuries; *Stearns v. Ticketmaster*, 655 F.3d 1015 (2011), which established that a class can be certified even without proof that all persons in the class were misled; and *Chavez v. Blue Sky*, 340 Fed. Appx. 359 (2009), apparently the first food labeling case decided in the Ninth Circuit, which affirmed that deceptive statements on a soda can were actionable if they motivated the purchase.

Mr. Gutride also has defeated motions to dismiss and obtained class certification and in most cases multimillion-dollar settlements in numerous other nationwide and multistate class actions involving product mislabeling, false advertising and unfair practices. His cases have involved olive oil, white chocolate, ginger ale, flushable wipes, flash memory, hard disk drives, computer operating systems, and video rentals by mail. Mr. Gutride was appointed to the Plaintiffs' Steering Committee in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litig.*, Case No. 19-md-02913-WHO (N.D. Cal.). Mr. Gutride spoke at the 2013 National Institute on Class Actions regarding food mislabeling.

Previously, Mr. Gutride litigated at the San Francisco based law firms of Keker & Van Ness and Orrick Herrington & Sutcliffe. During that period, Mr. Gutride represented the governor

of California before the California Supreme Court and handled a nationwide securities class action against Merrill Lynch. Mr. Gutride also has served as an Instructor in Legal Research and Writing at the Hastings Law School of the University of California.

Mr. Gutride is a member of the state bar of California and several federal courts. Mr. Gutride received his juris doctorate from Yale Law School and his bachelor of arts from the University of Chicago.

Seth A. Safier

Mr. Safier is a founding partner of Gutride Safier LLP and has served as co-lead counsel in each of the cases listed above. Prior to founding Gutride Safier with Mr. Gutride, Mr. Safier was general counsel at an internet company and also worked as a litigator at Orrick Herrington & Sutcliffe. Mr. Safier also has served as an Instructor of Legal Research and Writing at the Hastings Law School of the University of California.

Mr. Safier is a member of the California State Bar and numerous federal courts. Mr. Safier received his juris doctorate from Harvard Law School and his bachelor of arts from Brandeis University.

Marie A. McCrary

Marie McCrary is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Ms. McCrary worked on complex litigation at Bell Nunnally & Martin LLP in Dallas and Carroll Burdick & McDonough, LLP in San Francisco. Prior to that, Ms. McCrary was an attorney at Quinn Emanuel Urquhart & Sullivan, LLP. Ms. McCrary has experience in complex matters involving contract disputes and business torts, patent and trade dress litigation, class actions, and creditors' rights issues.

Ms. McCrary is a member of the California, Texas, Massachusetts, and Colorado bars. She is admitted to practice in the United States District Court in each of the following districts: the Northern District of California, the Central District of California, the Eastern District of California, the Northern District of Texas, the Southern District of Texas, the Eastern District of Texas, and the District of Massachusetts. Ms. McCrary received her juris doctorate from New York University and her bachelor of science degree from Truman State University. Ms. McCrary was the 2004 and 2005 national champion in parliamentary debate (NPDA, NPTE).

Matthew T. McCrary

Mr. McCrary is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. McCrary conducted complex litigation for McDermott, Will, and Emery, LLP and Baker & McKenzie, LLP. Mr. McCrary has experience litigating complex matters involving contract disputes and business torts, white collar crime, class actions, securities and antitrust issues.

Mr. McCrary is licensed to practice law in Massachusetts, Texas, and Colorado. He is admitted to practice in the United States District Court in each of the following districts: the Northern District of Texas, the Eastern District of Texas, the District of Massachusetts, and the District of Colorado. Mr. McCrary received his juris doctorate from the University of Texas at Austin School of Law and his bachelor of arts degree from the University of North Texas. Following law school, Mr. McCrary clerked for the Ninth Circuit Court of Appeals, the Honorable Carlos T. Bea.

Mr. McCrary successfully argued the seminal consumer class action case, *Davidson et al. v. Kimberly-Clark Corporation, et al.*, 873 F.3d 1103, in the United States Court of Appeals for

the Ninth Circuit, which established that a putative class representative had Article III standing to pursue injunctive relief even though she was already on notice of the misrepresentation.

Hayley Reynolds

Hayley Reynolds is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Ms. Reynolds advised departments within Santa Clara County government as a deputy county counsel. Before that, Ms. Reynolds was a litigation associate at O'Melveny & Myers LLP, where she litigated complex matters involving employment, anti-trust, and intellectual property.

Ms. Reynolds also served as an adjunct faculty member at U.C. Hastings, teaching a moot court course for first year law students. Prior to law school, Hayley worked as a Legal Coordinator for the Center for Science in the Public Interest principally focused on advocating for food labeling reform.

Ms. Reynolds is a member of the California State Bar. She received her juris doctorate from U.C. Hastings. Before joining the office, Hayley completed a clerkship for Magistrate Judge Susan van Kuelen of the United States District Court for the Northern District of California.

Stephen M. Raab

Mr. Raab is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Raab represented large corporations in complex litigation and insurance matters in the New York office of Dorsey & Whitney LLP, and then handled complex insurance matters at Forsberg & Umlauf, P.S. and at Gordon & Polser, L.L.C. Mr. Raab has litigated both on behalf of and against sophisticated companies, including in class actions, environmental investigations and cleanups, product liability claims, medical malpractice claims, food contamination claims, software disputes, and potential bad faith liability. Mr. Raab has obtained class certification in a case concerning travel insurance pricing, has obtained approval of class settlements, and has represented plaintiffs in class cases involving hidden and unlawful charges, bait-and-switch tactics, food labeling, and product labeling and warranties.

Mr. Raab is licensed in New York, Oregon, and Washington and practices in federal and state courts. He received his juris doctorate from New York University and his bachelor of arts degree from Amherst College.

Kali Backer

Ms. Backer is a partner at Gutride Safier LLP. Prior to working with Gutride Safier, Ms. Backer represented Fortune 500 companies at Shook, Hardy & Bacon LLP in federal and state courts nationwide. While at Shook, she litigated complex matters involving catastrophic personal injuries, product liability, trademarks, and consumer privacy class actions. Ms. Backer's litigation experience extends from obtaining complete pre-trial victories for her clients to developing appellate strategies on fundamental issues impacting cases across the country.

Ms. Backer is an active member of the Colorado and California State Bars. She received her juris doctorate from Vanderbilt University Law School where she was awarded the Dean's Scholarship and was a staff editor on the Vanderbilt Journal of Transnational Law. During law school, Ms. Backer interned for Google's litigation department. She obtained her bachelor of arts from the University of Pennsylvania in art history.

Todd Kennedy

Mr. Kennedy is of counsel at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Kennedy conducted complex litigation for Quinn Emanuel Urquhart & Sullivan, LLP. At

Quinn, Todd successfully litigated some of the world's largest patent cases, for both plaintiffs and defendants. He helped achieve complete defense jury verdicts for Google in the company's only two patent trials—both of which were in the Eastern District of Texas, the favored venue for plaintiffs. On the plaintiffs' side, Mr. Kennedy successfully represented Sony Electronics in enforcing ten digital television patents in a series of lawsuits spanning five jurisdictions.

Mr. Kennedy clerked for one year on the Eighth Circuit U.S. Court of Appeals, and two years on the U.S. District Court for the Western District of Missouri.

Mr. Kennedy is a member of the California State Bar, the Washington State Bar, and numerous federal courts. He received his juris doctorate from the Yale Law School. He received his bachelor of arts from University of Missouri.

Anthony J. Patek

Mr. Patek is an attorney at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Patek conducted complex litigation for Cooley, LLP and HelixIP LLP. At Cooley and HelixIP, Anthony represented Ronald A. Katz Technology Licensing, Inc. and Zenith Electronics in their efforts to enforce their patent portfolios against numerous infringers. Representing patent owner Evolutionary Intelligence, he defeated seven petitions for inter partes reviews, and won an eighth petition on the merits at trial before the Patent Trial and Appeal Board. He has also represented major pharmaceutical and software companies and prestigious research universities in multimillion-dollar lawsuits. He has also handled significant pro bono litigation and was the lead attorney for the petitioner in *Mengstu. v. Holder*, 560 F.3d 1055 (9th Cir. 2009), a decision establishing that victims of ethnicity-based civil wars are eligible for asylum.

Mr. Patek clerked for the United States District Court for the District of Nevada, the Hon. Edward C. Reed. Anthony is a former Co-Chair of the American Bar Association's Sub-Committees on Patent Infringement and Non-Practicing Entity Litigation.

Mr. Patek is a member of the California State Bar and numerous federal courts. He received his juris doctorate from the University of California, Berkeley, Boalt Hall School of Law. He received a master of science from Stanford University and his bachelor of science from University of Michigan.

Rajiv Thairani

Mr. Thairani is an attorney at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Thairani was a litigation associate at Latham & Watkins LLP. Mr. Thairani has experience litigating complex matters involving human trafficking, white collar crime, SEC violations and consumer class actions.

While at Latham & Watkins, Mr. Thairani helped represent 47 plaintiffs in the largest human trafficking civil action in United States history. The clients were among more than 500 Indian laborers whom Signal International illegally recruited to conduct post-Hurricane Katrina repair work in the Gulf of Mexico. After Signal International won the initial class certification battle, Latham & Watkins joined a team of firms coordinated by the Southern Poverty Law Center that filed individual suits on behalf of the plaintiffs. The action resulted in a \$20 million settlement for the victims.

Mr. Thairani is a member of the New York State Bar. He received his juris doctorate from Duke University School of Law where he was awarded the Frank Warren Snapp Jr. Scholarship and was a staff editor on the Duke Journal of Constitutional Law and Public Policy. He obtained his bachelor of arts from the University of California, Los Angeles in political science.

Francisco Rolon

Mr. Rolon is a lawyer at Gutride Safier LLP. Prior to working at Gutride Safier LLP, Mr. Rolon was a litigation associate at Squire Patton Boggs (US) LLP. Mr. Rolon has worked on complex matters which include antitrust, intellectual property, and class actions. He also has experience across federal and state courts nationwide.

Mr. Rolon is a member of the Georgia and Ohio State Bars. He received his juris doctorate from Georgetown University Law Center and undergraduate degree at Florida International University. Before joining the firm, Francisco completed a clerkship with Magistrate Judge Keith F. Giblin of the United States District Court for the Eastern District of Texas.

Patrick Branson

Mr. Branson is a lawyer at Gutride Safier LLP. Prior to working at Gutride Safier LLP, Mr. Branson worked as a litigation associate at Weil, Gotshal & Manges LLP and Morvillo, Grand, Iason & Anello PC. Mr. Branson has worked on complex matters including securities class actions, commercial disputes, and white collar investigations. Prior to joining the firm, Mr. Branson also worked as a law clerk to the Honorable William H. Pauley III in the Southern District of New York and for the Honorable Gregory H. Woods III in the Southern District of New York.

Mr. Branson received his juris doctorate, *cum laude*, from the University of Michigan Law School, where he served as the Managing Development Editor for the Michigan Journal of Law Reform, and received his undergraduate degree from Loras College. He is a member of the New York Bar and Illinois Bar.

Andreas E. Moffett

Mr. Moffett is an attorney at Gutride Safier LLP. Prior to working with Gutride Safier, Mr. Moffett represented international corporations in complex litigation and products liability matters in the Washington, D.C. office of Arnold & Porter LLP. Mr. Moffett has litigated both on behalf of and against sophisticated companies, including in class actions, environmental litigation and cleanups, multidistrict product liability litigation, contract disputes, and potential bad faith liability. Mr. Moffett has tried multiple cases, and helped achieve a historic US \$14 million verdict for social justice protestors in a civil rights case. *Epps et al. v. City and County of Denver* 1:20-cv-01878 (D. Colo.).

Mr. Moffett is licensed in Washington, D.C., and practices in federal and state courts. He earned his juris doctorate from the New York University School of Law, where he was an Executive Editor and the Alumni Chair of the NYU Law Review. Mr. Moffett has worked for the Civil Division of the U.S. Attorney's Office for the Southern District of New York, and externed for the Honorable Amit P. Mehta of the United States District Court for the District of Columbia. Mr. Moffett earned his bachelor's degree *summa cum laude* from The College of William and Mary. Prior to law school, Mr. Moffett was a professional opera singer, and performed with the Baltimore Symphony Orchestra, the Peabody Opera, Lyric Opera Baltimore, the Maryland Lyric Opera, and the Charlottesville Opera.

Madeleine Wykstra

Ms. Wykstra is a lawyer at Gutride Safier LLP. Prior to joining Gutride Safier LLP, Ms. Wykstra worked as a litigation associate at Davis Polk & Wardwell. Ms. Wykstra has worked on complex matters including antitrust, securities and financial disputes, complex commercial litigation, and white collar investigations. Prior to joining the firm, Ms. Wykstra also worked as a law clerk to the Honorable Joshua D. Wolson in the Eastern District of Pennsylvania, and as a

Staff Attorney for the Youth Law Center. In her spare time, Ms. Wykstra represents Special Immigrant Juvenile Status petitioners in partnership with the New Mexico Immigrant Law Center.

Ms. Wykstra received her juris doctorate from the University of California, Berkeley, School of Law, where she served as Director of the Appellate Team and won awards for her performance in the international rounds of the Jessup International Moot Court Competition (2018). She received her undergraduate degree *summa cum laude* from SUNY Purchase, and a masters' degree in International Politics from New York University. She is a member of the New York Bar.

F. Selected Trial Experience of Gutride Safier LLP Attorneys

This section summarizes the trial experience in class and complex litigation of the attorneys in GSLLP.

In March 2020, GSLLP attorneys Mr. Gutride, Mr. Safier, Ms. McCrary, and Mr. McCrary tried to the bench the case of *Saliani, et al. v. Bay Area Toll Authority, et al.*, Case Nos. CGC-14-540384; CGC-15-549048; CGC-16-550947 (San Francisco County Superior Court). Plaintiffs alleged violations of the California Due Process Clause and California's consumer protection law related to unlawful penalties charged for toll invoices that were not received and the denial of administrative review.

While Mr. Gutride was a student at Yale Law School, he was a member of the trial team in a class action against the U.S. Government on behalf of Haitian refugees intercepted at sea and detained at the U.S. Naval Base in Guantanamo Bay, Cuba. That case, *Haitian Centers Council, et al. v. Sale*, 823 F. Supp. 1028 (E.D.N.Y. 1993), included an 11-day bench trial. Although Mr. Gutride was a junior member of the trial team, he conducted the direct examination of a U.S. Government contractor regarding the conditions at Guantanamo and objected to the cross-examination by the Assistant U.S. Attorney. Mr. Gutride also assisted in setting trial strategy and in drafting motions in limine and proposed findings of fact. Mr. Gutride travelled to Guantanamo to interview the clients and to negotiate with U.S. Government officials about conditions.

More recently, Mr. Gutride assisted in the jury trial in the case of *Western MacArthur Co., et al. v. USF&G, Inc.*, Alameda County Super. Ct. Case No. 721595, an insurance coverage case that involved underlying claims by tens of thousands of injured persons. Mr. Gutride supervised the drafting of and argued all or substantially all the motions in limine. Mr. Gutride also supervised the culling and introduction into evidence of deposition testimony from dozens of witnesses, both by way of video recordings and live readings, as well as the evidentiary objections pertaining thereto. Mr. Gutride was present at trial each day and was involved in strategy regarding jury selection, expert testimony, and other issues. The trial, before Judge Bonnie Sabraw, lasted for six weeks before the case settled for more than \$900 million.

In June 2016, Mr. Gutride and Mr. Safier tried to an arbitrator the case of *McArdle v. AT&T, Inc.*, a case alleging that AT&T violated California's consumer protection statutes concerning the international roaming fees imposed on mobile phone subscribers for incoming calls that were not answered. The case was pled as a class action, and a motion for class certification was briefed, but Judge Claudia Wilken denied the motion without prejudice, ordered that the plaintiff arbitrate his individual claims and stayed the litigation pending arbitration.

Mr. Kennedy served on the trial teams on behalf of Google in *Bright Response v. Google Inc., et al.*, Case No. 2:07-cv-00279 (E.D. Tex.) and *Function Media, L.L.C. v. Google, Inc., et al.*, Case No. 2:07-cv-00371 (E.D. Tex.), which involved highly technical cases of patent infringement. In both cases, he and his team achieved complete jury verdicts of invalidity and non-infringement for Google. Mr. Kennedy prepared the expert and fact witnesses for direct and cross-

examination, drafted the cross-examination of the inventor, drafted motions in limine and responses and objections to exhibits, made deposition designations, and drafted and assisted in the preparation of the closing statement.

Ms. McCrary was second-chair on the trial team in *Freight Train Advertising, LLC v. Chicago Rail Link, L.L.C.*, Case No. 11-cv-2803 (N.D. Ill.), a contract and false representations case, in which both parties alleged breach of a multimillion-dollar contract involving outdoor advertising. The case proceeded to a bench trial at which Ms. McCrary conducted cross-examination and argued to the court.

Mr. McCrary served on the trial team in *Adams v. Pilgrim's Pride Corp.*, No. 2:09-CV-397 (E.D. Tex.), a mass action involving thousands of poultry growers who brought federal antitrust claims under the Packer's and Stockyard's Act against Pilgrim's Pride Corporation, as well as claims under various state deceptive trade practices acts. The case proceeded in three separate trials, all to the bench. At the trials, Mr. McCrary cross-examined multiple adverse witnesses, made objections to opposing counsel's direct examinations, prepared motions for judgment as a matter of law, responded to a motion to strike the economics expert, and prepared trial briefs on various legal issues.

APPENDIX A

Gutride Safier LLP was appointed class counsel to represent consumers, small businesses, employees and investors in each of the following cases:

Food and Beverage Labeling

- *McKay v. Sazerac Company, Inc.*, Case No. 3:23-cv-05822 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for the unlawful and misleading advertising of Fireball mini-bottles' alcohol content)
- *Swartz v. Dave's Killer Bread, et al.*, Case No. 4:21-cv-10053 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for falsely advertising the amount of protein in bread products)
- *Marek v. Molson Coors Beverage Company et al.*, Case No. 3:2021-cv-07174 (N.D. Cal.) (plaintiff alleged that Vizzy brand hard seltzer beverages were unlawfully and misleadingly labeled as "with antioxidant vitamin C from acerola superfruit")
- *Fitzhenry-Russell v. The Coca-Cola Company*, Case No. 5:17-cv-00603-EJD (N.D. Cal.) (plaintiffs alleged violation of California's consumer protection laws for the false advertising of Seagram's ginger ale as "made with real ginger")
- *Fitzhenry-Russell, et al. v. Dr. Pepper Snapple Group, Inc., et al.*, Case No. 4:17-cv-00564-NC (N.D. Cal.) (plaintiffs alleged violation of California's consumer protection laws for the false advertising of Canada Dry ginger ale as "made from real ginger")
- *Gauss v. Millennium Products, Inc.*, Case No. CGC-10-503347 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws for the false advertising of the "GT's Kombucha" and "Synergy" brands of kombucha beverages, fermented tea drinks, as a non-alcoholic beverage despite the fact that the beverages continued to ferment after leaving the factory, allowing the alcohol content of the beverage to be as high as 3%)
- *Koller v. Med Foods Inc., et al.*, Case No. 3:14-cv-02400 (N.D. Cal.) (plaintiff alleged violation of California's consumer protection laws for the false advertising of the Bertolli and Carapelli brand olive oils as "extra virgin" and "imported from Italy" when the olive oils do not originate from Italy and do not meet the requirements for "extra virgin" olive oil)
- *Kumar v. Salov North America Corp.*, Case No. 14-cv-2411-YGR (N.D. Cal.) (plaintiff alleged violation of California's consumer protection laws for the false advertising of the Filippo Berio brand olive oils as "imported from Italy" when the olive oils do not originate from Italy)
- *Kumar v. Safeway Inc.*, Case No. RG 14726707 (Alameda County Superior Court) (plaintiff alleged violation of California's consumer protection laws for the false advertising of Safeway Select brand olive oils as "extra virgin" and "imported from Italy" when the olive oils do not originate from Italy and do not meet the requirements for "extra virgin" olive oil)
- *Miller, et al. v. Ghirardelli Chocolate Company*, Case No. 12-cv-04936-LB (N.D. Cal.) (plaintiffs alleged violation of California's consumer protection laws for the false advertising of baking chips as containing white chocolate even though they did not, and

falsely labeling some products as “all natural” though they were made with non-natural ingredients)

- *Witthoff v. Honest Tea, Inc.*, Case No. CGC-10-504987 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws for the false advertising of the kombucha beverages, a fermented tea drink, as a non-alcoholic beverage despite the fact that the beverage continued to ferment after leaving the factory, allowing the alcohol content of the beverage to be as high as 3%)
- *Chavez v. Blue Sky Natural Beverage Co., et al.*, Case No. 3:06-cv-06609-JSW (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws for the false advertising of the Blue Sky beverages as made in and/or originated from Santa Fe, New Mexico when the beverages were not manufactured in Santa Fe or New Mexico)

Product Labeling

- *Carlotti v. ASUS Computer International, et al.*, Case No. 4:18-cv-03369 (N.D. Cal.) (plaintiff alleged breaches of warranties and violations of California’s consumer protection laws related to deceptive marketing of ASUS gaming laptops and related to manufacturing and design defects in the laptops)
- *Cho v. Seagate Technology (US) Holdings, Inc.*, Case No. CGC-06-453195 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws related to Seagate overstating the storage capacity of its computer hard drives by approximately 7 percent)
- *Embry v. Acer America Corporation*, Case No. 09-cv-01808 (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws for false advertising of its computers as including a specified version of Microsoft Windows despite the computers not including the software, which resulted in users typically losing their user-installed applications and user files if the computer’s hard drive failed)
- *In re Arctic Sentinel, Inc. (Miller v. Fuhu, Inc.)*, Case No. 15-bk-12465 (Bankr. D. Del.) (plaintiff alleged violation of California’s consumer protection laws related to the Nabi tablets, which were sold with defective power adapters that did not recharge the tablets)
- *Machlan v. Nehemiah Manufacturing Co., et al.*, Case No. CGC-14-538168 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws for false advertising of Kandoo flushable wipes advertising as being “flushable” when the wipes are not suitable for flushing and clog household plumbing and city sewers)
- *Pettit v. Procter & Gamble Company*, Case No. 15-cv-02150 (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws for false advertising of the Charmin Freshmates flushable wipes as being “flushable” when the wipes are not suitable for flushing and clog household plumbing and city sewers)
- *Safier v Western Digital*, Case No. 3:05-cv-03353 (N.D. Cal.) (plaintiff alleged violation of California’s consumer protection laws related to Western Digital overstating the storage capacity of hard disk drives by approximately 4 percent)
- *Vroegh v. Eastman Kodak Co., et al.*, Case No. CGC-04-428953 (San Francisco County Superior Court) (plaintiff alleged violation of California’s consumer protection laws related to Eastman Kodak Co. overstating the storage capacity of flash memory drives by approximately 4 percent)

Billing, Subscriptions and Online Purchasing Fraud

- *Chavez v. Netflix, Inc.*, Case No. CGC-04-434884 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to Netflix advertising its online video rental service)
- *Deaton v. Hotwire, Inc.*, Case No. CGC-05-437631 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to Hotwire's added "service fees" to each hotel reservation made on its website for "taxes and fees" that were actually variable amounts designed to disguise the true cost of the room)
- *Mackinnon v. IMVU, Inc.*, Case No. 1-11-cv-193767 (Santa Clara County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to the limited playback of audio products that consumers purchased for real money to play in the IMVU virtual universe)
- *Mancini, et al. v. Ticketmaster et al.*, Case No. 2:07-cv-01459 (C.D. Cal.), (plaintiff alleged violation of the federal Electronic Funds Transfer Act and consumer protection laws related to Defendants failure to disclose to customers on Ticketmaster's website that they would be enrolled in an online coupon service with reoccurring charges)
- *McArdle v. AT&T Mobility LLC, et al.*, Case No. CV-09-01117 (N.D. Cal) (plaintiff alleged violation of California's consumer protection laws related to international roaming rates)
- *Moretti v. The Hertz Corporation, et al.*, Case No. 1:14-cv-00469 (Del.) (plaintiff alleged violations of consumer protection laws related to Hertz, Dollar, Thrifty and Firefly brand rental cars advertising in rates in U.S. dollars during the online reservation process and advertising insurance as "optional," but converting the cost to pesos at an inflated exchange rate and charging a mandatory insurance fee when consumers pick up the cars in Mexico)
- *Nelsen v. PeoplePC, Inc.*, Case No. CGC-07-460240 (San Francisco County Superior Court) (plaintiff alleged violation of California's consumer protection laws related to PeoplePC's practice of continuing to charge customers for its dialup Internet service even when they requested cancellation)
- *Taylor v. Shutterfly Inc.*, Case No. 5:18-cv-00266 (N.D. Cal.) (plaintiff alleged violations of consumer protection laws related to defendants' deceptive, unfair, and unlawful acts and practices in selling Groupon deals for the purchase of photo products)
- *Rainbow Business Solutions, Inc., et al. v. MBF Leasing LLC, et al.*, Case No. 10-cv-01993-CW (N.D. Cal.) (plaintiffs alleged violation of state and federal laws including violations of the Racketeer Influenced and Corrupt Organizations Act and Fair Credit Reporting Act relating to the illegal collection of taxes on leased equipment, resulting in small businesses being overcharged)

Insurance

- *Elgindy, et al. v. AGA Service Co. et al.*, Case No. 4:20-cv-06304 (N.D. Cal.) (plaintiffs alleged violations of consumer protection laws related to defendants' deceptive, unfair, and unlawful acts and practices in charging consumers hidden fees in connection with travel insurance and event ticket insurance)

- *Miller, et al. v. Travel Guard Group, Inc., et al.*, Case No. 3:21-cv-09751 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws regarding hidden fees associated with travel insurance and assistance related to the travel insurance service)

Securities

- *Siemers v. Wells Fargo & Co. et al.*, Case No. 05-4518 (N.D. Cal.) (plaintiff alleged violation of §12(a)(2) of the Securities Act of 1933 and §10(b) of the Securities Exchange Act of 1934 related to an undisclosed kickback scheme)

Employment

- *Haven v. Betz & Sons*, Case No. CGC-05-438719 (San Francisco County Superior Court) (plaintiff alleged violation of California's wage and hour laws)

Toll Processing/Government

- *Saliani, et al. v. Bay Area Toll Authority, et al.*, Case Nos. CGC-14-540384; CGC-15-549048; CGC-16-550947 (San Francisco County Superior Court) (plaintiffs alleged violation of the California Due Process Clause and California's consumer protection law related to unlawful penalties charged for toll invoices that were not received and the denial of administrative review)

APPENDIX B

In addition, Gutride Safier LLP is currently serving as plaintiffs' counsel of record in class actions pending in federal and state court in which a class has not yet been certified, including in each of the following cases:

Food, Beverage and Supplement Labeling

- *Campos v. Alacer Corp, et al.*, Case No. 4:24-cv-08057 (N.D. Cal.) (plaintiff alleges that EmergenC brand Vitamin C gummies are deceptively, unlawfully and unfairly labeled and marketed as containing a certain amount of Vitamin C)
- *Davidson, et al. v. Sprout Foods Inc.*, Case No. 4:22-cv-01050 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws for making nutrient claims on food products intended for children under the age of two)
- *Howard v. Gerber Products Company*, Case No. 3:22-cv-04779 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for making nutrient claims on food products intended for children under the age of two)
- *Loza, et al. v. The Hershey Company*, Case No. 3:23-cv-01455 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws for misleading claims that chocolate products are "stevia sweetened" even though the predominate sweetener in the products is erythritol)
- *Miller v. Nature's Path Foods, Inc.*, Case No. 4:23-cv-05711 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for falsely advertising the amount of protein in food products)
- *Roffman v. REBBL, Inc.*, Case No. 3:22-cv-05290 (N.D. Cal.) (plaintiffs allege violation of consumer protection laws for falsely advertising the amount of protein in beverages)
- *Sanchez v. Nurture, Inc.*, Case No. 5:21-cv-08566 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws for making nutrient claims on food products intended for children under the age of two)
- *Sierra Club v. The Coca-Cola Co., et al.*, Case No. 3:21-cv-04644 (N.D. Cal.) and *Swartz, et al. v. The Coca-Cola Co. et al.*, Case No. 3:21-cv-04643 (plaintiff alleges violations of the Environmental Marketing Claims Act and the California Unfair Competition Law for falsely advertising plastic water bottles as "100% Recyclable")

Product Labeling

- *Gershzon et al. v. Colgate-Palmolive Company*, Case No. 3:23-cv-04086 (N.D. Cal.) (plaintiffs allege false and misleading advertising of toothpaste tubes as recyclable)
- *Shakya et al. v. Fantasia Trading LLC et al.*, Case 4:23-cv-03925 (N.D. Cal.) (plaintiff alleges violations of the consumer protection laws for falsely advertising digital cameras as having 1080p resolution)
- *Slaten v. Christian Dior Perfumes, LLC*, Case No. 3:23-cv-00409 (N.D. Cal.) and *Slaten v. Christian Dior Perfumes, LLC*, Case No. 24-2825 (9th Cir.) (plaintiff alleges violations of consumer protection laws for making misleading "24HR" SPF claims on the cosmetic products; case is currently on appeal)

- *McWhorter, et al. v. The Procter & Gamble Company*, Case No. 3:24-cv-00806 (N.D. Cal.) (plaintiffs allege violations of consumer protection laws for falsely advertising shampoo and conditioner products as containing “natural-origin” or “naturally-derived” ingredients)

Privacy Cases

- *Bloom v. Zuffa, LLC*, Case No. 2:22-cv-00412 (D. Nev.) (plaintiff alleges violations of the Video Privacy Protection Act in connection with UFC Fight Pass subscriptions)
- *Briskin v. Shopify Inc. et al.*, Case No. 4:21-cv-06269 (N.D. Cal.) and *Briskin v. Shopify Inc. et al.*, Case No. 22-15815 (9th Cir.) (plaintiff alleges violations of privacy laws related to defendants’ undisclosed and unauthorized sharing of consumers’ private information; case is currently on appeal)

Other Deceptive Practices

- *Koller, et al. v Monsanto Company, et al.*, Case No. 3:22-cv-04260 (N.D. Cal.) and *Koller, et al. v. Monsanto Company, et al.*, Case No. 24-00043 (9th Cir.) (plaintiffs allege violations of consumer protection laws associated with the manufacturing, marketing, and sale of glyphosate-based herbicides sold under the brand name “Roundup”; case is currently on appeal)
- *Williams v. Affinity Insurance Services, Inc., et al.*, Case No. 4:23-cv-06347 (N.D. Cal.) (plaintiff alleges violations of consumer protection laws regarding hidden fees associated with travel insurance and assistance related to the travel insurance service)

Recent GSLLP Settlements in Class Cases

Case Name	<i>Pettit v. Procter & Gamble Company</i>	<i>Koller v. Deoleo USA, Inc.</i>	<i>Kumar v. Safeway, Inc.</i>	<i>Kumar v. Salov North America Corporation</i>	<i>Machlan v. Procter & Gamble Company, et al</i>	<i>Miller v. Ghirardelli Chocolate Company</i>
CASE BACKGROUND						
Case No.	3:15-cv-2150 (N.D. Cal.)	4:14-cv-2400 (N.D. Cal.)	RG 14-726707 (Alameda Sup. Ct.)	4:14-cv-2411 (N.D. Cal.)	GCG 14-538168 (San Francisco Sup. Ct.)	3:12-cv-4936 (N.D. Cal.)
Issue	Wipes were falsely advertised as “flushable” and safe for sewers and septic systems	Olive oil falsely advertised as “extra virgin” and “Imported from Italy”	Olive oil falsely advertised as “extra virgin” and “Imported from Italy”	Olive oil falsely advertised as “Imported from Italy”	Wipes were falsely advertised as “flushable” and safe for sewers and septic systems	Products falsely advertised as “white chocolate” and “all natural”
Date Filed	April 6, 2015	May 23, 2014	May 23, 2014	May 23, 2014	March 21, 2014	August 17, 2012
Date of Final Approval	March 29, 2019	August 29, 2018	March 16, 2018	July 7, 2017	June 6, 2017	February 20, 2015

Recent GSLLP Settlements in Class Cases

Case Name	<i>Pettit v. Procter & Gamble Company</i>	<i>Koller v. Deoleo USA, Inc.</i>	<i>Kumar v. Safeway, Inc.</i>	<i>Kumar v. Salov North America Corporation</i>	<i>Machlan v. Procter & Gamble Company, et al</i>	<i>Miller v. Ghirardelli Chocolate Company</i>
Settlement Class	All consumers who purchased the challenged product in the United States between April 6, 2011 and November 26, 2018, excluding purchases in the State of New York and purchases for purposes of resale.	All consumers in the United States who purchased the extra virgin olive oil products between May 23, 2010 and April 16, 2018, and/or who purchased any of the challenged olive oil products between May 23, 2010 and December 31, 2015	All consumers in the United States who purchased the extra virgin olive oil products between May 23, 2010 and December 16, 2016, and/or who purchased any of the challenged olive oil products between January 1, 2012 and July 31, 2015	All consumers in the United States who purchased the challenged products between May 23, 2010 and June 30, 2015	All consumers in California who purchased the challenged products between March 21, 2010 and December 9, 2016	All consumers in the United States who purchased the challenged products between August 17, 2008 and October 2, 2014
NOTICE						
Print Notice	People Magazine, Good Housekeeping, National Geographic, press release through PR News Wire	San Francisco Chronicle, People Magazine, press release through PR News Wire	East County Times	People Magazine, Good Housekeeping Magazine	Press release through PR News Wire	People Magazine, Oakland Tribune

Recent GSLLP Settlements in Class Cases

Case Name	<i>Pettit v. Procter & Gamble Company</i>	<i>Koller v. Deoleo USA, Inc.</i>	<i>Kumar v. Safeway, Inc.</i>	<i>Kumar v. Salov North America Corporation</i>	<i>Machlan v. Procter & Gamble Company, et al</i>	<i>Miller v. Ghirardelli Chocolate Company</i>
Online Notice	101 million impressions targeted at likely class members	58 million impressions targeted at likely class members	89.3 million impressions targeted at likely class members	165.5 million impressions targeted at likely class members	11.1 million impressions targeted at likely settlement class members	316 million impressions targeted at likely class members
Direct Notice	None	None	Notice provided at point of sale to past purchasers using club card purchase history	None	Direct notice sent to 10 class members for whom the defendant had contact information	Direct notice sent to 21,358 class members who had purchased products from the defendant's website
Other Notice	None	Publication on www.topclassactions.com	Publication on www.topclassactions.com	Publication on www.topclassactions.com	None	None
Cost of Notice	Unknown	\$432,700	Unknown	Unknown	Unknown	\$765,002.15
CLAIMS						
Total Value	Claims Made	\$7 million common fund	Claims Made	Claims Made	Claims Made	\$5.3 million common fund
Claims Received	137,068 valid claims	255,581 valid claims	15,164 valid claims	53,030 valid claims	19,077 valid claims	83,783 valid claims
Total Value of Claims	\$537,879	\$3,996,336.81	\$46,335.50	\$210,985.00	\$170,436	\$902,907.63

Recent GSLLP Settlements in Class Cases

Case Name	<i>Pettit v. Procter & Gamble Company</i>	<i>Koller v. Deoleo USA, Inc.</i>	<i>Kumar v. Safeway, Inc.</i>	<i>Kumar v. Salov North America Corporation</i>	<i>Machlan v. Procter & Gamble Company, et al</i>	<i>Miller v. Ghirardelli Chocolate Company</i>
Claim Cap Without Proof of Purchase	\$4.20	\$25	\$1.25-\$7.50, depending on product purchased and whether class member elected cash or Safeway gift card	\$5	\$50	\$24
Claim Cap With Proof of Purchase	\$30.00	None (unlimited)	None (unlimited)	None (unlimited)	None (unlimited)	None (unlimited)
Other Monetary Relief	None	If money is left in fund, the claim amount will be increased pro rata, up to five times the initial amount	Class members could receive three times as much if they elected to receive the funds in the form of a Safeway gift card (approximately two-thirds of claimants elected the gift card)	None	None	None
Average Recovery Per Claimant	\$3.92	Not yet calculated	\$3.05	\$3.98	\$8.93	\$10.78
Approx. Size of Class	3,900,000	39,340,000	Unknown	3,679,000	Unknown	Unknown

Recent GSLLP Settlements in Class Cases

Case Name	<i>Pettit v. Procter & Gamble Company</i>	<i>Koller v. Deoleo USA, Inc.</i>	<i>Kumar v. Safeway, Inc.</i>	<i>Kumar v. Salov North America Corporation</i>	<i>Machlan v. Procter & Gamble Company, et al</i>	<i>Miller v. Ghirardelli Chocolate Company</i>
Approx. Number of Households ¹	2,000,000	20,174,359	Unknown	1,886,667	Unknown	Unknown
Household Claims Rate	6.8%	1.2%	Unknown	2.8%	Unknown	Unknown
OTHER RELIEF						
Injunctive Relief	Changes to labeling, improved product design and testing methodologies	Changes to labeling, changes to packaging, changing to testing methodologies	Changes to labeling; changes to packaging	Changes to labeling	Changes to labeling	Changes to labeling
Value of Injunctive Relief	No monetary estimate provided	Estimated to save class members \$68.3 million	Estimated to save class members \$5,279,450	Estimated to save class members \$19.9 million	No monetary estimate provided	Estimated to save class members \$13.46 million

¹ The Census Bureau reports that there is an average of 1.95 adults per household in the United States. *See* <https://www.census.gov/data/tables/2018/demo/families/cps-2018.html> (Table AVGI), last accessed January 4, 2019.

Recent GSLLP Settlements in Class Cases

Case Name	<i>Pettit v. Procter & Gamble Company</i>	<i>Koller v. Deoleo USA, Inc.</i>	<i>Kumar v. Safeway, Inc.</i>	<i>Kumar v. Salov North America Corporation</i>	<i>Machlan v. Procter & Gamble Company, et al</i>	<i>Miller v. Ghirardelli Chocolate Company</i>
Cy Pres	None	Consumers Union and Center for Food Safety	None	None	None	Consumers Union; National Consumer Law Center; University of California, Davis, Food Science & Technology Department; Florida State University, Food & Nutritional Science Department
FEES, COSTS, AND INCENTIVES						
Lodestar	\$2,574,041.83	\$2,225,030.29	\$1,792,602.80	\$1,470,507.50	\$927,975	\$1,711,710
Total Fees & Costs Awarded (Costs)	\$2,150,000 (costs: \$261,611.11)	\$2,250,319.73 (costs: \$150,319.73)	\$1,426,500 (costs: \$119,325.45)	\$982,500 (costs: \$108,268.20)	\$650,000 (costs: \$29,065.60)	\$1,662,572.12 (costs: \$87,572.15)
Incentive	\$1,000-\$5,000	\$1,000-\$5,000	\$6,490	\$2,500	\$5,000	\$10,000

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
CASE BACKGROUND						
Case No.	17-cv-00564-NC (N.D. Cal.)	5:17-cv-00603-ED (N.D. Cal.)	18-cv-03369-DMR (N.D. Cal.)	4:09-cv-01117-CW (N.D. Cal.)	20-bk-11218-MFW (DE Bankruptcy)	5:18-cv-00266-BLF (N.D. Cal.)
Issue	False advertising of Canada Dry ginger ale as “made from real ginger”)	False advertising of Seagram’s ginger ale as “made with real ginger”)	Product Defect	Charging of international roaming fees for unanswered incoming calls to the U.S.-based mobile numbers of California residents	Hotwire had advertised the cost of renting a car in Mexico, without advising customers of alleged mandatory insurance for Mexico-based rentals.	Fraud, Deceit, Misrepresentation regarding disclosure to purchasers that they would receive a promotional code that could only be used toward full prices items and could not be combined with any other discounts.
Date Filed	December 28, 2016	February 6, 2017	May 4, 2018	March 13, 2019	May 24, 2013	July 11, 2018
Date of Final Approval	April 10, 2019	October 1, 2019	June 22, 2020	March 24, 2021	September 21, 2021	December 7, 2021
Settlement Class	All persons who, between December 28, 2012 and June 26, 2018, purchased any Canada Dry Ginger Ale	All persons who, between April 1, 2013 and the date of Preliminary	All persons in the United States who purchased a new ASUS Rog	All California residents who, at any time between February 6, 2005 to January 31,	All persons in the United States who reserved online and rented a Hertz,	All persons who, between December 8, 2013 and the present, purchased in the United

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
	Products in the state of California.	Approval, purchased any Seagram's Ginger Ale Product in the United States	Strix GL502VS or ASUS Rog Strix GL502VSK laptop computer from Defendants or an authorized retailer of Defendants between May 4, 2014 and November 19, 2019	2009, were charged international roaming fees by Defendants for unanswered incoming calls to their U.S.-based mobile numbers	Dollar. Or Thrifty rental care with pick up in Mexico between May 24, 2009 and December 31, 2018	States a Shutterfly General Spend Groupon The Class as defined in the Settlement Agreement is all United States residents who, in the United States, during the Class Period, either (i) purchased a Shutterfly General Spent Groupon from June 1, 2015 to April 30, 2018 that was never redeemed; or, (ii) redeemed a Shutterfly General Spend Groupon that was purchased during that period.
NOTICE						

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
Print Notice	People Magazine, Good Housekeeping, and press release through PR News Wire	People Magazine, press release through PR News Wire	People Magazine, USA Today, and press release through PR News Wire			
Online Notice	37.8 million impressions targeted at likely class members	26 million impressions targeted at likely class members	17.14 million impressions targeted at likely class members			
Direct Notice	Direct notice sent to class members for whom the defendant had contact information	Direct notice sent to class members for whom the defendant had contact information	Direct notice sent to class members for whom the defendant had contact information	Direct notice via email sent to class members for whom the Claims Administrator had contact information; mailed notice to every other Class Member Direct postcard notice mailed to those Class Members for whom a physical mailing address was available but	Notice via Email Notice via Postcard	Direct Email Notice to those Class Members for whom an email address is available. Direct postcard notice mailed to those Class Members for whom a mailing address is available but an email address is not available

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
				an email address was not available.		
Other Notice	Publication on www.topclassactions.com	Publication on www.topclassactions.com	Publication on www.topclassactions.com Publication on Defendants' social media accounts (Facebook and Twitter)	Publication on Administrator-established Settlement Website www.internationalroamingsettlement.com ; Claims Administrator-operated toll-free number for Class Member inquiries.	Publication on Administrator-established Settlement Website www.mexicocarrentalsettlement.com ; Online Banner Ad; Mobile Banner Ad; Facebook Ad	Publication on Settlement Website www.shutterflypromosettlement.com
Cost of Notice	Unknown	Unknown	Unknown	Unknown	Unknown	Not to Exceed \$75,000.00, borne by Defendant
CLAIMS						
Total Value	Claims Made	Common Fund of \$2.45 million	Claims Made	Claims Made	Common Fund of \$20,000,000.00	Claims Made
Claims Received	92,048	128,887	31,932 (998	21,933 received; 6,047 deemed	82,585	2,448 ²

² Claim filing was only required for cash payments; the Class Members that did not file a claim received an automatic promotional voucher.

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
			valid)	valid		
Total Value of Claims	\$443,344.40	\$1,266,25 9.20	\$881,984.15 (excluding repairs and extended warranties)	\$19,570.58 cash refunds, not including automatic distribution of Day Pass	\$10,641,941.96 ³	\$79,561.98 (cash) \$2,675,011.50 (vouchers)
Claim Cap Without Proof of Purchase	\$5.20	\$10.40	\$210 credit/\$110	\$50.00	None (unlimited)	None (unlimited)
Claim Cap With Proof of Purchases	\$40.00	\$80.00	\$105 credit/\$55 cash	\$50.00	Not applicable	Not applicable
Other Monetary Relief	none	none	none	129,663 Current Customers who did not file a claim automatically received AT&T's Day Pass, which is valued at up to \$10.00 per day.	none	Class members who did not file a claim automatically received vouchers with a total value of \$2,675,011.50

³ This represents the amount available for claims in the settlement fund. This amount was distributed pro rata to claimants based on number of rental days.

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
Average Recovery Per Claimant	\$4.82*	\$.982	unknown	\$3.23	\$153.23 ⁴	\$32.75 (cash) \$27.26 (voucher)
Approximate Size of Class	2,380,000	unknown	24,798	267,000	531,219	98,131
Approximate Number of Households ⁵	683,908	Unknown	Unknown	Unknown	Unknown	Unknown
Claims Rate	3.9% (13% of households)	unknown	4%	2.2%	Unknown	Unknown
OTHER RELIEF						
Injunctive Relief	Changes to labeling	Changes to labeling	Changes to labeling	Update international roaming section of Defendant's Wireless Customer Agreement; invalidation of AT&T's arbitration provision;	None	Changes to advertising

⁴ Highest payout was \$9,712.16 and lowest payout was \$16.16.

⁵ According to Mediamark Research and Intelligence data, there the average number of adults per household in California is 2.61.

Recent GSLLP Settlements in Class Cases

Case Name	<i>Fitzhenry-Russell v. Keurig Dr. Pepper, Inc.</i>	<i>Fitzhenry-Russell v. The Coca-Cola Company</i>	<i>Carlotti v. Asus Computer International, et al</i>	<i>McArdle v. ATT</i>	<i>Moretti v. Dollar Thrifty Hertz</i>	<i>Taylor v. Shutterfly</i>
				AT&T's implementation of the VMCC technology, which will reduce the incidence of international roaming charges.		
Value of Injunctive Relief	No monetary estimate provided	No monetary estimate provided	No monetary estimate provided; additional warranty repairs and extended warranties provided	No monetary estimate provided	Not applicable	No monetary estimate provided
Cy Pres	None	\$160,694. 26	None	None	None	\$1,602.86
FEES, COSTS, AND INCENTIVES						
Lodestar	\$4,364,398.50	\$796,877. 50	\$847,936.72	\$7,225,310.00	\$4,202,110.50	\$656,154.00
Total Fees & Costs Awarded (Costs)	\$2,250,000.00 (costs: \$407,611.95)	\$820,000.00 (costs: \$85,000.00)	\$787,500.00	\$6,130,000.00 (costs: \$72,021.63)	\$12,281,030.00 (costs: \$7,750.29)	\$350,000.00 (costs: \$10,453.22)
Incentive Awards	\$5,000.00	\$11,000.00	\$5,000.00	\$15,000.00	\$75,000.00	\$5,000.00

Recent GSLLP Settlements in Class Cases

Recent GSLLP Settlements in Class Cases

Case Name	<i>Marek v. Molson Coors Beverage Company, et al.</i>					
CASE BACKGROUND						
Case No.	3:21-cv-07174-WHO (N.D. Cal.)					
Issue	False advertising of Vizzy seltzer beverage with claim “with antioxidant vitamin C from acerola superfruit”					
Date Filed	September 16, 2021					
Date of Final Approval	August 15, 2023					
Settlement Class	All persons, who between January 1, 2020, and the date of Preliminary Approval, purchased, in the United States, any Vizzy hard seltzer products, except for purposes of resale.					

Recent GSLLP Settlements in Class Cases

Case Name	<i>Marek v. Molson Coors Beverage Company, et al.</i>					
Print Notice	People magazine and the print version of USA Today (California Regional edition)					
Online Notice	Online notice to be published on internet sites through an appropriate programmatic network, social media, and a paid search campaign for a total of at least 5.2 million combined impressions					
Direct Notice	None					
Other Notice	Publication on www.topclassactions.com					
Cost of Notice and Claims Admin	\$1,055,732.22					
Total Value	\$9,500,000					

Recent GSLLP Settlements in Class Cases

Case Name	<i>Marek v. Molson Coors Beverage Company, et al.</i>					
Valid Claims Received	587,530					
Total Value of Claims	\$5,978,025.52					
Claim Cap Without Proof of Purchase	\$15.00					
Claim Cap With Proof of Purchases	None					
Other Monetary Relief	None					
Average Recovery Per Claimant	\$10.96					
Approximate Size of Class	1,979,000					
Approximate Number of Households ⁶	Unknown					

⁶ According to Mediamark Research and Intelligence data, there the average number of adults per household in California is 2.61.

Recent GSLLP Settlements in Class Cases

Case Name	<i>Marek v. Molson Coors Beverage Company, et al.</i>					
Claims Rate	29.69%					
Injunctive Relief	Changes to labeling					
Value of Injunctive Relief	No monetary estimate provided					
Cy Pres	National Advertising Division					
Lodestar	\$758,746.00					
Total Fees & Costs Awarded (Costs)	\$2,375,000 (\$66,785.54 costs)					
Incentive Awards	\$5,000.00 for named plaintiffs; \$2,500 for proposed intervenors					