

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**PLAINTIFFS' MOTION FOR PAYMENT OF ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES TO CLASS COUNSEL, AND
PAYMENT OF SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

Pursuant to Federal Civil Procedure Rules 23(e), 23(h) and 54(d), Plaintiffs Susana Castro, Pete Piceno, Shannon Gannon, Leah Holloway, Jamie DeSabio, Katrina Hill and Lisa Weeks (collectively, the "Plaintiffs" or "Class Representatives"), respectfully move the Court to enter an order granting payment of the following:

- (1) Attorneys' fees to Plaintiffs' Counsel in the amount of \$4,867,326.33;
- (2) Litigation expenses to Plaintiffs' Counsel in the amount of \$41,864.18; and
- (3) A service payment in the amount of \$2,500 to each Class Representative.

The reasons for this motion are set forth in the accompanying memorandum of law, declarations, exhibits and oral argument that the Court may consider at the Fairness Hearing.

Respectfully submitted this 25th day of September, 2026.

/s/ Rachel Soffin

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***Additional Class Counsel
and Plaintiffs' Executive Committee***

**UNITED STATES DISTRICT COURT
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IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR PAYMENT
OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES TO
CLASS COUNSEL, AND PAYMENT OF SERVICE AWARDS TO THE CLASS
REPRESENTATIVES**

Plaintiffs Susana Castro, Pete Piceno, Shannon Gannon, Leah Holloway, Jamie DeSabio, Katrina Hill and Lisa Weeks (collectively, the “Plaintiffs” or “Class Representatives”), individually and on behalf of all others similarly situated, by and through their attorneys, respectfully submit this Memorandum in Support of their Motion for Attorneys’ Fees, Expenses, and Payment of Service Awards.

I. INTRODUCTION

In this consolidated class action (“Action”),¹ Plaintiffs assert that certain Bestway branded above-ground Pools (“Pools”) contain a Defect that creates a potential drowning hazard, and that Bestway issued a delayed and inadequate recall that failed to offer consumers an adequate remedy, including monetary relief. Following Plaintiffs’ extensive investigation, including consultation with experts, review of prior similar litigation regarding the Defect, consolidation of the various underlying actions, exchange of significant discovery, as well as hard-fought settlement negotiations that included two full-day mediations, Plaintiffs and Bestway (USA) Inc. (“Bestway USA”), Bestway Inflatables & Material Corp. (“Bestway Inflatables”) and Bestway (Hong Kong) International Ltd (“Bestway Hong Kong”) (collectively, “Bestway” or “Defendants”, and together with Plaintiffs, the “Parties”) reached the Settlement Agreement (“Settlement”). *See* Dkt. 61-1.

The proposed Settlement resolves Class Members’ claims and provides substantial nationwide relief for Class Members with a \$15 million non-reversionary cash common fund. *See* Dkt. 61-1, Settlement § VII. Under the Settlement, Class Counsel may petition the Court for attorneys’ fees not exceeding 33.33% of the \$15 million Settlement Fund. As detailed herein, this is consistent with precedent from the Seventh Circuit, which has found the “typical” fee in class action cases to be “between 33 and 40 percent.” *Dobbs v. DePuy Orthopaedics, Inc.*, 885 F.3d 455,

¹ Unless defined herein, all capitalized terms herein have the same meaning as defined in the Settlement Agreement.

458 (7th Cir. 2018).

Plaintiffs petition this Honorable Court for attorneys' fees of one-third (*i.e.* 33.333...%) of the net Settlement Fund: \$15,000,000.00 less the \$380,521.00 in notice and administrative costs and \$17,500.00 in requested Service Awards (\$2,500.00 for the seven (7) Plaintiffs). The net Settlement Fund is \$14,601,979.00, one-third of which is \$4,867,326.33. Class Counsel also seek reimbursement for costs and expenses incurred in the prosecution of this Action in the amount of \$41,864.18.

Class Counsel have demonstrated their skill and commitment to successfully resolving this matter. With their detailed investigation, the extensive discovery provided by Defendants, and the mediation process, Plaintiffs and Class Counsel were able to thoroughly evaluate the strengths and weaknesses of Plaintiffs' claims and the prospects and risks associated with continued litigation, including those related to class certification, liability and damages, summary judgment and trial. *Id.* ¶ 28. The Joint Declaration of Co-lead Counsel ("Decl.") recounts in great detail the work performed by Class Counsel and is hereby incorporated by reference. *See* Decl. ¶¶ 9-40. For the reasons stated below, Plaintiffs' motion should be granted.

II. FACTUAL AND PROCEDURAL BACKGROUND

This Action involves Defendants' manufacture, distribution, and sale of certain Bestway-branded above-ground Pools from 2008 to 2024 that are 48 inches in height or taller (including Power Steel and Steel Pro models), with compression straps located outside of the support poles that may create a foothold and allow children to gain access to the Pool and create a drowning hazard ("Defect"). Defendants issued a voluntary recall in conjunction with the United States Consumer Product Safety Commission ("CPSC") ("Recall"), which Plaintiffs allege was delayed, deficient, and inadequate, including that it failed to offer consumers any monetary relief.

Consequently, Plaintiffs filed multiple lawsuits against Defendants, which were consolidated into a single action, as described below. Defendants deny all material allegations.

This Action is the product of significant investigation, including consultation with experts, extensive review of prior litigation regarding the alleged Defect, the nature of the alleged Defect, Defendants' marketing of the Pools, and the Recall. *See* Decl. ¶ 18. On August 12, 2025, Plaintiff Susana Castro filed a class action in the United States District Court for the Northern District of Illinois. *See Castro v. Bestway USA, Inc.*, No. 1:25-cv-09570 (N.D. Ill.) (the "*Castro Action*"). On August 21, 2025, Plaintiffs Pete Piceno and Shannon Gannon filed their case in the Central District of California. *See Piceno et al. v. Bestway USA, Inc.*, No. 1:25-cv-12315 (C.D. Cal.) (the "*Piceno Action*"). On October 17, 2025, Plaintiffs Katrina Hill and Lisa Weeks filed their case in the Northern District of California. *See Hill et al. v. Bestway USA, Inc.*, No. 1:25-cv-13422 (N.D. Cal.) (the "*Hill Action*"). On October 21, 2025, Plaintiff Leah Holloway filed a putative class action in the Northern District of Illinois. *See Holloway v. Bestway USA, Inc.*, No. 1:25-cv-12853 (N.D. Ill.) (the "*Holloway Action*").

Following transfer and assignment of all matters, on November 6, 2025, the Court consolidated the above actions into a single Action styled *In re: Bestway Above-Ground Pools Litigation*, No. 1:25-cv-09570 (N.D. Ill.). *See* Dkt. 29. On November 12, 2025, the Court appointed Kevin Laukaitis of Laukaitis Law LLC, and Rachel Soffin of Pearson Warshaw, LLP as Interim Co-Lead Class Counsel and Leslie Pescia of Siri Glimstad, Nick Suciu of Bryson Harris Suciu & DeMay PLLC, Charles Moore of Reese LLP, Jason Sultzer of Sultzer & Lipari, PLLC and Alec Schultz of Hilgers Graben PLLC to the Executive Committee. *See* Dkt. 35.

On November 24, 2025, Plaintiffs filed their Consolidated Amended Class Action Complaint. *See* Dkt. 37 ("*CAC*"). Plaintiff DeSabio was included in that CAC. Following

consolidation, the Parties began discussing a potential settlement. Prior to mediation, the Parties exchanged significant confidential discovery, including documents sufficient to identify all model numbers, brand names, product descriptions, retail pricing information, supply dates, number of Pool units sold, design changes made to the Pools consistent with industry standards, packaging information, user manuals, testing regarding evaluation of the repair kit subject to the Pool Recall and related Pool Recall data, as well as Plaintiffs' Pool purchase information and documentation. *Id.* ¶ 20. This information would have been subject to lengthy discovery efforts that would have taken months or longer to complete, yet Defendants provided this information prior to mediation, allowing Class Counsel to thoroughly evaluate their claims. *Id.* ¶ 21. These discovery efforts were crucial in assessing the strengths and weaknesses of the case and permitted the Parties to comprehensively evaluate the claims and negotiate an informed resolution of the Action. *Id.* ¶ 28.

A. The Parties' Arms-Length Settlement Negotiations

The Parties participated in two full-day, in-person mediations in Philadelphia, before the Honorable Diane Welsh (Ret.) of JAMS. *Id.* ¶ 24. The first mediation took place on January 16, 2026, and although productive, the Parties were unable to reach a resolution at that time. *Id.* The second mediation took place on February 13, 2026, again before Judge Welsh. *Id.* ¶ 25. Following this second full day of arms-length negotiations, the Parties reached an agreement on the key details of the Settlement. *Id.* In the following months, the Parties negotiated the finer points of the Settlement. *Id.* ¶ 27. The Parties did not discuss attorneys' fees, costs, or service awards until after agreement was reached on the material terms of class relief. *Id.* ¶ 29.

As a result of the hard work of Class Counsel and the Plaintiffs, Defendants agreed to pay \$15,000,000.00 to create a non-reversionary settlement fund. The Pools range in price from approximately \$400.00 to over \$1,000.00. The Settlement is an outstanding result for the Class as

it allows Class Members to claim reimbursement of (1) a Cash Payment equal to ten percent (10%) of either: (i) the actual purchase price as reflected in the Valid Proof of Purchase or (ii) if the Valid Proof of Purchase does not reflect the actual purchase price, the Average Retail Price assigned to the identified Pool in the product pricing schedule; or (2) a Cash Payment of \$40.00, subject to *pro rata* adjustment.

III. THE REQUESTED ATTORNEYS' FEES ARE WELL-SUPPORTED AND REASONABLE UNDER CONTROLLING LAW

A. Attorneys' Fees Should Be Paid Based on a Percentage of the Settlement Fund

Under Federal Rule of Civil Procedure 23(h), courts may award “reasonable attorney’s fees and nontaxable costs that are authorized by law or the parties’ agreement.” Fed. R. Civ. P. 23(h). In class actions, courts in the Seventh Circuit determine reasonable attorneys’ fees by “do[ing] their best to award counsel the market price for legal services, in light of the risk of nonpayment and the normal rate of compensation in the market at the time.” *In re Synthroid Mktg. Litig.*, 264 F.3d 712, 718 (7th Cir. 2001) (collecting cases). The compensation awarded to class counsel also depends on “the quality of [counsel’s] performance, . . . in part on the amount of work necessary to resolve the litigation, and in part on . . . the stakes of the case.” *Schulte v. Fifth Third Bank*, 805 F. Supp. 2d 560, 597 (N.D. Ill. 2011) (citing *Synthroid*, 264 F.3d at 721).

When a party obtains a common fund, courts recognize that the litigation costs and attorneys’ fees should be recovered from the fund. *See Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980) (“a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to reasonable attorney’s fee from the fund as a whole”); *see also Primax Recoveries, Inc. v. Sevilla*, 324 F.3d 544, 548 (7th Cir. 2003) (common fund “entitles [counsel] to a share of that benefit as a fee”). While courts can choose between the “percentage of the fund” or “lodestar” methods, “[t]he approach favored in the Seventh Circuit is to compute attorney’s fees

as a percentage of the benefit conferred upon the class.” *In re Kentucky Grilled Chicken Coupon Mktg. & Sales Pracs. Litig.*, No. 1:09-cv-07670, 2011 WL 13257072, at *3, n.2 (N.D. Ill. Nov. 30, 2011) (citation omitted).

The percentage of the fund method is “based on the equitable notion that those who have benefited from litigation should share in its costs.” *Sutton v. Bernard*, 504 F.3d 688, 691 (7th Cir. 2007); *see also Boeing*, 444 U.S. at 478 (a court prevents inequity “by assessing attorney’s fees against the entire fund, thus spreading fees proportionately among those benefited by the suit”). “The percentage method is employed by the vast majority of courts in the Seventh Circuit.” *T.K. Through Leshore v. Bytedance Tech. Co.*, No. 1:19-cv-07915, 2022 WL 888943, at *24 (N.D. Ill. Mar. 25, 2022); *see also Gaskill v. Gordon*, 160 F.3d 361, 362-3 (7th Cir. 1998) (collecting cases) (“When a class suit produces a fund for the class, it is commonplace to award the lawyers for the class a percentage of the fund . . . in recognition of the fact that most suits for damages in this country are handled on the plaintiffs’ side on a contingent-fee basis.”); *In re Dairy Farmers of Am., Inc.*, 80 F. Supp. 3d 838, 844 (N.D. Ill. 2015) (applying percentage-of-the-fund approach, noting it “has emerged as the favored method for calculating fees in common-fund cases in this district”); *Williams v. Gen. Elec. Cap. Auto Lease*, No. 1:94-cv-07410, 1995 WL 765266, at *9 (N.D. Ill. Dec. 26, 1995) (collecting cases) (“The approach favored in the Seventh Circuit is to compute attorney’s fees as a percentage of the benefit conferred on the class.”). Thus, the Court should apply the percentage of the fund method here.

B. The Attorneys’ Fees Are Fair and Reasonable, and Follow this Circuit’s Precedent

To determine the reasonableness of a fee request, the Court evaluates “the market price for legal services, in light of the risk of nonpayment and the normal rate of compensation in the market at the time.” *T.K. Through Leshore*, 2022 WL 888943, at *24 (quoting *Synthroid*, 264 F.3d at 718);

In re Cont'l Ill. Sec. Litig., 962 F.2d 566, 572 (7th Cir.1992) (“[t]he object in awarding a reasonable attorney’s fee . . . is to give the lawyer what he would have gotten in the way of a fee in arm’s length negotiation, had one been feasible. In other words, the object is to simulate the market where a direct market determination is infeasible.”). Factors bearing on the market price for legal fees include: (i) attorneys’ fee awards in other class action settlements (ii) the risk of nonpayment; (iii) the quality of Class Counsel’s performance; (iv) the amount of work necessary to resolve the litigation and (v) the stakes of the case. *See T.K. Through Leshore*, 2022 WL 888943, at *24; *Synthroid*, 264 F.3d at 721; *Taubenfeld v. Aon Corp.*, 415 F.3d 597, 599 (7th Cir. 2005). In this case, each factor easily supports approval of Class Counsel’s application for attorneys’ fees.

1. Attorneys’ Fee Awards in Other Class Actions within the Seventh Circuit Support Approval of Class Counsel’s Fee Application

As compensation for the commitment to litigating this Action and working toward a fair and reasonable resolution, Class Counsel respectfully requests \$4,867,326.33 in attorneys’ fees. This is one-third of the net Settlement Fund, which is \$14,601,979.00 after the deduction of costs of notice and claims administration (\$380,521.00) and Service Awards (\$17,500.00 total and \$2,500.00 each).

This requested award is reasonable and appropriate under the precedent in this Circuit. *See e.g., Gaskill*, 160 F.3d 361, at 362-63 (affirming award of 38% of the fund); *T.K. Through Leshore*, 2022 WL 888943, at *25 (“In the Seventh Circuit, and elsewhere, courts regularly award percentages of 33.33% or higher to counsel in class action litigation.”); *In Re: Seresto Flea And Tick Collar Marketing, Sales Practices and Products Liability Litigation*, No. 1:21-cv-04447, Dkt. 204 (N.D. Ill. Jan. 6, 2025) (awarding 33.33% of the fund in a \$15,000,000.00 settlement); *Counts v. Arkk Food Company, et al.*, No. 1:23-cv-00236, Dkt. 74 (N.D. Ill. Sept. 26, 2024) (J. Jenkins) (awarding 37.5% of the fund); *Hale v. State Farm Mut. Auto. Ins. Co.*, No. 3:12-cv-00660, 2018

WL 6606079, at *10 (S.D. Ill. Dec. 16, 2018) (awarding 33.33% and finding “[c]ourts within the Seventh Circuit . . . regularly award percentages of 33.33% or higher to counsel in class action litigation.”); *Kolinek v. Walgreen Co.*, 311 F.R.D. 483, 503 (N.D. Ill. 2015) (finding 36% of the settlement fund reasonable utilizing the percentage-of-recovery method).

2. The Risk of Nonpayment Supports Approval of the Fee Application

The risk of nonpayment is a material consideration in determining an appropriate fee. “The greater the risk of walking away empty-handed, the higher the award must be to attract competent and energetic counsel.” *Silverman v. Motorola Solutions, Inc.*, 739 F.3d 956, 958 (7th Cir. 2013); *see also Synthroid*, 264 F.3d at 721 (finding that the market rate must account for the “risk of nonpayment a firm agrees to bear.”). Thus, “[w]hen determining the reasonableness of a fee request, courts put a fair amount of emphasis on the severity of the risk (read: financial risk) that class counsel assumed in undertaking the lawsuit.” *In re Dairy Farmers of Am., Inc.*, 80 F. Supp. 3d at 847-48. “[T]his consideration incentivizes attorneys to accept and (wholeheartedly) prosecute the seemingly too-big-to-litigate wrongs hidden within the esoteric recesses of the law, ensuring that the attorneys are compensated for their work at the end of the day.” *Id.* at 848.

Class Counsel worked on a contingent basis, risking no fee or reimbursement of expenses. *See Sutton*, 504 F.3d at 694 (“We recognized [in an earlier case] that there is generally some degree of risk that attorneys will receive no fee (or at least not the fee that reflects their efforts) when representing a class because their fee is linked to the success of the suit.”); *Matter of Cont’l Illinois Sec. Litig.*, 962 F.2d 566, 569 (7th Cir. 1992) (“The lawyers for the class receive no fee if the suit fails”); *Brewer v. Molina Healthcare, Inc.*, No. 1:16-cv-09523, 2018 WL 2966956, at *3 (N.D. Ill. June 12, 2018). The request thus “compensate[s] [them] for the risk of nonpayment.” *Silverman*, 739 F.3d at 958 (citing *Kirchoff v. Flynn*, 786 F.2d 320 (7th Cir. 1986)); *see also T.K. Through Leshore*, 2022 WL 888943, at *24-25 (this Court “finds a substantial risk of nonpayment here. . .

. Plaintiffs also faced significant legal hurdles, including the possible preemption of their claims .
. . that could have prevented them prevailing at trial.”).

3. The Quality of Class Counsel’s Performance Is Evidenced by the Significant Benefits Conferred upon the Class

The quality of Class Counsel’s work weighs in favor of granting the request for attorneys’ fees. *See Taubenfeld*, 415 F.3d at 600; *In re Dairy Farmers of Am., Inc.* 80 F. Supp. 3d at 849 (“[y]et another litmus test for assessing reasonableness is quality of Class Counsel’s performance in achieving the settlement—that is, whether this is the type of outcome that willing clients would have envisioned from the outset”). From the outset of this litigation, Class Counsel’s intent was to achieve a substantial recovery for Class Members, including monetary relief unavailable through the Recall. Class Counsel’s significant investigation and vigorous advocacy resulted in timely and substantial benefits to Class Members without years of costly and risky litigation, demonstrating the quality and value of Class Counsel’s representation. *See* Decl. ¶¶ 20-21. *See Reynolds v. Beneficial Nat’l Bank*, 288 F.3d 277, 284 (7th Cir. 2002) (emphasizing that “a future victory is not as valuable as a present victory” because “[t]o most people, a dollar today is worth a great deal more than a dollar ten years from now”) (internal quotation omitted). Class Counsel also self-organized and coordinated the multiple actions on behalf of consumers. Because “Class Counsel have navigated a complicated case and have negotiated a Settlement Agreement that provides significant benefits to the Class Members,” the “quality of Class Counsel’s performance in this litigation favors approval of the fees requested.” *Schulte*, 805 F. Supp. 2d 560 at 598.

4. The Amount of Work Necessary to Resolve This Complex Litigation Was Substantial

Class Counsel recognized that pursuing this litigation beyond the Settlement would be lengthy, complex, expensive, and risky, requiring extensive fact and expert discovery, class certification briefing, trial, and potential appeals. *See* Decl. ¶¶ 21, 28. Continued litigation could

also delay relief to Plaintiffs and Class Members for several years and require hundreds of thousands of dollars in costs, including for experts, depositions, rebuttals, and trial testimony. *Id.* As detailed herein and in the Class Counsel Declaration, investigating, litigating, and settling this Action required considerable time and resources. Class Counsel spent no less than 1,523 hours progressing this litigation. *Id.* ¶ 35. These hours encompass countless tasks fundamental to the Settlement reached herein, including pre-suit investigation, expert consultation, consolidation, informal discovery, and settlement negotiations. *Id.* Class Counsel also closely managed this litigation, ensuring no duplicative work. *Id.* ¶ 36. The lodestar for the reported time of Class Counsel totals \$1,463,369.50. *Id.* ¶¶ 35, 38.

Importantly, this accounting does not include the considerable time Class Counsel must spend to finalize this Settlement and see it through completion. *See Boggess v. Hogan*, 410 F. Supp. 443, 446 (N.D. Ill. Mar. 15, 1976) (taking into account when granting class counsels' fees that "several hundred additional hours will be necessary to administer the settlement."); *Henry v. Sears, Roebuck & Co.*, 1999 WL 33526866, *1 (N.D. Ill. Aug. 30, 1999) (noting that class counsels' lodestar calculation did "not include the additional time and expense that plaintiff's counsel will have to spend implementing, monitoring, and administering the settlement."). Class Counsel has yet to brief final approval or respond to objections or appeals. Further, if the Court grants final approval, Class Counsel will be required to continue working with the Claims Administrator to ensure that Class Members receive payment. Thus, the accounting reflects a portion, but not all, efforts on behalf of the Class by Class Counsel.

5. The Stakes in This Litigation Were High

The stakes of this case were high from the outset. Courts in this District have found that the stakes in a case are high where "the class is large, the challenged activity is extensive, the complexity and costs of the legal proceedings are high, and a large amount of money is involved."

See *Schulte*, 805 F. Supp. 2d at 598; *AT & T Mobility Wireless Data Servs. Sales Tax Litig.*, 792 F. Supp. 2d, 1028, 1038 (N.D. Ill. 2011) (same). This consolidated Action with multiple Plaintiffs and Defendants and various claims under different consumer protection statutes meets this test.

First, approximately 2.5 million Pools were sold nationwide and thus, the Class, which this Court preliminarily certified for settlement purposes, is sufficiently large. See Decl. ¶ 20. *Second*, Plaintiffs assert that Defendants marketed and sold the Pools containing the Defect since 2008, and that Defendants issued a Recall that failed to offer consumers an adequate remedy, including monetary relief. *Id.* ¶ 9. *Third*, Plaintiffs’ consolidated class action claims are complex, and had the Parties not reached a resolution, uncertainty remained with respect to a number of issues including class certification, liability and damages. *Id.* ¶ 28. *Fourth*, significant litigation risk remains, including a likely battle of the experts as to the materiality of Defendants’ challenged representations, the alleged uniform Defect in the Pools, and class-wide damages. Thus, this factor weighs in favor of the requested fees and expenses.

C. Although the Court Need Not Perform a Lodestar Cross-Check, Class Counsel’s Lodestar Supports the Fee Request

Even though “[a] district court is under no obligation to cross-check the requested fees against the lodestar,” this method supports approval of Class Counsel’s request. See *Kolinek*, 311 F.R.D. 483, at 500 (observing that “no Seventh Circuit case law suggests that a percentage-of-the-fund approach will yield a reasonable result only where it satisfies a lodestar cross-check”). Notably, “[t]he use of a lodestar cross-check has fallen into disfavor.” *George v. Kraft Foods Glob., Inc.*, 2012 WL 13089487, at *3 (N.D. Ill. June 26, 2012); *Kaufman v. Am. Express Travel Related Servs., Co.*, 2016 WL 806546, at *13 (N.D. Ill. Mar. 2, 2016), *aff’d sub nom, Kaufman v. Am. Express Travel Related Servs. Co., Inc.*, 877 F.3d 276 (7th Cir. 2017) (noting that “it is true that courts in this circuit have found that the use of a lodestar cross-check in a common fund case

is unnecessary, arbitrary, and potentially counterproductive”) (internal quotation and citations omitted). Nevertheless, under a lodestar cross-check, the requested fee is strongly supported. As shown in Class Counsel’s Fee Declarations filed with this memorandum of law, the lodestar incurred is \$1,463,369.50 based on no less than 1,523 hours of work. *See* Decl. ¶ 35.

Notably, because this Action was and has always sought to represent and settle on behalf of a nationwide class, nationwide rates are appropriate. *See In re Samsung Top-Load Washing Machine Marketing, Sales Practices & Prod. Liability Litig.*, No. 5:17-ml-02792, 2020 WL 9936692, at *6 (W.D. Ok. Jun 11, 2020) (“Where litigation features a national scope and requires a ‘highly-specialized’ opposing counsel, national rates should apply to determining the lodestar.”). Class Counsel’s rates align with what other courts have awarded for similar work. *See e.g., In re Fairlife Milk Prod. Marketing & Sales Prac. Litig.*, No. 1:19-cv-03924 (N.D. Ill.) (Dkt. 173-2 at 9); *Vela et al. v. Amc Networks, Inc.*, No. 1:23-cv-02524 (S.D.N.Y.) (Dkt. 53-6, 53-7, 53-8, 53-9).

They are also less than rates charged by national defense firms. *See e.g. In re. Phasebio Pharmaceuticals, Inc.*, No. 22-10995 (LSS) (D. De.) (Dkt. 952) (Cooley LLP charging between \$1,450-\$2,229 per hour for partners in 2024); *Morgan v. United States Soccer Federation, Inc.*, No. 2:19-cv-1717-RGK-AGR (C.D. Cal.) (Dkt. 334- 1) (Winston & Strawn LLP charging between \$995-\$1,795 per hour for partners in 2022). As such, these rates are in keeping with national market rates.

Further, in this Circuit, a base lodestar is regularly augmented by a multiplier taking into account several factors affecting the amount of the fee award. The factors to be considered include (1) the complexity of the legal issues, (2) the degree of success, and (3) the risk of non-payment if the case were not successful. *Paz v. Portfolio Recovery Assocs., LLC*, 924 F.3d 949, 954 (7th Cir. 2019); *Harman v. Lyphomed, Inc.*, 945 F.2d 969, 976 (7th Cir. 1991). Considering these factors,

courts commonly apply a multiplier of up to 4. *Harman*, 945 F.2d at 976 (observing that “[m]ultipliers anywhere between one and four have been approved”) (internal quotations omitted). In this case, the lodestar cross-check method supports the requested fee. Even though not required, considering all the relevant factors under the lodestar method, the risks, complexities, and challenges Class Counsel faced, discussed in detail herein, warrant approval of the requested fee award. *See* Decl. ¶¶ 9, 18-21, 33-34. Importantly, awarding one-third of the net Settlement Fund would result in a multiplier of only 3.3. *Id.* ¶ 39.

Lastly, Class Counsel’s work is far from done as there remains various time-consuming tasks including, but not limited to, responding to questions and inquiries from Class Members; working with the Claims Administrator; drafting the memorandum of law in support of final approval due to be filed on November 13, 2026, and presenting the motion for Final Approval before the Court at the Final Approval hearing on November 20, 2026. *Id.* ¶ 40. When this additional time is included, any multiplier will likely be less than 3. *Id.* ¶ 41. Thus, even though not required, under the lodestar cross-check method, Class Counsel’s fee application is supported and should therefore be granted.

IV. THE REQUESTED REIMBURSEMENT OF COSTS AND EXPENSES IS FAIR AND REASONABLE AND SHOULD BE APPROVED

In the Seventh Circuit, “it is well established that counsel who create a common fund . . . are entitled to the reimbursement of litigation costs and expenses.” *T.K. Through Leshore*, 2022 WL 888943, at *26; *see also Hale*, 2018 WL 6606079, at *14; *Beesley v. Int’l Paper Co.*, No. 06–cv–703, 2014 WL 375432, at *3 (S.D. Ill. Jan. 31, 2014); Fed. R. Civ. P. 23(h). In accordance with the Settlement, Class Counsel respectfully request reimbursement for \$41,864.18 in costs and expenses incurred in furtherance of this matter in addition to their application for attorneys’ fees. All of Class Counsel’s costs and expenses were incurred in furtherance of litigating this matter and

consist primarily of reimbursement of filing fees; legal research; travel costs and two mediations, and consulting experts. *See* Decl. ¶ 37.

V. THE REQUESTED SERVICE AWARDS ARE REASONABLE AND SUPPORTED UNDER SEVENTH CIRCUIT LAW

In addition, for their dedication to the litigation and resolution of this complex matter, the Court may make separate awards to the Plaintiffs in recognition of their risks taken, time expended, and benefits conferred upon the class. *See, e.g., Pickett v. Exel, Inc.*, 2023 WL 5417825, at *2 (N.D. Ill. Aug. 22, 2023) (finding reasonable the Representative Service Awards in the amount of up to \$15,000.00 each to the Plaintiffs in recognition of their commitment to the action). Here, the Plaintiffs request a service payment of \$2,500.00 each for their diligent contributions to the prosecution and resolution of this litigation. The Plaintiffs, among other things, (i) assisted with Class Counsel's investigation into Defendants' marketing and liability regarding the Pools; (ii) reviewed and approved their respective complaints filed on their behalf; (iii) conferred and corresponded with Class Counsel regularly; (iv) participated in settlement discussions; and (v) reviewed and approved the Settlement Agreement. *See* Decl. ¶¶ 42-45. Through their continued dedication and participation, each Plaintiff enabled Class Counsel to advance this matter to successful resolution, conferring significant monetary benefit to the Class. Further, the requested award of \$2,500.00 is within the reasonable range of incentive awards in class action cases. *See, e.g., In Re: Seresto Flea and Tick Collar Marketing, Sales Practices and Products Liability Litigation*, Case No. 1:21-cv-04447 (granting each class representative service awards of \$15,000.00); *Counts v. Arkk Food Company, et al.*, Case No. 1:23-cv-00236 (granting each class representative service awards of \$5,000.00); *Pickett*, 2023 WL 5417825, at *2 (granting each class representative \$15,000 for service awards). As courts in these cases have granted awards well-above the \$2,500.00 requested here, the Class Representatives here should be awarded \$2,500.00

each.

VI. CONCLUSION

For the foregoing reasons, Class Counsel respectfully request that the Court grant their motion and enter an order that grants payment of:

1. Attorneys' fees in the amount of \$4,867,326.33;
2. Litigation expenses in the amount of \$41,864.18; and
3. A service payment in the amount of \$2,500.00 to each Class Representative.

Respectfully submitted this 25th day of September, 2026.

/s/ Rachel Soffin

Rachel Soffin (MI Bar No. P89509)

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*Additional Class Counsel
and Plaintiffs' Executive Committee*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**JOINT DECLARATION OF CO-LEAD COUNSEL IN SUPPORT OF PLAINTIFFS’
MOTION FOR PAYMENT OF ATTORNEYS’ FEES AND REIMBURSEMENT OF
LITIGATION EXPENSES TO CLASS COUNSEL AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Rachel Soffin of Pearson Warshaw, LLP and Kevin Laukaitis of Laukaitis Law LLC (“Co-Lead Class Counsel”) in support of Plaintiffs’ Motion for Payment of Attorneys’ Fees and Reimbursement of Litigation Expenses to Class Counsel, and Payment of Service Awards to the Class Representatives (“Motion”). We each have personal knowledge of the facts set forth in this declaration and could testify competently as to these facts if called upon to do so.¹

2. Following transfer and consolidation of this Action, on November 6, 2025, the Honorable Judge Lindsay C. Jenkins appointed Rachel Soffin of Pearson Warshaw, LLP and Kevin Laukaitis of Laukaitis Law LLC as Interim Co-Lead Class Counsel on behalf of the putative classes, and appointed additional counsel to the Executive Committee, including Leslie Pescia of Siri Glimstad, Nick Suciu of Bryson Harris Suciu & DeMay PLLC, Charles D. Moore of Reese, LLP, Jason Sultzer of Sultzer & Lipari, PLLC, and Alec Schultz of Hilgers Graben PLLC. *See* Dkt. No. 35.

3. As Co-Lead Counsel, Rachel Soffin and Kevin Laukaitis declare as follows:

¹ Unless defined separately herein in this Declaration, the definitions and capitalized terms in the Settlement Agreement are hereby incorporated as though fully set forth in this Declaration and will have the same meanings attributed to them as in the Settlement Agreement. *See* Dkt. 61-1.

Co-Lead Class Counsel

4. Co-Lead Class Counsel Rachel Soffin and Kevin Laukaitis have significant experience in the litigation, certification, settlement and appeal of national class actions, and have recovered hundreds of millions of dollars for the classes they have represented. The experience, resources and knowledge that Court-appointed Co-Lead Class Counsel bring to this Action are extensive and formidable as demonstrated herein and by our firm resumes, which are attached to this Declaration as Exhibit A (Pearson Warshaw, LLP) and Exhibit B (Laukaitis Law LLC).

5. **Rachel Soffin.** Ms. Soffin is a Partner at Pearson Warshaw, LLP and has been litigating for 20 years, with an exclusive focus on consumer class actions in the areas of defective consumer products, automotive, false advertising and mislabeling, breach of contract, and deceptive and unfair trade practices for the last 15 years. Throughout her career, Ms. Soffin has represented consumers and served as class counsel in numerous successful MDLs and class actions, including *In re: Seresto Flea and Tick Collar Marketing, Sales Practices and Product Liability*, No. 1:21-cv-04447-JRB, MDL No. 3009 (N.D. Ill.) (co-lead counsel in multidistrict litigation involving false advertising and deceptive and unfair sale practices for allegedly dangerous flea and tick collars, resulting in a \$15 million settlement); *All-Clad Metalcrafters LLC, Cookware Marketing and Sales Practices Litig.*, No. 2:21-mc-00491-NR, MDL No. 2988 (W.D. Pa) (co-lead counsel in multidistrict litigation involving allegedly defective cookware, resulting in settlement of up to \$4 million); *Dickens, et al. v. Thinx Inc.*, No. 1:22-cv-04286-JMF (S.D.N.Y.) (class counsel in litigation involving false advertising of products containing Per-and polyfluoroalkyl substances (“PFAS”), resulting in settlement of up to \$5 million); *Spencer, et al. v. Knix*, 1:23-cv-07823-JLR (S.D.N.Y.) (class counsel in litigation involving false advertising of products containing PFAS, resulting in settlement of up to \$2 million); *Hamm v. Sharp Electronics*

Corporation, 5-19-cv-00488 (S.D. Fla.) (over \$100 million value settlement in action involving allegedly defective microwaves); *Berman et al. v. General Motors LLC*, No. 2:18-cv-14371 (S.D. Fla.) (\$40 million value settlement in action involving allegedly defective automobiles); *De Leon v. Bank of America, N.A. (USA)*, No. 6:09-cv-01251 (M.D. Fla.) (\$10 million settlement for consumers subjected to breach of their cardholder agreement and deceptive trade practices); *Swift v. Bank of America*, No. 3:14-cv01539 (M.D. Fla.)(\$1 million settlement for consumers subjected to TCPA violations); *In Re: Horizon Organic Milk Plus DHA Omega-3 Marketing and Sales Practice Litigation*, 1:12-MD02324 (S.D. Fla.)(\$1.3 million settlement value for consumers subjected to deceptive trade practices involving product misrepresentations); *In Re: Tracfone Unlimited Service Plan Litigation*, No. 13-cv-03440 (N.D. Cal.) (\$40 million settlement for consumers subjected to deceptive cellular phone data plan practices).

6. Ms. Soffin is also a frequent lecturer on issues of class actions and sits on the Steering Committee of an annual conference on class actions organized by the Litigation Series. Ms. Soffin was designated by Super Lawyers as a Florida Rising Star from 2011- 2013, and as a Florida Super Lawyer from 2014-2018, 2022-2025, in the fields of Class Actions and Mass Torts.

7. Attached hereto as Exhibit A is a true and correct copy of the firm resume of Pearson Warshaw, LLP.

Kevin Laukaitis. Kevin Laukaitis is the Founding Member of Laukaitis Law LLC, a nationwide plaintiffs' class-action firm dedicated to protecting consumers from deceptive marketing, unfair business practices, and privacy-rights violations. Laukaitis Law has been at the forefront of consumer-protection litigation in this District and nationwide, currently litigating more than a dozen consumer class actions on behalf of individuals who purchased products subject to allegedly insufficient recalls and other deceptive business practices. Mr. Laukaitis's recent work

in nationwide recall litigation positions him to coordinate claims involving consumer product safety hazards efficiently.

Mr. Laukaitis has secured recoveries exceeding \$100 million for classes of consumers. His recent leadership appointments include *McNally v. Infosys McCamish Systems, LLC*, No. 1:24-cv-00995 (N.D. Ga.) (Co-Lead Class Counsel in a data-breach case affecting 3.7 million individuals, resulting in a \$17.5 million common-fund settlement); *Bianucci v. Rite Aid Corp.*, No. 2:24-cv-03356 (E.D. Pa.) (Co-Lead Class Counsel in a data-breach action affecting more than 2 million individuals, resulting in a \$6.8 million settlement approved in 2025 despite Rite Aid's bankruptcy); and *Vela v. AMC Networks Inc.*, No. 1:23-cv-02524-ALC (S.D.N.Y.) (Class Counsel in \$8 million common-fund settlement involving alleged violations of the Video Privacy Protection Act).

Mr. Laukaitis served as Co-Lead Counsel in *Counts v. Arkk Food Company*, No. 1:23-cv-00236 (N.D. Ill.) (Jenkins, J.), a deceptive advertising case before this Court that resulted in a \$2 million common fund settlement for consumers nationwide. He also served as Co-Lead Counsel in *Mercado v. Verde Energy USA, Inc.*, No. 1:18-cv-02068 (N.D. Ill.) (Co-Lead Counsel in a \$7 million common-fund settlement on behalf of a nationwide class of consumers overcharged for energy services); and as a member of the Executive Committee in *Seresto* MDL (a \$15 million class settlement concerning consumer-safety claims).

8. Attached hereto as Exhibit B is a true and correct copy of the firm resume of Laukaitis Law LLC.

Background and Procedural History

9. Beginning in August 2025, four putative class action complaints were filed against Defendants in various federal courts around the country. Plaintiffs Susana Castro, Pete Piceno, Shannon Gannon, Leah Holloway, Jamie DeSabio, Katrina Hill and Lisa Weeks (collectively, the

“Plaintiffs,” or “Class Representatives”) alleged generally that Defendants manufactured, distributed and sold certain Bestway-branded above-ground Pools (“Class Products” or “Pools”) from 2008 to 2024 that were 48 inches in height or taller, that contained a uniform Defect—compression straps located outside of the pool legs that may create a foothold, which could allow a child to gain access to the pool and create a potential drowning hazard. Further, Plaintiffs alleged that Defendants’ Recall of the Pools was delayed, deficient and inadequate, including that they failed to offer consumers any monetary relief. The putative class actions asserted claims for, among other things, breach of express and implied warranties, unjust enrichment, common law fraud, negligence and violations of certain state consumer protection laws, false advertising and unfair competition statutes.

10. On August 12, 2025, Plaintiff Castro filed a putative class action in the United States District Court for the Northern District of Illinois against *Bestway USA, Inc.* *Castro v. Bestway USA, Inc.*, No. 1:25-cv-09570 (N.D. Ill.) (the “Castro Action”).

11. On August 21, 2025, Plaintiffs Pete Piceno and Shannon Gannon filed a putative class action against Defendants in the United States District Court for the Central District of California. *Piceno et al. v. Bestway USA, Inc.*, No. 1:25-cv-12315 (C.D. Cal.) (the “Piceno Action”).

12. On October 17, 2025, Plaintiffs Katrina Hill and Lisa Weeks filed a putative class action against Bestway USA in the United States District Court for the Northern District of California. *Hill et al. v. Bestway USA, Inc.*, No. 1:25-cv-13422 (N.D. Cal.) (the “Hill Action”).

13. On October 21, 2025, Plaintiff Leah Holloway filed a related putative class action against Defendants in the Northern District of Illinois. *Holloway v. Bestway USA, Inc.*, No. 1:25-cv-12853 (N.D. Ill.) (the “Holloway Action”).

14. On October 3, 2025, the Piceno Action was transferred to the Northern District of Illinois. On October 22, 2025, the Piceno Action was related to the Castro Action. On October 29, 2025, the Hill Action was transferred to the Northern District of Illinois.

15. On November 6, 2025, the Court held an initial status conference. Following that conference, the Court consolidated the related cases into a single action styled: *In re: Bestway Above-Ground Pools Litigation*, No. 1:25-cv-09570 (N.D. Ill.) (the “Action”). *See* Dkt. No. 30.

16. On November 7, 2025, Plaintiffs moved for the appointment of interim class counsel. *See* Dkt. No. 31. The Court granted that motion on November 13, 2025, appointing Interim Co-Lead Class Counsel and the Executive Committee, as noted above. *See* Dkt. No. 35.

17. On November 24, 2025, Plaintiffs filed a Consolidated Amended Class Action Complaint, alleging claims on behalf of consumers nationwide. *See* Dkt. No. 37. Plaintiff DeSabio was included in the Consolidated Amended Class Action Complaint as a Plaintiff in the Action.

18. Class Counsel’s thorough investigation and vigorous advocacy began long before the initial complaints were filed. As detailed in the Motion, Class Counsel invested significant time and resources into researching and investigating the Pools, Defendants’ marketing practices and the Recall before filing suit. This robust investigation included reviewing product materials, analyzing the Pool’s alleged uniform Defect, Defendants’ various advertisements and other representations regarding the Pools, the Recall, and prior incidents and litigation records, as well as consulting with experts and interviewing numerous class members. *See* Dkt. No. 31.

19. As a result of our work, our team gained enhanced knowledge of the Defect and the manufacturing process for the Pools, the Recall, Defendants target consumer demographics, and Defendants representations generally made about the Pools.

20. Further, prior to mediation, the Parties exchanged significant confidential informal discovery, including documents sufficient to identify all model numbers, brand names, product descriptions, retail pricing information, supply dates, number of Pool units sold, design changes made to the Pools consistent with industry standards, packaging information, user manuals, testing regarding evaluation of the repair kit subject to the Pool Recall and related Pool Recall data, as well as Plaintiffs' Pool purchase information and documentation. Importantly, Defendants produced sales data that confirmed the number of Class Products sold to Settlement Class Members nationwide—approximately 2.5 million—and as a result, also confirmed that the Class, which this Court preliminarily certified for settlement purposes, is sufficiently large.

21. All of this information would have been subject to lengthy discovery efforts and would have taken months or longer to complete, yet Defendants provided this information prior to mediation, allowing Class Counsel to thoroughly evaluate their claims.

Overview of Arm's-Length Settlement Negotiations

22. The Parties participated in two separate full-day in-person mediation sessions facilitated by the Honorable Diane Welsh (Ret.) of JAMS in Philadelphia, Pennsylvania. Both mediations were very active, conducted at arm's length and ultimately, led to the Settlement Agreement ("Settlement").

23. The Parties exchanged detailed mediation briefs prior to mediation including legal research and analysis and outlining their respective positions.

24. On January 16, 2026, the Parties participated in a full-day, in-person mediation before the Honorable Diane Welsh (Ret.) in Philadelphia, Pennsylvania. The mediation was hard-fought and conducted at arm's length but did not result in a settlement. While the mediation did not result in a resolution, it laid the groundwork for further settlement discussions.

25. On February 13, 2026, the Parties subsequently participated in a second full-day in-person mediation session before the Honorable Diane Welsh (Ret.) in Philadelphia, Pennsylvania. As with the first mediation session, the second mediation was incredibly active and conducted at arm's length. At that session, the Parties reached an agreement in principle to resolve the Action on a nationwide class basis.

26. The Parties notified the Court of the agreement in principle to resolve the Action on a nationwide class basis via a joint status report on March 27, 2026. *See* Dkt. No. 46.

27. Over approximately the next two months, the Parties continued to negotiate the finer points of the Settlement Agreement, including the terms of the Release, the Settlement Administrator and its respective duties, the Notice Plan and the proposed schedule of settlement events.

28. As a result of the information exchanged by the parties in the Action in advance of mediation, the parties entered settlement negotiations with substantial information about the merits of the legal claims and factual allegations. The parties were able to review key documents and information in this matter, which allowed them to confidently evaluate the strengths and weaknesses of Plaintiffs' claims and prospects for success at class certification, summary judgment, and trial.

29. The Parties did not discuss attorneys' fees, costs or service awards until after agreement was reached on the material terms of class relief.

30. No agreements have been made in connection with the proposed Settlement other than the Settlement Agreement presented to the Court.

31. On May 1, 2026, the plaintiffs filed an Unopposed Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan. *See* Dkt. No. 61.

32. On May 4, 2026, this Court granted Plaintiffs' Unopposed Motion for Preliminary Approval of the Settlement. *See* Dkt. No. 62.

Lodestar and Expenses

33. Class Counsel undertook this matter on a contingency basis with no guarantee of recovery and have committed substantial resources of attorney and staff time, in addition to out-of-pocket costs, towards investigating, litigating and settling the matter. In doing so, Class Counsel also assumed the risk of the significant delay associated with achieving a final resolution through trial or any appeals.

34. The Parties agreed to the terms of the Settlement through experienced counsel who possessed all information necessary to evaluate the case, determine all the contours of the proposed Settlement Class, and reach a fair and reasonable compromise after negotiating the terms of the Settlement at arm's length and with the assistance of a neutral mediator. As noted in paragraphs 4 to 8 above, Settlement Class Counsel have significant experience in litigating class actions of similar size, scope and complexity to the instant action.

35. Class Counsel have expended substantial time and effort in the litigation and settlement of this Action. Class Counsel have devoted no less than 1,523.08 hours of work in this case (excluding time for the fee motion), with a total lodestar of \$1,463,369.50. This time includes countless tasks fundamental to the Settlement reached herein, including, but not limited to, pre-suit investigation, expert consultation, consolidation, informal discovery and settlement negotiations.

36. As Class Counsel, we closely managed the work assignments of the Executive Committee members to ensure no firms duplicated work during the litigation.

37. Additionally, the total amount of expenses incurred in this matter is \$41,864.18. All of Class Counsel's costs and expenses were reasonable and necessary and incurred in furtherance of litigating this matter and consist primarily of reimbursement of filing fees, legal research, travel costs for court appearances and two mediations and consulting experts.

38. Further, notice and administration costs from the Settlement Administrator are currently estimated at \$380,521.00.

39. The following table summarizes Class Counsel's reasonable lodestar and litigation expenses as reflected in Plaintiffs' Counsel's declarations attached as composite Exhibit C:

Firm	Hours	Lodestar	Expenses
Pearson Warshaw, LLP	316.2	\$350,763.00	\$13,211.63
Laukaitis Law LLC	373.50	\$312,343.50	\$20,910.69
Bryson Harris Suci & DeMay PLLC	178.62	\$156,753.00	\$1,206.44
Reese, LLP	150.1	\$217,502.00	\$2,798.29
Siri Glimstad	111.9	\$93,128.00	\$1,567.28
Sultzer & Lipari, PLLC	197.26	\$177,130.00	\$764.85
Hilgers Graben PLLC	195.5	\$155,750.00	\$1,405.00
Total	1,523.08	\$1,463,369.50	\$41,864.18

40. Based on this lodestar, Awarding one-third of the net Settlement Fund would result in a multiplier of 3.3.

41. In addition to the time already submitted to the Court, Class Counsel necessarily must continue to work with the Settlement Administrator, assist in the review of documents submitted by Class Members, review and respond to class members and move for final approval

and argue the final approval motion. Based upon experience, this will amount to significant additional hours of attorney time.

42. When this additional time is included, any multiplier will likely be less than 3.

The Class Representatives Served an Important Role in This Litigation

43. Each and every one of the Class Representatives fulfilled their class representative duties and each has helped achieve an outstanding result for the Settlement Class.

44. The Class Representatives, among other things, (i) assisted with Class Counsel's investigation into Defendants' marketing relating to the Pools, the Defect and the Recall; (ii) reviewed and approved multiple Complaints; (iii) conferred and corresponded with Class Counsel regularly; (iv) participated in settlement discussions; and (v) reviewed and approved the Settlement Agreement.

45. Each Class Representative understood that he or she would be involved in this litigation, potentially for many years, and that if the litigation continued, they would have to fulfill a number of additional responsibilities, including (i) sitting for one or more depositions; (ii) responding to written discovery and producing documents; (iii) communicating regularly with Class Counsel regarding the litigation, including providing support for case filings and discovery; (iv) producing information to Class Counsel to assist Plaintiffs' experts; (v) and attending trial for several weeks.

46. The requested service awards of \$2,500 per Class Representative are appropriate in this litigation given the significant time and effort dedicated to this case by each Class Representative, including reviewing multiple court filings and regularly corresponding with Class Counsel.

We declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Kevin Laukaitis
Kevin Laukaitis

/s/ Rachel Soffin
Rachel Soffin

Court-Appointed Co-Lead Counsel

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EXHIBIT A



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Pearson Warshaw, LLP (“PW”) is a civil litigation firm with offices in Los Angeles, San Francisco and Minneapolis. PW is AV-rated by Martindale and ranked by Chambers and Partners. The firm specializes in complex litigation, including state coordination cases and federal multidistrict litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multinational class actions that present cutting-edge issues in both substantive and procedural areas. PW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity and are committed to seeking justice for their clients.

CASE PROFILES

PW attorneys *currently* hold, or have held, a leadership role in the following representative cases:

NOTABLE CASES

- ***In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation***, Northern District of California, MDL No. 2451. PW attorneys served as co-lead counsel in this multidistrict litigation alleging that the NCAA and its member conferences violated the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players could receive. The damages portion of the case settled for \$208 million, while the injunctive relief phase of the case proceeded to a successful bench trial before ultimately concluding with a 9-0 victory before the Supreme Court of the United States. *See Nat’l Collegiate Athletic Ass’n v. Alston*, 594 U.S. 69 (2021).
- ***In re Credit Default Swaps Antitrust Litigation***, Southern District of New York, MDL No. 2476. PW attorneys served as co-lead counsel and represented the Los Angeles County Employees Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade



CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PW helped reach a settlement with the defendants totaling \$1.86 *billion* plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.

- ***Senne v. Office of the Commissioner of Baseball***, Northern District of California, Case No. 14-cv-00608. PW attorneys currently serve as co-lead counsel in this certified class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime. On March 29, 2023, the court granted final approval to a historic \$185 million settlement.
- ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, Northern District of California, MDL No. 1827. PW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion-dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PW helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.
- ***In re Potash Antitrust Litigation (No. II)***, Northern District of Illinois, MDL No. 1996. PW partner Bruce L. Simon served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court’s opinion is one of the most significant regarding the scope of international antitrust conspiracies. *See Minn-Chem, Inc. v. Agrium Inc.*, 683 F.3d 845 (7th Cir. 2012).



- ***In Re Fairlife Milk Products Marketing And Sales Practices Litigation***, Northern District of Illinois, MDL No. 2909. PW partner Melissa S. Weiner served as co-lead counsel for a class of purchasers of fairlife brand milk products who were allegedly subjected to false and misleading representations regarding the treatment of the dairy cows. In 2022, the court granted final approval of a landmark \$21 million settlement, which also provided for meaningful stipulated injunctive relief.

CURRENT CASES

- ***In Re: Shell Eggs Antitrust Litigation***, Western District of Wisconsin, Case No. 1:26-cv-3175-jdp. PW partner Bobby Pouya currently serves as co-lead counsel for Indirect Consumer Plaintiffs. This antitrust class action lawsuit alleges that egg producers conspired to fix, raise, and stabilize the price of conventional shell eggs sold in the United States since at least January 2022, causing consumers to pay artificially inflated prices.
- ***Redner's Markets, Inc. v. Lamb Weston Holdings, Inc.***, Northern District of Illinois, Case No. 1:24-cv-11801. PW attorneys currently serve as co-lead counsel for Indirect Commercial and Institutional Purchaser Plaintiffs. This antitrust class action lawsuit was brought on behalf of purchasers of frozen potato products—including french fries, hash browns, and tater tots—and alleges a conspiracy among the largest potato processors in North America.
- ***In re PVC Pipe Antitrust Litigation***, Northern District of Illinois, Case No. 1:24-cv-07639. PW attorneys currently serve as co-lead class counsel on behalf of End-User Plaintiffs. The complaint alleges that prices for PVC pipes were artificially inflated because of a conspiracy between the price reporting service, Oil Price Information Service (“OPIS”), and the largest manufacturers of PVC pipes.
- ***Blue Cross Blue Shield Antitrust Litigation***, PW attorneys currently represent plaintiffs in opt-out cases against Blue Cross and Blue Shield entities. The complaints allege that defendants conspired to divide the country into exclusive service areas, agreeing not to compete with each other. These opt-out plaintiffs allege that the conspiracy violated antitrust laws, which led to increased insurance costs and reduced reimbursements for healthcare providers. By allocating territories and restricting competition, defendants are accused of paying healthcare providers far less than they would have received in a competitive market.
- ***In re Episource LLC Data Breach Litigation***, Central District of California, Case No. 2:25-cv-05330-SB. PW partner Daniel L. Warshaw serves as liaison counsel in this data breach class action. The complaint alleges that defendants failed to properly protect plaintiffs’ personally identifying information and protected health information that was ultimately stolen by cybercriminals.



- ***In re Broiler Chicken Antitrust Litigation***, Northern District of Illinois, Case No. 1:16-cv-08637. PW attorneys currently serve as co-lead class counsel on behalf of a certified class of direct purchaser plaintiffs. The complaint alleges that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices. PW and co-counsel secured settlements of over \$284 million for the direct purchaser plaintiffs.
- ***In re Pork Antitrust Litigation***, District of Minnesota, Case No. 0:18-cv-01776. PW attorneys currently serve as co-lead class counsel on behalf of a certified class of direct purchaser plaintiffs. The complaint alleges that the nation's largest pork producers violated antitrust laws by limiting production and manipulating the price indices. Thus far, PW and co-counsel have secured over \$180 million in settlements for the direct purchaser plaintiffs.
- ***Vakilzadeh v. The Trustees of The California State University***, Los Angeles County Superior Court, Case No. 20STCV23134. PW partner Daniel L. Warshaw serves as co-lead counsel for a certified class of California State University students who were not provided refunds of tuition and fees after CSU closed all campuses and ended in-person learning and activities.
- ***In re MOVEit Customer Data Security Breach Litigation***, District of Massachusetts, Case No. 1:23-md-03083-ADB. In this multidistrict cybersecurity litigation involving hundreds of defendants and an estimated 40 million people, PW partner Melissa S. Weiner currently serves as Co-Chair of the Offensive and Third-Party Discovery Committee.
- ***In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation***, District of New Mexico, Case No. 1:16-md-02695-JB-LF. PW partner Melissa S. Weiner chairs the Executive Committee and PW partner Daniel L. Warshaw serves on the executive committee. This certified class action alleges that defendants' "natural," "organic" and "additive free" claims on their tobacco products were false and misleading to consumers.
- ***In Re: Change Healthcare, Inc. Customer Data Security Breach Litigation***, District of Minnesota, Case No. 0:24-md-03108-DWF-DJF. PW partner Melissa S. Weiner was appointed Co-Chair of the Plaintiff Steering Committee in this nationwide data breach MDL.
- ***In re Passenger Vehicle Replacement Tires Antitrust Litigation***, Northern District of Ohio, Eastern Division, Case No. 5:24-md-3107-SL. PW partner Bobby Pouya serves as a representative on the Direct Purchaser Plaintiffs' Steering Committee. This class action alleges that the world's largest tire manufacturers of new



replacement tires for passenger vehicles violated antitrust laws by raising and maintaining prices at artificially high levels in the United States.

- ***Conry v. Gerber Products Company, et al.***, Eastern District of New York, Case No. 1:24-cv-06784. PW partners Daniel L. Warshaw and Bobby Pouya represent Plaintiffs in this proposed class action against infant formula manufacturers Gerber and Perrigo, which was filed on grounds that the corporations unlawfully colluded to inflate the prices of store-brand infant formula. The complaint alleges that both companies violated antitrust laws by orchestrating a scheme that restricted open-market competition. More specifically, Gerber is alleged to have granted Perrigo the “first right of refusal” on its surplus formula.
- ***In Re: Shale Oil Antitrust Litigation***, District of New Mexico (Albuquerque), Case No. 1:24-MD-03119. On August 1, 2024, a U.S. judicial panel said that a series of related lawsuits accusing shale oil producers of a price-fixing scheme would be grouped together and assigned to a U.S. federal judge in New Mexico. The order by the federal Judicial Panel on Multidistrict Litigation designated the New Mexico federal court over other venues, including Texas and Nevada, where lawsuits had been filed in recent months. More than a dozen lawsuits allege that shale oil producers conspired to curb shale oil output, which has led to higher prices for products including gasoline, diesel fuel, commercial marine fuel, and heating oil. PW partners Daniel L. Warshaw and Bobby Pouya represent Plaintiff Richard Beaumont in the case of *Beaumont v. Permian Resources Corp.*, District of New Mexico (Albuquerque), Case No. 1:24-CV-00857.

PAST CASES

- ***North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.***, Eastern District of New York, Case No. 1:17-cv-05495-HG. PW, along with co-counsel, represented the North American Soccer League in a matter against the United States Soccer Federation and Major League Soccer alleging antitrust violations. The complaint alleged that U.S. Soccer and MLS prevented NASL from competing against MLS (the sole Division I league) and the United Soccer League (the sole Division II league). The matter was tried before a jury in January.
- ***Gupta v. Aeries Software, Inc.***, Central District of California, Case No. 8:20-cv-00995-FMO. PW partner Daniel L. Warshaw served as class counsel in this nationwide data breach class action involving the unauthorized access to defendant’s servers that stored student data.
- ***Grace v. Apple, Inc.***, Northern District of California, Case No. 5:17-CV-00551-LHK. PW partner Daniel L. Warshaw served as class counsel in this California certified class action on behalf of consumers who allege Apple intentionally broke its



“FaceTime” video conferencing feature for Apple iPhone 4 or iPhone 4S users operating on iOS 6 or earlier. PW and co-counsel obtained final approval of an \$18 million settlement in this matter.

- ***In re Lithium Ion Batteries Antitrust Litigation***, Northern District of California, MDL No. 2420. PW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict antitrust class action alleging price-fixing of lithium ion battery cells. PW and co-counsel secured final approval of over \$139 million in settlements for the direct purchaser plaintiffs.
- ***In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation***, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arose from the alleged unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig’s alleged anticompetitive conduct included acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors’ products. PW and co-counsel obtained final approval of a \$31 million settlement in this matter.
- ***Trepte v. Bionaire, Inc.***, Los Angeles County Superior Court, Case No. BC540110. PW attorneys served as Class Counsel in this certified class action alleging that the defendant sold defective space heaters. The complaint alleged that the defendant breached the warranty and falsely advertised the safety of the heaters due to design defects that cause the heaters to fail – and, as a result of the failure, the heaters could spark, smoke and catch fire. Final approval of the class settlement was granted.
- ***In re Carrier IQ Consumer Privacy Litigation***, Northern District of California, MDL No. 2330. PW attorneys served as interim co-lead counsel in this putative nationwide class action on behalf of consumers who alleged privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.
- ***Sciortino v. PepsiCo, Inc.***, Northern District of California, Case No. 14-cv-0478. PW attorneys served as interim co-lead counsel in this putative California class action on behalf of consumers who alleged that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.
- ***James v. UMG Recordings, Inc.***, Northern District of California, Case No. 11-cv-01613. PW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers



who alleged that they had been systematically underpaid royalties by the record company UMG.

- ***In re Warner Music Group Corp. Digital Downloads Litigation***, Northern District of California, Case No. 12-cv-00559. PW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.
- ***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***, Northern District of California, MDL No. 1486. PW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparing a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.
- ***In re Methionine Antitrust Litigation***, Northern District of California, MDL No. 1311. PW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.
- ***In re Sodium Gluconate Antitrust Litigation***, Northern District of California, MDL No. 1226. PW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates.
- ***In re Citric Acid Antitrust Litigation***, Northern District of California, MDL No. 1092. PW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys



involved in discovery in this matter. This proceeding resulted in over \$80 million in settlements for the direct purchasers.

- ***Olson v. Volkswagen of America, Inc.***, Central District of California, Case No. CV07-05334. PW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.
- ***Swain v. Eel River Sawmills, Inc. et al.***, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.
- ***In re Homestore Litigation***, Central District of California, Master File No. 01-11115. PW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.
- ***In re MP3.Com, Inc., Securities Litigation***, Southern District of California, Master File No. 00-CV-1873. PW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- ***In re Automotive Refinishing Paint Cases***, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.
- ***In re Beer Antitrust Litigation***, Northern District of California, Case No. 97-20644-SW. PW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- ***In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation***, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4027. PW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.



- ***Hart v. Central Sprinkler Corporation***, Los Angeles County Superior Court, Case No. BC176727. PW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.
- ***Rueda v. Schlumberger Resources Management Services, Inc.***, Los Angeles County Superior Court, Case No. BC235471. PW attorneys served as class counsel with other law firms representing customers of the Los Angeles Department of Water & Power (“LADWP”) who had lead-leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cy pres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the affected water meters.
- ***In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation***, Northern District of California, MDL No. 1114. PW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.
- ***In re iPod nano Cases***, Los Angeles County Superior Court, Judicial Counsel Coordination Proceeding No. 4469. PW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- ***Unity Entertainment Corp. v. MP3.Com***, Central District of California, Case No. 00-11868. PW attorneys served as defense counsel in this class action alleging copyright infringement.
- ***Vallier v. Jet Propulsion Laboratory***, Central District of California, Case No. CV97-1171. PW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- ***Nguyen v. First USA N.A.***, Los Angeles County Superior Court, Case No. BC222846. PW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- ***Morales v. Associates First Financial Capital Corporation***, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.



- ***In re AEFA Overtime Cases***, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding class-wide settlement.
- ***Khan v. Denny's Holdings, Inc.***, Los Angeles County Superior Court, Case No. BC177254. PW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- ***Kosnik v. Carrows Restaurants, Inc.***, Los Angeles County Superior Court, Case No. BC219809. PW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- ***Castillo v. Pizza Hut, Inc.***, Los Angeles County Superior Court, Case No. BC318765. PW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.
- ***Baker v. Charles Schwab & Co., Inc.***, Los Angeles County Superior Court, Case No. BC286131. PW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- ***Eallonardo v. Metro-Goldwyn-Mayer, Inc.***, Los Angeles County Superior Court, Case No. BC286950. PW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.
- ***Leiber v. Consumer Empowerment Bv A/K/A Fasttrack***, Central District of California, Case No. CV 01-09923. PW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.
- ***Higgs v. SUSA California, Inc.***, Los Angeles County Superior Court Case No. BC372745. PW attorneys served as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.



- ***Fournier v. Lockheed Litigation***, Los Angeles County Superior Court. PW attorneys served as counsel for 1,350 residents living at or near the Skunk-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.
- ***Nasseri v. CytoSport, Inc.***, Los Angeles County Superior Court, Case No. 439181. PW attorneys served as class counsel on behalf of a nationwide class of consumers who purchased CytoSport’s popular protein powders, ready-to-drink protein beverages, and other “supplement” products. Plaintiffs alleged that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport’s health claims regarding the products. The case resulted in a nationwide class action settlement which provided monetary relief to the class members and required the reformulation of CytoSport supplement products.
- ***In re Samsung Top-Load Washing Machine Marketing, Sales Practice and Products Liability Litigation***, Western District of Oklahoma, Case No. 5:17-ml-02792-D. Plaintiffs alleged that the top-load washing machines contain defects that cause them to leak and explode. PW Partner Melissa S. Weiner was appointed to the Plaintiffs’ Steering Committee in this multidistrict class action, which settled nationwide.



CLIFFORD H. PEARSON

Founding Partner

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Clifford H. Pearson is a founding partner of Pearson Warshaw, LLP. Mr. Pearson is a civil litigator, business lawyer and mediator focusing on complex litigation, class actions, and business law. In 2013, 2016, and 2021 through 2025, Mr. Pearson was named by the *Daily Journal* as one of the Top 100 Lawyers in California. Additionally, Mr. Pearson was named as one of the *Daily Journal*'s 2019 Top Plaintiff Lawyers and in 2022, 2023, 2024 and 2025 he was named one of the Top Antitrust Lawyers. He was instrumental in negotiating a landmark settlement totaling \$1.86 billion in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market. Mr. Pearson also negotiated \$473 million in combined settlements in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. During his career that spans over 40 years, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, and Association of Business Trial Lawyers.



Education:

- Whittier Law School, Los Angeles, California – J.D. – 1981
- University of Miami – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976

Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth and Seventh Circuits
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association



DANIEL L. WARSHAW

Founding Partner

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Daniel L. Warsaw, a founding partner of Pearson Warsaw, LLP, is a civil litigator and trial lawyer who focuses on antitrust, complex litigation, class actions, and consumer protection. Mr. Warsaw has held leadership roles in numerous state, federal and multidistrict class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts, entertainment royalties, intellectual property and false and misleading advertising. Mr. Warsaw has also represented employees in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warsaw's cases have received significant attention in the press, and Mr. Warsaw has been profiled by the *Daily Journal* for his work. Mr. Warsaw was named by the *Daily Journal* as one of the Top 100 Lawyers in California each year from 2022 to 2025. In 2019 and 2020, Mr. Warsaw was named as one of the *Daily Journal*'s Top Plaintiff Lawyers. In 2020 and from 2022 through 2025, he was also named one of the *Daily Journal*'s Top Antitrust Lawyers. Mr. Warsaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. Additionally, Mr. Warsaw is ranked by Chambers and Partners for antitrust litigation. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warsaw played an integral role in several of the firm's groundbreaking cases. In *In re TFT-LCD (Flat Panel) Antitrust Litigation*, 3:07-md-01827-SI (N.D. Cal.) he assisted in leading this multidistrict to trial and securing \$473 million in recoveries to the direct purchaser plaintiff class. After the firm was appointed as interim co-lead counsel in *In re Credit Default Swaps Antitrust Litigation*, Mr. Warsaw, along with his partners and co-counsel, successfully secured a \$1.86 billion settlement on behalf of the class.



Current Cases:

- *Vakilzadeh v. The Trustees of the California State University* (Cal. Super. Ct.)
- *Yoo v. The Regents of the University of California* (Cal. Super. Ct.)
- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litig.* (D.N.M.)
- *In re PVC Pipe Antitrust Litig.* (N.D. Ill.)
- *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
- *In re Episource LLC Data Breach Litigation* (C.D. Cal.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.S. – 1992

Bar Admissions:

- State of California
- United States Court of Appeals for the Second, Seventh, Ninth and Tenth Circuits
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois
- United States District Court for the Western District of Texas



Mr. Warsaw served or currently serves in a lead or co-lead position in the following cases: *Vakilzadeh v. The Trustees of The California State University*, Los Angeles County Superior Court, Case No. 20STCV23134, a certified class action alleging that students were not properly refunded for tuition and fees when the California State University System closed its campuses and provided remote learning in lieu of in-person education; *Zimmerman v. Paramount Global*, No. 23 Civ. 2409 (VSB) (S.D.N.Y.), a class action alleging that Paramount failed to adequately pay royalties for the dissemination of artists' works over satellite radio; and *Senne v. The Office of the Commissioner of Baseball*, 3:14-cv-00608-JCS (N.D. Cal.), a certified multistate class action alleging that Major League Baseball and its teams violated state and federal wage and hour laws relating to minor league players.

Mr. Warsaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. He is also the founder and Chair of the *Class Action Litigation Forum*, whose purpose is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers, Board Member
- Consumer Attorneys of California
- Plaintiffs' Class Action Roundtable, Chair



BRUCE L. SIMON

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Bruce L. Simon is a founding partner and partner emeritus at Pearson Warshaw, LLP and led the firm to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud and securities. He has served as lead counsel in many business cases with national and global impact.

In 2019, Mr. Simon was named as one of the Daily Journal's Top Plaintiff Lawyers. In 2018, Mr. Simon was awarded "Antitrust Lawyer of the Year" by the California Lawyers Association. In 2013 and 2016, Mr. Simon was chosen by the Daily Journal as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from California Lawyer Magazine and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in \$473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an \$87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

Also, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in CDS reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor.



Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig.*, 141 S.Ct. 2141 (2021).

Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

Bar Admissions:

- State of California
- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

Professional Associations and Memberships:

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair



The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

More recently, Mr. Simon completed the trial seeking injunctive relief in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*. The plaintiffs allege that the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive.

- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)
-

Publications:

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, Antitrust, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)
- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012



MELISSA S. WEINER

Partner

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Melissa S. Weiner is a partner and civil litigator whose work is squarely focused on combating consumer deception. Her experience is expansive, including class actions related to consumer protection, product defect, intellectual property, automotive, false advertising and data breach. Ms. Weiner has taken a leadership role in numerous large class actions and MDLs in cases across the country and lectures regularly on complex litigation matters.

Since her admission to the bar in 2007, she has earned appointment in a variety of MDLs and class actions throughout the country. She serves as the Co-Chair of the Plaintiffs' Steering Committee in *In Re: Change Healthcare, Inc. Customer Data Security Litigation* and as a member of the Plaintiffs' Executive Committee in *In re: MOVEit Customer Data Security Breach Litigation*, MDL No. 1:23-md-03083-ADB (D. Mass.), two of the largest data breach MDLs in the country. Additionally, she chairs the Plaintiffs' Executive Committee in *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation*, No. 1:16-md-02695-JB-LF (D.N.M.), where she co-led the strategy on class certification, which resulted in achieving class certification for a class of cigarette purchasers.

A significant contributor to her professional community, Ms. Weiner is the Treasurer and Chair of the Development Committee for Public Justice. Ms. Weiner is an active member of the Minnesota bar, and a former Co-Chair of the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association where, in collaboration with the bench, she helped institute new recommended procedures for inclusion of newer and diverse attorneys in key litigation roles to combat the steep decline of in-court opportunities that disproportionately affect women, diverse attorneys, and other underrepresented groups. She also currently serves on the Minnesota Bar Association Food & Drug Law Council. Dedicated to her identity as a Jewish lawyer, Ms. Weiner is also the Co-Chair of the Twin Cities Cardozo Society, an affinity group of the Minneapolis and St. Paul Jewish Federations, which is the leading Jewish lawyers' network serving the community.

In recognition of her outstanding efforts in the legal community, each year since 2012, Ms. Weiner has been named a Super Lawyers *Rising Star* by Minnesota Law & Politics.

Current Cases:

- *Ashour v. Arizona Beverages USA LLC et al.* (S.D.N.Y.) (false advertising/mislabeling)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.) (false advertising/mislabeling)
- *In Re Santa Fe Natural Tobacco Co. Mktg., Sales Pracs., and Prods. Liability Litig.* (D.N.M.) (false advertising/mislabeling)
- *In re: Apple Inc. App Store Simulated Casino-Style Games Litig.; In re: Facebook, Inc. App Center Simulated Casino-Style Games Litig.; and In re: Google Play Store Simulated Casino-Style Games Litig.* (N.D. Cal.)
- *Nutraceutical Wellness, Inc. Consumer Fraud Litig.* (S.D.N.Y.) (false advertising/mislabeling)
- *In Re: Change Healthcare, Inc. Customer Data Secs. Breach Litig.* (D. Minn.) (data breach)
- *In re: MOVEit Customer Data Sec. Breach Litig.* (D. Mass.) (data breach)
- *Bounthon, et al. v. The Proctor & Gamble Co.* (N.D. Cal.) (false advertising/mislabeling)
- *Burkhardt, et al. v. Moneylion Techs, Inc., et al.* (N.D. Fla.) (consumer protection)



Ms. Weiner has been appointed to leadership positions in the following MDLs and consolidated cases:

- *In Re: Change Healthcare, Inc. Customer Data Security Breach Litig.*, (D. Minn.) (Appointed as the Co-Chair of the Plaintiff Steering Committee in the Patient Track);
- *In re MOVEit Customer Data Security Breach Litig.* (D. Mass.) (Appointed to Plaintiffs' Steering Committee);
- *In Re: Fairlife Milk Products Marketing and Sales Practices Litig.* (N.D. Ill.) (Appointed Interim Co-Lead Counsel);
- *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litig.* (D.N.M.) (chair of the Plaintiffs' Steering Committee and member of the Plaintiffs' Oversight Committee);
- *In Re: Blackbaud, Inc. Customer Data Security Breach Litig.* (D.S.C.), nationwide data breach class action, (appointed to Plaintiffs' Steering Committee);
- *Dusko v. Delta Airlines, Inc.* (N.D. Ga.), a nationwide breach of contract class action (appointed as Co-Lead Class Counsel);
- *In re Apple Inc. App Store Simulated Casino Style Games Litig.* (N.D. Cal.), a multi-state statutory class action (appointed to Plaintiffs' Steering Committee);
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices & Product Liability Litig.* (W.D. Okla.), (appointed to Plaintiffs' Executive Committee), a nationwide class action regarding a design defect in 2.8 million top loading washing machines, which resulted in a nationwide settlement;
- *In Re Windsor Wood Clad Window Product Liability Litig.* (E.D. Wis.), a nationwide class action regarding allegedly defective windows, which resulted in a nationwide settlement (Appointed Interim Executive Committee Member);
- *In Re: Luxottica of America, Inc. Data Security Breach Litig.* (S.D. Ohio) (Appointed Interim Executive Committee Member);
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.) (Appointed to Plaintiffs' Executive Committee), a nationwide data breach class action;
- *In re: MNGI Digestive Health, PA* (D. Minn.) (Appointed to Plaintiffs' Executive Committee), a nationwide data breach class action.

Education:

- William Mitchell College of Law – J.D. – 2007
- University of Michigan – Ann Arbor – B.A. – 2004

Bar Admissions:

- State of New York
 - State of Minnesota
 - United States Court of Appeals for the Ninth Circuit
 - United States District Court for the District of Minnesota
 - United States District Court for the District of Colorado
 - United States District Court for the Northern District of Illinois
 - United States District Court for the Southern District of New York
 - United States District Court for the Eastern District of New York
-

Professional Associations and Memberships:

- Minnesota State Bar Association
- Federal Bar Association
- Public Justice



BOBBY POUYA

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Bobby Pouya is a partner in the firm's Los Angeles office, focusing on complex litigation, antitrust litigation, and class actions. Effective advocacy in complex litigation requires experience and understanding of the multiple phases of these cases from inception through trial. During his career, Mr. Pouya has established himself as a member of the small category of attorneys who has personal experience leading litigation teams in each of these phases including, complex dispositive motions, high-level depositions, class certification, settlement negotiation and approval, expert witness presentation, and trial and appellate advocacy.

Mr. Pouya has served in a leadership position in numerous complex multiparty cases that have resulted in hundreds of millions of dollars in recovery on behalf of his clients, including: *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.) (co-lead class counsel in a wage and hour class action on behalf of minor league baseball players resulting in a \$185 million settlement); *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.) (co-lead class counsel for direct purchaser plaintiffs in an antitrust conspiracy involving the sale of chicken resulting in \$284 million in settlements); *In re Pork Antitrust Litigation* (D. Minn.) (co-lead class counsel for direct purchaser plaintiffs in an antitrust conspiracy involving the sale of pork resulting in over \$180 million in settlements); *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio.) (member of executive committee for direct purchaser plaintiffs in an antitrust class action involving polyurethane foam products that resulted in over \$400 million in settlements).

Mr. Pouya currently serves as a member of the leadership team for plaintiffs in multiple notable antitrust actions including: *In re Cattle and Beef Antitrust Litigation* (D. Minn.) (executive committee for cattle rancher class), *In re Shale Antitrust Litigation* (executive committee for indirect class plaintiffs); *Conry v. Gerber* (discovery committee for indirect class plaintiffs); *In re PVC Pipe Antitrust Litigation* (lead counsel for end-user purchaser class plaintiffs); BCBS Antitrust Litigation (N.D. Ala.) (counsel for multiple provider opt-out plaintiffs); and *In re Shell Eggs Antitrust Litigation* (W.D. Wis.). Mr. Pouya also has a proven track record of representing consumers, members of the entertainment industry, and employees in a number of class actions.

Mr. Pouya's success has earned him recognition by his peers as a Southern California Super Lawyer and Super Lawyer Rising Star. Mr. Pouya earned his Juris Doctor from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams.

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Current and Notable Cases:

- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Cattle Antitrust Litig.* (D. Minn.)
- *In re Shale Oil Antitrust Litig.* (D.N.M.)
- *In re PVC Pipe Antitrust Litig.* (N.D. Ill.)
- *Conry, et al. v. Gerber Products Company, et al.* (E.D.N.Y.)
- *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

Publications:

- *Should Offers Moot Claims?* Daily Journal, Oct. 10, 2014
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013

Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth and Seventh Circuits
- United States District Court for the Central, Northern, Southern and Eastern Districts of California

Professional Associations and Memberships:

- American Bar Association
- Consumer Attorneys of California
- Los Angeles County Bar Association



MICHAEL H. PEARSON

Partner

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Michael H. Pearson is a partner and civil litigator in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pearson has extensive experience in representing clients in a variety of contexts. He has served as a member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved antitrust, business litigation, complex financial products, high-technology products, consumer safety, and false and misleading advertising. *In re Broiler Chicken Antitrust Litigation*, No. 16 C 8637, 2022 WL 1720468 (N.D. Ill. May 27, 2022); *In re Pork Antitrust Litigation*, No. CV 18-1776 (JRT/JFD), 2023 WL 2696497 (D. Minn. Mar. 29, 2023); *Benson v. Newell Brands, Inc.*, No. 19 C 6836, 2021 WL 5321510 (N.D. Ill. Nov. 16, 2021). Specifically, he was instrumental in managing the review of tens of millions of documents and drafting pleadings in *In Re Credit Default Swaps Antitrust Litigation*, which was settled for \$1.86 billion, plus injunctive relief.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctor from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, Los Angeles County Bar Association, and the Association of Business Trial Lawyers.

Mr. Pearson's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) each year from 2017 to the present.

Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the Northern District of Illinois

Professional Association and Memberships:

- American Bar Association
 - Association of Business Trial Lawyers
 - Los Angeles County Bar Association
- 1034440.5

Current Cases:

- *In re Cattle Antitrust Litig.* (D. Minn.)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.)
- *Beaver v. Nissan North America, Inc.* (M.D. Tenn.)
- *Stockley, et al. v. Nissan of North America, Inc., et al.* (M.D. Tenn.)
- *In Re: Change Healthcare, Inc. Customer Data Security Breach Litig.* (D. Minn.)
- *In re PVC Pipe Antitrust Litig.* (N.D. Ill.)
- *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Past Cases:

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig.* (N.D. Cal.) – **\$208 million settlement**
- *In re Credit Default Swaps Antitrust Litig.* (S.D.N.Y.) – **\$1.86 billion settlement**
- *In Re Fairlife Milk Products Marketing And Sales Practices Litig.* (N.D. Ill.) – **\$21 million settlement**
- *Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)
- *Freeman v. MAM USA Corp.* (N.D. Ill.)
- *Busler v. Nissan N. Am., Inc.* (M.D. Tenn.)
- *Martinez v. Nissan N. Am., Inc.* (M.D. Tenn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.) – **\$185 million settlement**
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) – **\$284 million in settlements**
- *In re Pork Antitrust Litig.* (D. Minn.) – **\$180 million in settlements**

Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* - 2008



MATTHEW A. PEARSON

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Matthew Pearson is a partner in the firm's Los Angeles office, where he concentrates his litigation practice on a diverse range of complex matters including antitrust, consumer protection, business litigation, intellectual property and childhood sexual abuse matters. Mr. Pearson's comprehensive understanding of the legal landscape, coupled with a tenacious approach to advocacy, has consistently yielded favorable outcomes for his clients. Mr. Pearson received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management, and received his Juris Doctor from Whittier Law School in 2013.

Throughout his career, Mr. Pearson has cultivated significant expertise in navigating multifaceted litigation scenarios. Mr. Pearson's experience spans a wide spectrum of legal domains, including complex toxic tort litigation, intricate business disputes, intellectual property matters, products liability claims, sensitive family law cases, and high-stakes personal injury actions. This broad exposure has equipped him with a versatile skill set. Mr. Pearson has diligently represented a diverse clientele, ranging from publicly traded and privately held companies and closely held corporations to thousands of individuals seeking justice and effective legal representation.

A significant portion of Mr. Pearson's career has been dedicated to complex antitrust litigation. Mr. Pearson played an integral role as a member of the litigation team in the *National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.). This pivotal case culminated in a significant victory in 2018 following a several-week-long bench trial. There, plaintiffs' win resulted in crucial injunctive relief for student-athletes. The damages portion of this impactful litigation had been previously resolved through a substantial \$208 million settlement, underscoring the team's dedication and effectiveness. In recognition of their exceptional achievement in this matter, the plaintiffs' litigation team, including Mr. Pearson, was honored with the prestigious "Outstanding Antitrust Litigation Achievement in Private Law Practice" award by the American Antitrust Institute (AAI) in 2019. The hard-fought victory was further validated when the United States Supreme Court unanimously upheld the district court's verdict in a resounding 9-0 decision, solidifying its significance in antitrust law.



Current Cases:

- *In re Cattle Antitrust Litig.* (D. Minn.)
- *In re PVC Pipe Antitrust Litig.* (N.D. Ill.)
- *Casino-Style Games Litig.* (N.D. Cal.)
- *In re Northern California Clergy Cases* (Cal. Sup. Ct.)
- *In re Southern California Clergy Cases* (Cal. Sup. Ct.)
- *In re The San Diego Diocese Cases* (Cal. Sup. Ct.)
- *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
- *In re Episource LLC Data Breach Litig.* (C.D. Cal.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Past Cases:

- *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litig.* (S.D.N.Y.) – **\$31 million settlement**
- *Grace v. Apple, Inc.* (N.D. Cal.) – **\$18 million settlement**
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig.* (N.D. Cal.) – **\$208 million settlement**
- *In re Credit Default Swaps Antitrust Litig.* (S.D.N.Y.) – **\$1.86 billion settlement**
- *Eashoo v. Iovate Health Sciences USA Inc.* (C.D. Cal.) – **\$2.5 million settlement**
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) – **\$284 million in settlements**
- *In re Pork Antitrust Litig.* (D. Minn.) – **\$180 million in settlements**

Education:

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S. – 2010



More recently, Mr. Pearson was a vital member of the trial team in a complex antitrust case alleging a conspiracy between professional sports leagues.

Beyond his active casework, Mr. Pearson is deeply engaged in the legal community through his membership in several prominent legal organizations, including the American Bar Association, the Association of Business Trial Lawyers, and the Los Angeles County Bar Association. Mr. Pearson's commitment to professional excellence and his standing within the legal community are further underscored by his consistent selection as a Southern California Rising Star by Super Lawyers from 2019 to the present.

Bar Admissions:

- State of California
 - United States Court of Appeals for the Second and Ninth Circuits
 - United States District Court for the Central District of California
 - United States District Court for the Eastern District of California
 - United States District Court for the Northern District of California
 - United States District Court for the Southern District of California
-

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association



RACHEL SOFFIN

Partner

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Rachel Soffin is a partner whose work is focused on consumer class action litigation. Ms. Soffin's class action experience during her twenty-year career is vast and includes litigation in the areas of defective consumer products, automotive, false advertising and mislabeling, breach of contract, and deceptive and unfair trade practices. Ms. Soffin has been appointed to leadership roles in numerous class action cases across the country and regularly speaks at national continuing legal education conferences on complex class action litigation topics.

Ms. Soffin has litigated and resolved many significant complex class actions, including *Seresto Flea and Tick Collar Manufacturing Sales Practices and Products Liability Litigation* (N.D. Ill.), where she was appointed co-lead counsel in a class action involving allegedly dangerous and defective pet pesticide collars. In this high-profile nationwide consumer protection action, Ms. Soffin and co-counsel achieved a \$15 million settlement following significant investigation and litigation, including work with various experts in veterinary medicine, epidemiology, materials sciences and engineering.

Ms. Soffin has dedicated the majority of her career to protecting consumers. After spending the first five years of her career representing corporations, Ms. Soffin chose to focus her work on protecting individuals from corporate malfeasance. In recognition of her contributions to complex litigation, Ms. Soffin has been designated by Super Lawyers as a Florida Rising Star from 2011 to 2013 and as a Florida Super Lawyer from 2014 to 2018, 2022 to 2025 in the fields of Class Actions and Mass Torts.

Since her admission to the bar in 2005, Ms. Soffin has represented consumers and also served as class counsel in numerous successful class actions, including:

- *Seresto Flea and Tick Collar Mktg., Sales Practices and Prod. Liab. Litig.* (N.D. Ill.) (court-appointed co-lead counsel in class action involving allegedly dangerous and defective pet pesticide collars, resulting in \$15 million settlement);
- *In re: All-Clad Metalcrafters LLC, Cookware Mktg. and Sales Pracs. Litig.*, (W.D. Pa.) (co-lead counsel in class action involving defective cookware, resulting in settlement of up to \$4 million);



Current Cases:

- *In Re: Bestway Above-Ground Pools Litig.* (N.D. Ill.)

Education:

- Stetson University College of Law – J.D. – 2005
- Florida State University – B.A. – 2002

Bar Admissions:

- State of Florida
- State of Georgia
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Middle District of Florida
- United States District Court for the Southern District of Florida
- United States District Court for the Northern District of Georgia
- United States District Court for the Northern District of Illinois



- *In Re: Tracfone Unlimited Service Plan Litig.* (N.D. Cal.) (\$40 million settlement for consumers subjected to deceptive cellular phone data plan practices);
- *Berman, et al. v. Gen. Motors LLC* (S.D. Fla.) (\$40 million value settlement in class action involving defective automobiles);
- *De Leon v. Bank of Am., N.A. (USA)* (M.D. Fla.) (\$10 million settlement for consumers subjected to breach of cardholder agreement and deceptive trade practices);
- *Dickens, et al. v. Thinx Inc.* (S.D.N.Y.) (settlement of up to \$5 million in class action involving false advertising of products containing Per-and polyfluoroalkyl substances (“PFAS”));
- *Spencer, et al. v. Knix* (S.D.N.Y.) (settlement of up to \$2 million in class action involving false advertising of products containing PFAS);
- *Peterson, et al. v. BSH Home Appliances Corp.* (W.D. Wash.) (settlement of up to \$2 million in class action involving defective ovens);
- *Hamm v. Sharp Electronics Corporation* (S.D. Fla.) (over \$100 million value settlement in class action involving defective microwaves);
- *In Re: Horizon Organic Milk Plus DHA Omega-3 Mktg. and Sales Prac. Litig.* (S.D. Fla.) (\$1.3 million settlement value for consumers subjected to deceptive trade practices involving product misrepresentations);
- *Swift v. Bank of Am.* (M.D. Fla.) (\$1 million settlement for consumers subjected to TCPA violations).



NEIL J. SWARTZBERG

Of Counsel

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Neil Swartzberg, of counsel to Pearson Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies. He has expertise in complex and commercial litigation, focusing on consumer protection, antitrust and securities laws, primarily in the class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters.

Mr. Swartzberg was a leading attorney in *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.). He was also actively involved in several other antitrust class actions, such as *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.), *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal.), *Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.), and *In re Optical Disk Drive (ODD) Antitrust Litigation* (N.D. Cal.). In addition, he has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions and telecommunications switches.

His current cases include: a direct purchaser antitrust class actions against the leading domestic producers of pork; an indirect purchaser antitrust class action against PVC (plastic) pipe manufacturers, several class actions on behalf students against colleges and universities seeking partial refunds of tuition and fees because of the schools closing their campuses and transitioning to online-only classes in the wake of COVID-19; an antitrust suit challenging the conduct of Major League Soccer and the United States Soccer Federation to exclude competition in men's professional soccer; and direct purchaser (opt-out) cases by health care providers against the Blue Cross and Blue Shield Association and its member insurance companies alleging antitrust violations, including market allocation agreements.

Professional Associations and Memberships:

- American Bar Association

Languages:

- German (proficient)



Current Cases:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *Vakilzadeh v. The Trustees of California State University* (Cal. Sup. Ct., Los Angeles)
- *Stoffel v. The Regents of the University of California* (Cal. Sup. Ct., Los Angeles)
- *In re PVC Pipe Antitrust Litig.* (N.D. Ill.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Education:

- University of California, Davis, School of Law – J.D. – 2001
- State University of New York, Buffalo – M.A. – 1994
- Duke University – A.B. – 1991

Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth Circuit
- Federal Circuit Court of Appeals
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Eastern District of Missouri
- United States District Court for the Western District of Pennsylvania

Publications and Presentations:

- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions*, Feb. 2013, Intellectual Property magazine, with Robert D. Becker



NAVEED ABAIE

Associate

Location: Los Angeles, California

Phone: (818) 205-2802

Email: nabaie@pwfirm.com

Naveed Abaie is an associate in the firm's Los Angeles office focusing on consumer protection, antitrust, and business litigation. Mr. Abaie recently served on the co-lead class counsel trial team on behalf of a certified class of direct purchaser plaintiffs in *In re Broiler Chicken Antitrust Litigation*, Northern District of Illinois, Case No. 1:16-cv-08637. Trial commenced in September 2023, and the complaint alleged that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices. PW and co-counsel secured settlements of over \$284 million for the direct purchaser plaintiffs.

Mr. Abaie graduated from the University of San Diego, School of Law in 2017. While at the University of San Diego, he earned his J.D. with a concentration in Business and Corporate Law. Mr. Abaie received his Bachelor's degree from the University of California, Berkeley Haas School of Business in 2012.



Current Cases:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Cattle Antitrust Litig.* (D. Minn.)
- *Doyle v. Tesla, Inc.* (N.D. Cal.)
- *In re Northern California Clergy Cases* (Cal. Sup. Ct.)
- *In re Southern California Clergy Cases* (Cal. Sup. Ct.)
- *In re The San Diego Diocese Cases* (Cal. Sup. Ct.)
- *In re PVC Pipe Antitrust Litig.* (N.D. Ill.)
- *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Education:

- University of San Diego, California – J.D. – 2017
- University of California, Berkeley, California – B.A. – 2012

Bar Admissions:

- State of California
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California

Professional Associations and Memberships:

- Association of Business Trial Lawyers



BRIAN S. PAFUNDI

Associate

Location: Minneapolis, Minnesota

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Email: bpafundi@pwfirm.com



Brian S. Pafundi is an associate in the firm's Minneapolis office focusing on antitrust and consumer protection class actions.

Mr. Pafundi received his B.A. in Political Science in 2005 and a Master of Arts degree in Mass Communications in 2009, both from the University of Florida. His graduate research focused on communications law and policy generally, and specifically, public records and open meetings laws. His research on public access to criminal discovery records has been quoted by the Tennessee Supreme Court, *see Tennessean v. Metro. Gov't of Nashville*, 485 S.W.3d 857, 871 (Tenn. 2016), and is cited in LaFave and Israel's Criminal Procedure Practice Series treatise. *See* n. 198, § 23.1(d) Closed proceedings: First Amendment right of access, 6 Crim. Proc. § 23.1(d) (4th ed.).

Mr. Pafundi graduated from the University of Florida Levin College of Law in 2010. After law school he worked as an Assistant Public Defender for the State of Minnesota where he handled a full and diverse caseload, including representing juveniles in delinquency proceedings and representing hundreds of adult criminal defendants across Minnesota's Third Judicial district.

During his tenure with the Public Defender's office, Mr. Pafundi served as lead attorney for numerous serious felony trials and represented a handful of individuals indicted on first-degree murder charges from initial appearance all the way through resolution of the matter.

Since joining Pearson Warshaw, Mr. Pafundi has worked on many of the firm's complex antitrust litigation matters, including all three protein cases, while also assisting on a handful of the false and deceptive advertising matters, leveraging his research background and courtroom experience to enhance the firm's work across all cases.

Current Cases:

- *In re Pork Antitrust Litigation* (D. Minn.)
 - *Freeman v. MAM USA Corp.* (N.D. Ill.)
 - *In re Cattle Antitrust Litigation* (D. Minn.)
 - *In re PVC Pipe Antitrust Litig.* (D. Ill.)
 - *Ashour v. Arizona Beverages USA LLC et al.* (S.D.N.Y.) (false advertising/mislabeling)
 - *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
-

Education:

- University of Florida Levin College of Law – J.D. – 2010
 - University of Florida College of Journalism and Communications – M.A. – 2009
 - University of Florida College of Liberal Arts and Science – B.A. – 2005
-

Bar Admissions:

- State of Minnesota
 - Supreme Court of the United States
 - United States District Court for the District of Minnesota
-

Professional Associations and Memberships:

- Minnesota State Bar Association
-

Publications:

- *Public Access to Criminal Discovery*



ADRIAN J. BUONANOCE

Associate

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Email: abuonanoce@pwfirm.com

Adrian J. Buonanoce is an associate in the firm's Los Angeles office, focusing on antitrust and consumer protection litigation.

Mr. Buonanoce received a Bachelor's degree in Political Economy from the University of California, Berkeley in 2012. He earned a Juris Doctor from the University of San Diego School of Law with a concentration in International Law in 2018. In 2024, Mr. Buonanoce published "The Basics of Antitrust" in the Consumer Attorneys of California Forum magazine.

In January 2025, Mr. Buonanoce was a core member of the trial team in the matter of *North American Soccer League, LLC v. United States Soccer Federation, Inc., et al.* The case was tried in the Eastern District of New York and lasted three weeks. The intense demands and intricate nature of this trial have had a great impact on Mr. Buonanoce's development as a trial lawyer in high-stakes complex litigation.



Current Cases:

- *Vakilzadeh v. The Trustees of California State University* (Cal. Sup. Ct., Los Angeles)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Cattle Antitrust Litig.* (D. Minn.)
- *Zimmerman v. Paramount Global* (S.D.N.Y.)
- *In re PVC Pipe Antitrust Litig.* (D. Ill.)
- *In re Granulated Sugar Antitrust Litig.* (D. Minn.)
- *Conry, et al. v. Gerber Products Company, et al.* (E.D.N.Y.)
- *Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al.* (N.D. Ill.)
- *BCBS Antitrust Litig.* (N.D. Ala.)
- *In re: Shell Eggs Antitrust Litig.* (W.D. Wis.)

Education:

- University of San Diego, California – J.D. – 2018
- University of California, Berkeley, California – B.A. – 2012

Bar Admissions:

- State of California
- United States District Court for the Central District of California
- United States District Court for the Northern District of California

Professional Associations and Memberships:

- Association of Business Trial Lawyers
- Public Justice

Publications:

- *The Basics of Antitrust*, Consumer Attorneys of California Forum Magazine, vol. 54, no. 1, 2024 pp. 32-35



RYAN T. GOTT

Associate

Location: Minneapolis, Minnesota

Phone: (612) 389-0602

Email: rgott@pwfirm.com

Ryan T. Gott is an attorney in the firm's Minnesota office with a practice focused on consumer protection, data privacy & security, false advertising, product liability and environmental law matters.

Mr. Gott has a demonstrated history of litigation success in both state and federal courts, including multiple appearances and favorable results before the Minnesota Supreme Court and federal district courts. He is a passionate advocate for his clients with a dedication to open communication and consultation.

In the litigation and maintenance of two of the largest data breach MDLs in the country, *In Re: Change Healthcare, Inc. Customer Data Security Litigation* and *In re: MOVEit Customer Data Security Breach Litigation*, Mr. Gott is tasked with dispositive motion briefing, plaintiff vetting and ESI preservation coordination, offensive, non-party and expert discovery and depositions.

Mr. Gott is an active member of Electronic Document Retention and Production Working Group of The Sedona Conference, which seeks to develop principles, guidance and best practice recommendations for information governance and electronic discovery. Mr. Gott serves on multiple Public Justice committees including the Access to Justice Task Force and the Class Action Preservation Project Task Force. Mr. Gott also serves as a board member on multiple nonprofits within the Twin Cities and is dedicated to the University of St. Thomas School of Law, its students and graduates.

Bar Admissions:

- State of Minnesota
- United States District Court for the District of Minnesota
- United States District Court for the District of Colorado
- United States District Court for the North District of Illinois

Education:

- University of St. Thomas School of Law - J.D. - 2015
- Saint John's University - B.A. - 2012



Current Cases:

- *Ashour v. Arizona Beverages USA LLC et al.* (S.D.N.Y.) (false advertising/mislabeling)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.) (false advertising/mislabeling)
- *Burkhardt, et al. v. Moneylion Techs, Inc., et al.* (N.D. Fla.) (consumer protection)
- *In re Allianz Life Insurance Company of North America Data Incident Litig.* (D. Minn.) (data breach)
- *In re: Apple Inc. App Store Simulated Casino-Style Games Litig.; In re: Facebook, Inc. App Center Simulated Casino-Style Games Litig.; and In re: Google Play Store Simulated Casino-Style Games Litig.* (N.D. Cal.)
- *In Re: Bestway Above-Ground Pools Litig.* (N.D. Ill.)
- *In Re: Change Healthcare, Inc. Customer Data Security Breach Litig.* (D. Minn.) (data breach)
- *In Re: MOVEit Customer Data Sec. Breach Litig.* (D. Mass.) (data breach)
- *In Re Santa Fe Natural Tobacco Company, Marketing, Sales Practice, and Products Liability Litig.* (D.N.M.) (false advertising/mislabeling)
- *Nutraceutical Wellness, Inc. Consumer Fraud Litig.* (S.D.N.Y.) (false advertising/mislabeling)
- *Patterson v. WEX, Inc.* (N.D. Cal.) (consumer protection)

Professional Associations and Memberships:

- Minnesota State Bar Association
- American Bar Association
- Federal Bar Association
- Public Justice
- The Sedona Conference



KELSEY GATLIN DAVIES

Associate

Location: Sherman Oaks, California

Phone: (818) 205-2817

Email: kdavies@pwfirm.com

Kelsey Gatlin Davies is an associate attorney who specializes in consumer protection matters and class action litigation. She represents individuals and classes of consumers, on both state and nationwide bases, in cases involving unfair business practices, deceptive advertising, and defective products.

Ms. Davies is dedicated to achieving meaningful results for her clients. She has a history of litigation success in various federal courts, including appearances and favorable results in consumer class actions involving mislabeled and dangerously defective products. Most recently, she served as class counsel in a consumer protection case involving a baby bassinet, *Amanda Marble, et al. v. Halo Innovations, Inc.*, in which she was integral to achieving a \$1.5 million nationwide settlement in the Southern District of New York. She also played an instrumental role in the successful litigation and resolution of *In Re Seresto Flea and Tick Collar Litigation*, where she served on the Plaintiffs' discovery committee, spearheading defensive discovery efforts including defending Class Representative depositions. For her class action work, Ms. Davies was recognized as a Top Plaintiff Attorney in Class Actions by CityView Magazine in 2025 and 2024. She was also awarded Top 40 Under 40 by The National Trial Lawyers in 2024 and 2023.

Before shifting her career to class actions, Ms. Davies played a key role in litigating and bringing resolution to the Kingston Coal Ash Spill Litigation, *Adkisson, et al. v. Jacobs Engineering Group, Inc.*, a case involving over 300 victims of the largest industrial disaster in U.S. history, the 2008 Kingston Coal Ash Spill in Kingston, Tennessee. For her work on this matter, she, along with her colleagues, was selected as a finalist by Public Justice for Trial Lawyer of the Year in 2024.



Current Cases:

- *In Re: Snuga Litigation* (false advertising/mislabeling) (W.D.N.Y.)
- *Seresto Flea and Tick Collar Manufacturing Sales Practices and Products Liability Litig.* (false advertising/mislabeling) (N.D. Ill.)

Education:

- University of Tennessee College of Law - J.D. – 2020
- University of Tennessee Chattanooga - B.A. - 2014

Bar Admissions:

- State of Tennessee
- United States District Court for the Eastern District of Tennessee
- United States District Court for the Middle District of Tennessee
- United States District Court for the Northern District of Illinois

Professional Associations and Memberships:

- National Trial Lawyers
- Tennessee State Bar Association
- Knoxville Bar Association
- American Bar Association
- Public Justice

Exhibit B



NATIONAL CLASS ACTION ATTORNEYS

FIRM RESUME

954 Avenida Ponce De León
Suite 205, #10518
San Juan, Puerto Rico 00907

www.laukaitislaw.com
(215) 789 - 4462



Firm Overview

Laukaitis Law is a national plaintiffs' class action and complex litigation firm dedicated to protecting consumers and holding corporations accountable for conduct that causes widespread harm. The firm's practice focuses on consumer class actions and complex litigation arising from data privacy and cybersecurity incidents, product safety concerns, product recalls, false advertising, deceptive business practices, consumer fraud, and other forms of corporate misconduct.

Founded by Kevin Laukaitis, a Philadelphia native, Pennsylvania attorney, and graduate of Temple University Beasley School of Law, the firm was established on the belief that consumers deserve experienced, strategic, and efficient representation when large corporations fail to protect the interests of the individuals they serve. Under Mr. Laukaitis' leadership, Laukaitis Law has developed a nationwide consumer litigation practice handling hundreds of active matters and representing consumers throughout the United States. The firm has several attorneys and support staff experienced in litigating diverse class action cases.

The firm presently serves in court-appointed leadership roles in multiple complex privacy and data breach class actions pending before the United States District Court for the Northern District of Illinois and elsewhere within the Seventh Circuit. The firm's attorneys have been appointed to leadership positions and have served as lead or co-lead counsel, and in other leadership roles, in complex litigation involving data breaches, privacy violations, product safety concerns, deceptive business practices, false advertising, and emerging consumer protection issues. Through strategic case development and thoughtful litigation management, the firm has built a reputation for identifying and pursuing matters that raise significant public-interest concerns and meaningfully impact a wide range of consumers. The firm has substantial human, technological, and financial resources to prosecute complex class action litigation from investigation through class certification, summary judgment, trial, and appeal.

Laukaitis Law regularly collaborates with many of the nation's leading plaintiffs' firms in complex litigation, multidistrict proceedings, and coordinated actions. Through unwavering advocacy, practical litigation management, and a commitment to accountability, Laukaitis Law continues to pursue litigation that protects consumers, promotes product safety, safeguards privacy, and drives meaningful corporate change.

Leadership Appointments & Significant Matters

Since Laukaitis Law's founding, Mr. Laukaitis and his firm have served in prominent court-appointed leadership roles as class counsel or on executive committees for class actions nationwide. Representative court-appointed leadership appointments include the following:

- **Counts v. Arkk Food Company**, No. 1:23-cv-00236 (N.D. Ill.) (Court-appointed Class Counsel in consumer products class action resulting in a \$2 million common fund settlement);
- **Mercado v. Verde Energy USA, Inc.**, No. 1:18-cv-02068 (N.D. Ill.) (Court-appointed Co-Lead Counsel in a \$7 million common-fund settlement on behalf of a nationwide class of consumers overcharged for energy services);
- **In re Seresto Flea & Tick Collar Mktg., Sales Practices & Prods. Liab. Litig.**, No. 1:21-cv-04447 (N.D. Ill.) (Court-Appointed Executive Committee member in \$15 million class settlement concerning consumer-safety claims).
- **Vela, et al. v. AMC Networks Inc.**, No. 1:23-cv-02524-ALC (S.D.N.Y.) (Court-appointed Class Counsel in Video Privacy Protection Act litigation resulting in an \$8 million common fund settlement).
- **McNally v. Infosys McCamish Systems, LLC**, No. 1:24-cv-00995 (N.D. Ga.) (Court-appointed Co-Lead Class Counsel in data breach litigation resulting in a \$17.5 million common fund settlement).
- **Boyd v. Prudential Financial, Inc.**, No. 2:24-cv-6818 (D.N.J.) (Court-appointed Co-Lead Class Counsel in data breach litigation affecting approximately 2.5 million individuals).

Attorney Bios



Kevin Laukaitis

Founder & Managing Attorney

Kevin Laukaitis is the Founder and Managing Attorney of Laukaitis Law, where he focuses his practice on complex litigation involving consumer protection, data privacy and cybersecurity, product liability, product recalls, false advertising, and other matters arising from corporate misconduct.

For more than fifteen years, Mr. Laukaitis has represented consumers in class actions and other complex litigation throughout the United States. Courts throughout the country have appointed Mr. Laukaitis to leadership positions in data privacy, cybersecurity, consumer protection, and product safety litigation, recognizing his experience in case development, litigation management, and coordination of complex proceedings.

Mr. Laukaitis has developed particular experience in data privacy and cybersecurity litigation, product safety and recall litigation, and consumer protection matters involving deceptive marketing and unfair business practices. He has been appointed to leadership positions in significant litigation arising from some of the nation's most substantial data breaches and consumer controversies, and regularly collaborates with leading plaintiffs' firms throughout the country in complex litigation.

Mr. Laukaitis played significant roles in class actions that helped secure hundreds of millions of dollars in recoveries for consumers nationwide. His experience includes litigation involving consumer fraud, deregulated energy markets, data privacy, cybersecurity incidents, defective products, and product recalls.

Throughout his career, he has been involved in all phases of litigation, including investigation, discovery, class certification, dispositive motion practice, mediation, settlement negotiations, and trial preparation.

Before founding Laukaitis Law LLC, Mr. Laukaitis gained experience in cutting-edge data privacy class actions, as part of the plaintiffs' attorney team that served as Co-Lead Trial Counsel, representing 68,000 individuals whose statutory rights were violated by the public dissemination of their criminal record history information. Mr. Laukaitis and his team prevailed in a jury trial, achieving an unprecedented settlement for Pennsylvania inmates booked or otherwise detained at the Bucks County Correctional Facility between 1938 and June 18, 2013. The case, *Taha v. Bucks County*, No. 12-cv 6867 (E.D. Pa.), is considered the first class action lawsuit in the United States to proceed to trial on the impact of digital criminal stigma and a government's statutory duties to protect.

As founder of Laukaitis Law, Mr. Laukaitis has built a national practice dedicated to protecting consumers, promoting product safety, safeguarding privacy, and holding corporations accountable when their conduct causes widespread harm. Courts have repeatedly entrusted him and his firm with leadership responsibilities because of his commitment to thoughtful advocacy, practical litigation management, and meaningful contributions to the matters in which he serves.

Education

Temple University Beasley School of Law, J.D.

Drexel University, B.S., Business Administration

Admissions: Pennsylvania, New Jersey, Eastern District of Pennsylvania, District of New Jersey



Andreas E. Moffett
Of Counsel

Andreas E. Moffett concentrates his practice on product liability, product recalls, consumer protection, false advertising, and complex litigation.

As a member of Laukaitis Law's litigation team, Andreas plays a significant role in the firm's nationwide consumer litigation practice. His work includes case investigation, motion practice, discovery, class certification briefing, and strategic case development across a broad range of matters involving product safety, consumer protection, and corporate accountability.

Andreas has developed particular experience in product liability and product recall litigation, including matters involving consumer products, children's products, household goods, and alleged product safety defects. He also contributes to litigation involving false advertising, deceptive business practices, and other consumer protection claims.

Before joining Laukaitis Law, Andreas practiced at Arnold & Porter, where he worked on sophisticated litigation matters involving complex legal and factual issues. His experience combines large-firm litigation training with a practical understanding of plaintiffs' litigation and consumer advocacy. Today, he works

across the firm's active docket and contributes to all phases of litigation, helping advance matters from investigation through resolution.

Education

New York University School of Law, J.D.

The College of William & Mary, B.A., summa cum laude

Admissions: District of Columbia



Natalia Perez Del Moral

Attorney

Natalia Perez Del Moral concentrates her practice on consumer protection, data privacy, cybersecurity, and complex litigation.

Natalia plays a significant role in the firm's nationwide consumer litigation practice and contributes to all phases of litigation, including motion practice, discovery, case development, mediation preparation, and settlement-related proceedings. Her work regularly involves matters arising from data breaches, privacy violations, consumer protection statutes, and other forms of corporate misconduct.

She has developed experience across a broad range of complex litigation matters and is particularly valuable in coordinating discovery efforts, analyzing legal and factual issues, preparing substantive briefing, and supporting mediation and settlement processes. Her ability to manage complex litigation demands across multiple matters makes her an integral member of the firm's litigation team.

Before joining Laukaitis Law, Natalia gained experience in complex litigation and class action matters at Napoli Shkolnik. Her background combines practical litigation experience with a strong understanding of the procedural and strategic demands of complex litigation.

Education

Inter American University School of Law, J.D.

Inter-American University of Puerto Rico, B.B.A., Finance

Admissions: District of Columbia



Maria Cristina Torres Short
Attorney

Maria Cristina Torres Short concentrates her practice on complex litigation, consumer protection, class actions, and federal court matters.

At Laukaitis Law, Maria Cristina contributes to the firm's nationwide consumer litigation practice through legal research, complaint review, pleading development, motion practice, and litigation strategy. She works with the firm's attorneys and litigation team to evaluate claims, develop cases, and prepare substantive filings across active matters.

Before joining Laukaitis Law, Maria Cristina practiced at O'Neill & Borges LLC, where she represented clients in commercial and civil litigation in the United States District Court for the District of Puerto Rico and in appellate matters before the United States Court of Appeals for the First Circuit. Her experience includes contract disputes, federal motion practice, procedural and jurisdictional issues, appellate filings, and coordination with national counsel. Her background provides her with experience handling matters at both the trial and appellate levels of federal litigation.

Maria Cristina earned her J.D. from the Inter American University of Puerto Rico School of Law, where she participated in litigation and advocacy competitions representing the law school.

Education

Inter American University of Puerto Rico School of Law, J.D., magna cum laude

American University School of Public Affairs, Washington, D.C., B.B.A. in Law and Society

Admissions: Puerto Rico

Representative Practice Areas

- Data Privacy & Cybersecurity
- Consumer Protection
- False Advertising
- Product Recall Litigation
- Product Liability
- Wiretapping & Tracking Technology Litigation
- Emerging Technology Consumer Litigation
- Consumer Fraud

EXHIBIT C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF RACHEL SOFFIN IN SUPPORT OF PLAINTIFFS' MOTION FOR
PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Rachel Soffin of Pearson Warshaw, LLP. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed Co-lead Counsel in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Pearson Warshaw LLP	316.2	\$350,763.00	\$13,211.63

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Rachel Soffin

Rachel Soffin (MI Bar No. P89509)

PEARSON WARSHAW, LLP

Mailing Address:

15165 Ventura Boulevard, Suite 400

Sherman Oaks, California 91403

Telephone: (818) 788-8300

Email: rsoffin@pwfir.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF KEVIN LAUKAITIS IN SUPPORT OF PLAINTIFFS' MOTION
FOR PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Kevin Laukaitis of Laukaitis Law LLC. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed Co-lead Counsel in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Laukaitis Law LLC	373.50	\$312,343.50	\$20,910.69

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Kevin Laukaitis

Kevin Laukaitis

LAUKAITIS LAW LLC

954 Avenida Ponce De Leon, Suite 205, #10518

San Juan, PR 00907

Telephone: (215) 789-4462

Email: klaukaitis@laukaitislaw.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF JASON P. SULTZER IN SUPPORT OF PLAINTIFFS' MOTION
FOR PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Jason P. Sultzer of Sultzer & Lipari, PLLC. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed member of the Executive Committee in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Sultzer & Lipari, PLLC	197.26	\$177,130	\$764.85

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Jason P. Sultzer
Jason P. Sultzer, Esq.
SULTZER & LIPARI, PLLC
85 Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601
Tel: (845) 483-7100
Fax: (888) 749-7747
sultzerj@thesultzerlawgroup.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF NICK SUCIU III IN SUPPORT OF PLAINTIFFS' MOTION FOR
PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Nick Suciu III of Bryson Harris Suciu & DeMay, PLLC. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed member of the Executive Committee in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Bryson Harris Suciu & DeMay PLLC	178.62	\$156,753	\$1,206.44

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Nick Suciu III
Nick Suciu III
**BRYSON HARRIS SUCIU
& DEMAY PLLC**
6905 Telegraph Rd., Suite 115
Bloomfield Hills, MI 48301
Tel: (616) 678-3180
nsuciu@brysconpllc.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF CHARLES MOORE IN SUPPORT OF PLAINTIFFS' MOTION
FOR PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Charles Moore of Reese LLP. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed member of the Executive Committee in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Reese, LLP	150.1	\$217,502	\$2,798.29

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Charles D. Moore

Charles D. Moore

REESE LLP

121 N. Washington Avenue, 2nd Floor

Minneapolis, MN 55401

Telephone: (212) 643-0500

cmoore@reesellp.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF LESLIE PESCIA IN SUPPORT OF PLAINTIFFS' MOTION FOR
PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Leslie Pescia of Siri & Glimstad LLP. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed member of the Executive Committee in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Siri Glimstad	111.9	\$93,128.00	\$1,567.28

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Leslie Pescia

Leslie Pescia
SIRI & GLIMSTAD LLP
101 North Seventh Street, #827
Louisville, KY 40202
lpescia@sirillp.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: BESTWAY ABOVE-GROUND
POOLS LITIGATION

CASE NO. 1:25-cv-09570

Honorable Lindsay C. Jenkins

**DECLARATION OF ALEC SCHULTZ IN SUPPORT OF PLAINTIFFS' MOTION FOR
PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION
EXPENSES TO CLASS COUNSEL, AND PAYMENT OF
SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

1. This declaration is submitted by Alec Schultz of Hilgers PLLC. I have personal knowledge of the facts set forth in this declaration and could testify competently to these facts if called upon to do so.

2. I am a Court appointed member of the Executive Committee in this matter. *See* Dkt. No. 35.

3. My firm kept contemporaneous records of our time and expenses in this matter.

4. The following table summarizes my firm's reasonable lodestar and litigation expenses:

Firm	Hours	Lodestar	Expenses
Hilgers PLLC	195.5	\$155,750	\$1,405.00

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct this 25th day of September 2026.

/s/ Alec H. Schultz

Alec H. Schultz
HILGERS PLLC
1221 Brickell Avenue, Suite 900
Miami, FL 33131
Telephone: 305-630-8304
Email: aschultz@hilgerslaw.com