

1 **PAUL A. LEVIN (State Bar No. 229077)**
2 **MORTGAGE RECOVERY LAW GROUP LLP**
3 **550 North Brand Boulevard, Suite 1100**
4 **Glendale, California 91203**
5 **TELEPHONE: (818) 630-7900 FACSIMILE: (818) 630-7920**
6 **EMAIL: plevin@themrlg.com**

7 **ETAN MARK (admitted *pro hac*)**
8 **DONALD J. HAYDEN (admitted *pro hac*)**
9 **YANIV ADAR (admitted *pro hac*)**
10 **MARK MIGDAL & HAYDEN**
11 **80 SW 8th Street, Suite 1999**
12 **Miami, Florida 33130**
13 **TELEPHONE: (305) 374-0440**
14 **EMAIL: etan@markmigdal.com**
15 **don@markmigdal.com**
16 **yaniv@markmigdal.com**

17 **Attorneys for Plaintiffs**

18 **UNITED STATES DISTRICT COURT**

19 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

20 **MICHAEL LAVIGNE, *et al.*,**
21 **Plaintiffs,**

22 **vs.**

23 **HERBALIFE LTD., *et al.*,**
24 **Defendants.**

CASE NO. 2:18-cv-07480-JAK (MRWx)

[Related Case 2:13-cv-02488-BRO-RZ]

**PLAINTIFFS' NOTICE OF
MOTION; MOTION FOR CLASS
COUNSEL'S ATTORNEY FEES,
REIMBURSEMENT OF EXPENSES
AND SERVICE AWARDS**

Date: October 24, 2022

Time: 9:30 AM

Courtroom: 10B

Assigned to Hon. John A. Kronstadt

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Patricia Rodgers, Jennifer Ribalta and Izaar Valdez (“Plaintiffs”) will move the Court for an order, pursuant to Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure, for a preliminary approval of (1) attorneys’ fees of \$4,166,666 in accordance with Ninth Circuit precedent; (2) reimbursement for incurred expenses; and to grant (3) counsel’s request for service awards.

Specifically, the Class requests that the Court:

1. Grant counsel’s request for a payment of \$4,166,666 of the additional \$12,500,000.00 settlement fund (“Settlement Fund”), now pending before the Court for preliminary approval.
2. Grant counsel’s request for a payment of \$337,926.03 to reimburse incurred litigation costs and expenses.
3. Grant counsel’s request for service awards for the named plaintiffs of the additional Settlement Fund. Specifically, awards of \$30,000 for Plaintiff Patricia Rodgers; \$30,000 for Plaintiff Jennifer Ribalta; and \$18,000 for Plaintiff Izaar Valdez.

The Class’s motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Etan Mark, and the exhibits thereto, the Declaration of Jason Jones, the Declaration of Patricia Rodgers, the Declaration of Jennifer Ribalta, the Declaration of Izaar Valdez, the Court’s files and records in this matter, argument of counsel, and such other and further matters as the Court may consider.

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DATED: October 21, 2022

Mark Migdal & Hayden



By:

Etan Mark
Attorneys for Plaintiffs Patricia Rodgers,
Jennifer Ribalta, and Izaar Valdez

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Counsel for the Settlement Class Members¹ submit this supplemental briefing
4 pursuant to the Court’s order. ECF No. 390. Counsel for the Settlement Class
5 Members, which includes the law firms of Mark Migdal & Hayden, Jason Jones,
6 Attorney at Law, Mortgage Recovery Law Group, LLP, and Jennifer Jones Law
7 (together, “Counsel”), and the named Plaintiffs have been working for more than five
8 years to obtain recovery for the Settlement Class Members. This case began in the
9 Southern District of Florida, where, following Herbalife’s successful motion to
10 transfer venue and Herbalife’s and the Florida individual Defendants’ (of whom there
11 were 44 at the time) unsuccessful motion to compel arbitration, this case was split.
12 The bifurcated action proceeded in both the Southern District of Florida and Central
13 District of California with a detour at the 11th Circuit Court of Appeals. This complex
14 journey navigated by Counsel for the Settlement Class and the named Plaintiffs was
15 rife with obstacles warranting Settlement Class Counsel to seek an award of (1)
16 \$4,166,666 for fees (33% of the Settlement Fund); (2) \$337,926.03 to fully reimburse
17 incurred litigation costs and expenses; and (3) service awards for the named plaintiffs
18 in the amount of \$30,000 for Plaintiffs Patricia Rodgers and Jennifer Ribalta and
19 \$18,000 for Plaintiff Izaar Valdez.

20 **A. The Settlement**

21 This case was filed on September 18, 2017. Since then, Class Counsel—all of
22 whom work on a contingency basis—have devoted substantial time which has not
23 been compensated and have advanced costs on behalf of the Class. The Settlement, if
24 approved, provides Class Counsel the opportunity to be compensated for their hard
25 and successful work for the benefit of the Class, and to receive reimbursement for
26

27 _____
28 ¹ Capitalized terms used herein are defined with reference to the Settlement Agreement.

1 costs incurred in the litigation. On a cumulative basis, the total amount of attorneys’
2 fees amounts to one-third of the fund which Class Counsel has recovered for the
3 benefit of the Class in this case.

4 The sheer amount of work put in by Class Counsel is borne out by the time
5 records summary attached as an Exhibit to the contemporaneously filed Declaration
6 of Etan Mark (“Mark Decl.”), attached hereto as **Exhibit A**, and the Declaration of
7 Jason Jones, attached hereto as **Exhibit B**, but the following points are worth
8 emphasizing:

- 9 • The Settlement fully and completely resolves two intertwined matters: *Lavigne*,
10 *et al. v. Herbalife Ltd.*, Case No. 1:17-23429-MGC (S.D. Fla.) (the “Florida
11 Action”) and this action. Class Counsel spent approximately 2,500 hours on the
12 Florida Action, approximately 7,200 hours on this action,² for a total
13 approximate amount of fees in the amounts of \$1.1 million and \$3.45 million,
14 respectively. The scope of the two actions is the same: they both involve claims
15 regarding the same Herbalife Events, and they both involve claims brought on
16 behalf of the same class that the parties seek to certify through a settlement
17 here. The primary distinction was that considering the absence of a contractual
18 relationship between the individual defendants named in the Florida action and
19 the named Plaintiffs, there was no legal basis to transfer the Florida Action to
20 this district. The absence of that provision resulted in the bifurcation of the case
21 pursuant to Judge Cooke’s order on August 23, 2018. *See* Florida Action at
22 ECF No. 106. The parties to the Florida Action moved to stay that case pending
23 final approval of a class wide settlement here, with the intention of dismissing
24 the Florida Action should this Court finally approve the parties’ proposed class
25 Settlement. *See* Florida Action, ECF No. 235; Mark Decl. at ¶ 4.

26
27 ² For purposes of this Motion, Plaintiffs are referring to the litigation prior to the
28 case being bifurcated as part of “this” action, while referring to the litigation in
Florida after bifurcation as the Florida Action.

1 **Case Dispositive Filings**

- 2 • Class Counsel staved off several case dispositive filings, including a motion to
3 compel arbitration [Florida Action ECF No. 62] and multiple motions to
4 dismiss in this action and the Florida Action. *Id.*
- 5 • In the Florida Action, after the motion to compel arbitration was denied, the
6 Defendants appealed that order to the 11th Circuit Court of Appeals. The matter
7 was briefed, and, after holding argument, the 11th Circuit Court of Appeals
8 affirmed the trial court. ECF No. 106 (the “Order Re: Arbitration”).
- 9 • The day before Herbalife filed its second Motion to Dismiss, Plaintiffs filed
10 their Motion to Certify Class (“Class Certification Motion”) which was also
11 briefed and argued before the Court. *See* ECF Nos. 207, 218, 234, and 261. *Id.*
- 12 • While the Second Motion to Dismiss and Class Certification Motion were
13 pending, the parties extensively briefed Herbalife’s Motion for Summary
14 Judgment (ECF No. 322) and collectively filed eight separate *Daubert*
15 motions, each of which was fully briefed. *See* ECF Nos. 323-338, 341-349. *Id.*
- 16 • Herbalife ultimately withdrew its Second Motion to Dismiss (ECF No. 350),
17 answered the First Amended Complaint (ECF No. 352), and the parties
18 subsequently fully briefed Plaintiffs’ Motion to Strike Herbalife’s Affirmative
19 Defenses (ECF No. 359). *Id.*
- 20 • Once the Eleventh Circuit issued its mandate in August 2020, the parties in
21 that action engaged in two rounds of briefing on the Individual Defendants’
22 Motion to Dismiss, and had oral argument before Judge Cooke on that motion
23 to dismiss. At the time of Settlement, Plaintiffs were in the process of
24 amending their complaint. *Id.*

25 **Discovery**

- 26 • The Defendants produced more than 400,000 pages of documents in the cases,
27 which documents were used in both actions. Mark Decl. at ¶ 4. Mr. Jones,
28

1 counsel for the Plaintiffs, expended hundreds of hours reviewing these
2 documents, watching videos, and investigating the allegations in painstaking
3 detail. *See* Jones Decl. at ¶¶ 4, 6.

- 4 • Forty depositions were taken. Mark Decl. at ¶ 4.
- 5 • Hundreds of hours of video from events were produced and watched as well.
- 6 • In the California Action, Plaintiffs had seven separate discovery hearings
7 before Magistrate Judge Michael R. Wilner (ECF Nos. 176, 190, 191, 206,
8 221, 253, and 288); there were also seven discovery hearings before Magistrate
9 Judge Goodman in the Southern District of Florida. *Id.*
- 10 • The parties also engaged in extensive expert discovery. Both sides collectively
11 designated eight experts. Each prepared an expert report and each was
12 deposed. *Id.*

13 **B. The Pending Requests for Attorneys’ Fees and Reimbursement of**
14 **Expenses**

15 Counsel’s request for an award of attorneys’ fees from the pending settlements
16 in the amount of \$4,166,666 is consistent with the Ninth Circuit’s permitted fee
17 awards calculated using the “percentage-of-the-fund” approach. *See In re Nat’l*
18 *Collegiate Athl. Ass’n Athl. Grant-In-Aid Cap Antitrust Litig.*, 768 F. App’x 651, 653
19 (9th Cir. 2019). Class Counsel have taken a significant risk, invested substantial
20 amounts of their time and money on a contingent basis, and forgone other work
21 opportunities to dedicate their professional efforts to this case. *See* Mark Decl. at ¶ 4.

22 In support of this Motion, Class Counsel has submitted declarations
23 summarizing its time and expenses.
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1 **II. LEGAL STANDARD**

2 **A. Attorneys’ Fees**

3 The Supreme Court has explained that ““a lawyer who recovers a common
4 fund for the benefit of persons other than himself or his client is entitled to a
5 reasonable attorney’s fee from the fund as a whole.”” *Indep. Living Ctr. of S. Cal.,*
6 *Inc. v. Kent*, 909 F.3d 272, 284 (N.D. Cal. 2018) (quoting *Boeing Co. v. Van Gemert*,
7 444 U.S. 472, 478 (1980)); see also *Mills v. Elec. Auto-Lite Co.*, 396 U.S. 375, 393
8 (1970). “The rationale behind awarding a percentage of the fund to counsel in
9 common fund cases is the same that justifies permitting contingency fee arrangements
10 in general. . . . The underlying premise is the existence of risk—the contingent risk of
11 non-payment.” *In re Quantum Health Resources, Inc. Sec. Litig.*, 962 F. Supp. 1254,
12 1257 (C.D. Cal. 1997) (emphasis in original). In addition, attorneys’ fees are awarded
13 as a means of ensuring the beneficiaries of a common fund share with those whose
14 labors created the fund. See *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d
15 1291, 1300 (9th Cir. 1994).

16 **B. Costs Reimbursement**

17 Counsel may obtain reimbursement for costs from a common fund settlement.
18 *In re Am. Apparel, Inc. S’holder Litig.*, 2014 WL 10212865, at *28 (C.D. Cal. Jul. 28,
19 2014). ““The prevailing view is that expenses are awarded in addition to the fee
20 percentage.”” *Perez v. Rash Curtis & Assocs.*, No. 16-cv-03396-YGR, 2020 WL
21 1904533, at *21 (N.D. Cal. Apr. 17, 2020) (citations omitted).

22 **III. THE COURT SHOULD AWARD THE CLASS’S COUNSEL**
23 **\$4,166,666—33.33% PERCENT OF THE FUND—AS PARTIAL**
24 **PAYMENT OF THEIR FEES ACCRUED AS OF DATE**

25 **A. The Percentage-of-the-Fund Method for Calculating Fees Is**
26 **Appropriate Here**

27 District courts in the Ninth Circuit use either the “percentage-of-the-fund” or
28 the “lodestar” method in calculating fees in common fund settlements. *Fischel v.*

1 *Equitable Life Assur. Soc’y of U.S.*, 307 F.3d 997, 1006 (9th Cir. 2002). Using either
2 method, the ultimate inquiry is whether the end result is reasonable. *Powers v. Eichen*,
3 229 F.3d 1249, 1258 (9th Cir. 2000).

4 Where there is an easily quantifiable benefit to the class—namely, the cash
5 recovery achieved through the settlement—the percentage of the fund approach is
6 appropriate. See *In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 942 (9th
7 Cir. 2011). “The use of the percentage-of-the-fund method in common-fund cases is
8 the prevailing practice in the Ninth Circuit for awarding attorneys’ fees and permits
9 the Court to focus on a showing that a fund conferring benefits on a class was created
10 through the efforts of plaintiffs’ counsel.” *In re Korean Air Lines Co. Antitrust Litig.*,
11 No. CV 07-05107 SJO (AGRx), 2013 WL 7985367, at *1 (C.D. Cal. Dec. 23, 2013);
12 see also *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D. 245, 260 (N.D. Cal. 2015).
13 Courts supervising class actions in this District apply the percentage of the fund
14 approach. *Aichele v. City of Los Angeles*, 2015 WL 5286028, at *4 (C.D. Cal. Sept.
15 9, 2015). The Court should do so as well here.

16 “In the Ninth Circuit, the benchmark for percentage of recovery awards is 25
17 percent of the total settlement award, which may be adjusted up or down.” *Carlin v.*
18 *Dairy America, Inc.*, 380 F.Supp.3d 998, 1019 (E.D. Cal. 2019) (citing *Hanlon v.*
19 *Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998)). Selection of the benchmark or
20 any other rate, however, must be supported by findings that account for all of the
21 circumstances of the case. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir.
22 2002). The benchmark is subject to adjustment—upward or downward—based on the
23 Court’s analysis of the factors the Ninth Circuit considered in *Vizcaino*: (1) the results
24 achieved for the class; (2) the complexity of the case and the risk of and expense to
25 counsel of litigating it; (3) the skill, experience, and performance of counsel on both
26 sides; (4) the contingent nature of the fee; and (5) fees awarded in comparable cases.
27 See *id.* at 1048-50. The complexity of this case, the significant benefits achieved for
28 the Settlement Class and the work performed support an upwards adjustment.

1 **B. The *Vizcaino* Factors Warrant Granting Counsel’s Fee Request**

2 Here, each of the *Vizcaino* factors weighs in favor of awarding the requested
3 \$4,166,666, which amounts to 33.33% of the Settlement Fund.

4 **1. Counsel Obtained an Exceptional Result for the Plaintiffs.**

5 “The overall result and benefit to the class from the litigation is the most critical
6 factor in granting a fee award.” *In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036,
7 1046 (N.D. Cal. 2008).

8 Assuming liability could be proven, the Plaintiffs’ potential damages theories
9 ranged from under \$4MM to \$121.1MM. Significant fluctuation in these ranges
10 depended on whether Plaintiffs would be able to prove any damages for non-Herbalife
11 corporate events (or “STS” events), whether Plaintiffs would be able to extend the
12 time period for claims back to 2009 (instead of 2013 – four years before the Florida
13 Action was filed), whether damages for those distributors who signed an arbitration
14 agreement would be recoverable, and whether the damages for the putative class
15 would be limited pursuant to a private one-year statute of limitations in the distributor
16 agreements. If, for example, STS event damages could not be proven and the Plaintiffs
17 were held to a four-year statute of limitations from when they first discovered their
18 injury (which Herbalife argued was at the time they realized they were losing money),
19 then the maximum recoverable damages for the Plaintiffs was \$21MM. ECF. No. 322
20 at 21.; Mark Decl. at ¶ 6.

21 For the reasons discussed in Herbalife’s Motion for Summary Judgment (ECF
22 No. 322) and Herbalife’s Response in Opposition to Plaintiff’s Motion to Certify the
23 Class (ECF No. 218), this litigation was fraught with risk. Aside from the risks
24 associated with the class not being certified, there was a possibility of large swaths of
25 the damages sought in this action being excluded based on statutes of limitations
26 defenses, the applicability of the *Bostick* release, the contention that the alleged
27 “fraud” was mere puffery, the contention that the vast majority of Herbalife
28 distributors reported recognizing “value” from events, and the conclusions of

1 Herbalife’s correlation expert that there is a statistically positive correlation between
2 those who attend events and the amount of money they earn pursuing the Herbalife
3 opportunity. *See generally* ECF No. 218.

4 For that reason, the extensively negotiated mediator’s proposal was agreed to
5 so a significant recovery for a class was ensured for the Settlement Class Members
6 who might have otherwise obtained nothing.

7 In addition to the significant monetary recovery obtained here, Herbalife has
8 also agreed to substantial injunctive relief that drastically alters Herbalife’s corporate
9 policies as it pertains to events and the event system. Mark Decl. at ¶ 9.

10 As alleged in the Amended Complaint, Plaintiffs contend in this action that
11 Herbalife’s Circle of Success is premised on a combination of emotional manipulation
12 and peer pressure; coupled with statements guaranteeing financial success or
13 statements in which attendees are told attendance is “mandatory.” *See* ECF No. 202
14 at ¶¶ 1, 4, 5, 7. Specific examples of high-level distributors stating that event
15 attendance is mandatory or directly correlating event attendance to financial success
16 within Herbalife are referenced throughout the Amended Complaint and in the
17 Plaintiffs’ briefing. *See id.* at ¶ 7 (“If you go to all of the events . . . you will get rich”);
18 ¶ 56 (“There is a DIRECT CORRELATION between the amount of people you bring
19 to an event and your position in the Herbalife Marketing Plan”); ¶¶ 59-60 (“MY
20 ABILITY TO GROW A ROYALTY CHECK IS COMPLETELY DEPENDENT ON
21 MY ABILITY TO GET PEOPLE TO EVENTS”). *See also* ECF No. 339 at 7-8
22 (examples of “the narrative that event attendance leads to financial success is a central
23 component of Herbalife’s manipulative event system”). Mark Decl. at ¶ 10.

24 Further, “a primary focus of each event is aggressively encouraging distributors
25 to attend future events – and using hard-selling tactics to get participants to purchase
26 their non-refundable tickets on site.” ECF No. 339 at 10-11; Mark Decl. at ¶ 11.

27 The injunctive relief obtained here directly mitigates these alleged tactics. As a
28 result of the Settlement, Herbalife is required to amend its corporate policies to state

1 that event attendance is not mandatory, to state that event attendance does not
2 guarantee financial success, to include disclaimers on all event promotional materials,
3 and to amend its policies to allow for a refund for any ticket purchases within 24 hours
4 of purchase. *See* ECF No. 282 at ¶ 5.1.1 – ¶ 5.1.5; Mark Decl. at ¶ 12.

5 It is impossible to place a monetary value on this hard-fought injunctive relief.
6 In considering, however, the requested upward adjustment in Counsel’s fees, “courts
7 should consider the value of the injunctive relief obtained as a ‘relevant circumstance’
8 in determining what percentage of the common fund class counsel should receive as
9 attorneys’ fees.” *Staton v. Boeing Co.*, 327 F.3d 938, 974 (9th Cir. 2003).

10 **2. Counsel Have Taken Significant Risks Prosecuting This**
11 **Litigation.**

12 Counsel assumed a significant risk in undertaking this litigation. See Mark
13 Decl., ¶ 20. By its nature, recovery is never guaranteed in contingency litigation.
14 Counsel committed their time, money, and energy to the prosecution of a multi-year,
15 multi-district litigation against more than 20 defendants represented by three separate
16 sets of excellent law firms. *See id.* This case is complex, and complex RICO cases
17 often take years to resolve through settlement, trial, or appeal— indeed, this litigation
18 has now lasted over 5 years. *See id.* Class Counsel have expended millions of dollars
19 of their time and incurred hundreds of thousands of dollars in expenses, all on a purely
20 contingent basis. Counsel have turned away other case opportunities over the last five
21 years to dedicate the time and resources needed to prosecute the Class’s claims. *Id.*

22 **3. Advancing the Litigation to this Point and Obtaining the**
23 **Settlements Has Required Professional Skill.**

24 The docket and the procedural history in this this case demonstrate Class
25 Counsel’s expertise and the Class’s successes to date. Counsel have done much to
26 prosecute the Class’s claims effectively and efficiently. Counsels’ success was hard
27 won. Defendants have hired excellent defense counsel to defend them against the
28 Class’s claims. *See Barbosa v. Cargill Meat Sols. Corp.*, 297 F.R.D. 431, 449 (E.D.

1 Cal. 2013) (“The quality of opposing counsel is important in evaluating the quality of
2 Class Counsel’s work.”). Indeed, Class Counsel has litigated this case to a successful
3 conclusion despite multiple motions to dismiss, a motion for summary judgment, an
4 opposition to class certification, motions to disqualify experts and 40 depositions.

5 **4. Awards in Similar Complex Cases Demonstrate That Class**
6 **Counsel Seek a Reasonable Fee Award.**

7 It is challenging to assess the requested fee award compared to a likely recovery
8 because many potentially dispositive questions remained unresolved – putting aside
9 whether the class would be certified at all. Would a four-year statute of limitations
10 apply beginning in 2013? Would a one-year private statute of limitations apply?
11 Would damages associated with STS tickets be recoverable? Would individuals who
12 signed arbitration clauses be included in the class? Would the *Bostick* release apply
13 and eviscerate the entire class?

14 Although it is hard to predict which of the different damages outcomes was
15 “most likely,” certainly one very possible outcome was an assessment of \$38 million
16 in damages against Herbalife, which represented the damages of all events, including
17 STS events, limiting claims to those arising four years prior to the filing of the lawsuit
18 and excluding those distributors who signed arbitration agreements. Under that
19 scenario, a \$12.5 million settlement represents a 32.8% recovery of the \$38 million
20 of damages for any distributor who attended his/her first event after August 2013
21 which is four years prior to the filing of the complaint. Courts in the Ninth Circuit
22 have awarded 33% of attorneys’ fees from the common fund to lawyers who obtained
23 settlement amounts that comprised similar percentage shares of claimed amount of
24 damages. See, e.g., *Syed v. M-I, L.L.C.*, No. 1:12-cv-01718-DAD-MJS, 2017 WL
25 3190341, at *4, 6-8 (E.D. Cal. July 26, 2017) (awarding one-third in fees when the
26 common fund represents 35% of damages); *Torres v. Pick-A-Part Auto Wrecking*, No.
27 1:16-cv-01915-DAD-BAM, 2018 WL 3570238, at *5, 7 (E.D. Cal. July 23, 2018)
28 (awarding one-third in fees when the common fund represents between 5% and 44%

1 of damages); *Carter v. San Pasqual Fiduciary Tr. Co.*, No. SACV 15- 1507 JVS
2 (JCGx), 2018 WL 6174767, at *4 (C.D. Cal. Feb. 28, 2018) (awarding one-third in
3 fees when the common fund represents 35% of damages); *Boyd v. Bank of Am. Corp.*,
4 No. SACV 13-0561-DOC (JPRx), 2014 WL 6473804, at *9-12 (C.D. Cal. Nov. 18,
5 2014) (awarding one-third in fees when the common fund represents 36% of
6 damages); *Moreyra v. Fresenius Med. Care. Holdings, Inc.*, No. SACV 10-517 JVS
7 (RZx), 2013 WL 12248139, at *3- 4 (C.D. Cal. Aug. 7, 2013) (awarding one-third in
8 fees when the common fund represents 32% of damages). Indeed, “California courts
9 routinely award attorneys’ fees of one-third of the common fund.” *Beaver v. Tarsadia*
10 *Hotels*, No. 11-cv-01842-GPC-KSC, 2017 WL 4310707, at *9 (S.D. Cal. Sep. 28,
11 2017). Moreover, “[d]istrict courts in this circuit have routinely awarded fees of one-
12 third of the common fund or higher after considering the particular facts and
13 circumstances of each case.” *Id.* at *10. *See also Smith v. CRST Van Expedited, Inc.*,
14 No. 10-cv1116-IEG (WMC), 2013 WL 163293, at *5 (S.D. Cal. Jan. 14, 2013)
15 (“Under the percentage method, California has recognized that most fee awards based
16 on either a lodestar or percentage calculation are 33 percent.”).

17 As these precedents demonstrate, Class Counsel’s request is consistent with
18 recognized “market rates,” i.e., rates typically awarded in similar contingency fee
19 cases in this District and across the United States, see *Vizcaino*, 290 F.3d at 1050,
20 particularly in light of the posture of the litigation and the state of the Class’s evidence
21 here.

22 **5. Counsel Undertook a Significant Financial and Resource** 23 **Burden in Prosecuting the Direct Purchaser Class’s Claims**

24 Counsel have invested significant amounts of time, money, and resources in
25 this case for over five years, as shown in their time and expense records. Class
26 Counsel’s time submissions— approximately \$4.8 million total lodestar billed to
27 date—illustrates the point. Mark Decl., ¶ 4. This litigation has required a significant
28 devotion of Class Counsel for the past few years including:

- 1 • **Discovery:** Class Counsel undertook significant discovery efforts in this case.
2 Discovery included drafting discovery responses, evaluating, and analyzing
3 defendants' discovery responses, including document productions, managing
4 hundreds of thousands of documents, and 40 depositions.
- 5 • **Motion Practice:** Class Counsel prepared, edited, and briefed various court
6 filings, including several dispositive motions. This included responses to
7 motions to dismiss, a motion to compel arbitration, a motion to transfer venue,
8 over a dozen discovery disputes, responding to and drafting eight Daubert
9 motions or responses to Daubert motions, and responding to a motion for
10 summary judgment. Class Counsel also selected and prepared the Class's
11 expert witnesses and reports, oversaw and coordinated the work of its experts.
- 12 • **Case Management:** Class counsel diligently communicated with Class
13 members, responded to inquiries concerning the status of the case and
14 settlement and coordinated various notice and claims management issues.
- 15 • **Mediation and Settlement:** Class counsel expended significant efforts to
16 negotiate a successful resolution of this case, participating in multiple
17 mediations over many months, ultimately leading to a mediator's proposal
18 consistent with that submitted herein.

19 Mark Decl., ¶ 4.

20 **C. Lodestar Cross-Check Confirms That the Fees Sought by Class**
21 **Counsel Are Reasonable.**

22 A lodestar cross-check may be used to ensure that class counsel has done the
23 work necessary to justify the fee sought. *Vizcaino*, 290 F.3d at 1050. “[T]he lodestar
24 cross-check calculation need entail neither mathematical precision nor bean-counting.
25 The district courts may rely on summaries submitted by the attorneys and need not
26 review actual billing records.” *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 306-07
27 (3d Cir. 2005)) (citation omitted).
28

1 On a cumulative basis, the total amount of attorneys’ fees is \$4,564,848.50.
2 Mark Decl. at 4. In the Ninth Circuit, a lodestar multiplier of around four has
3 frequently been awarded in common fund cases such as this. See *Vizcaino*, 290 F.3d
4 at 1051 (multiplier of 3.65 held “within the range of multipliers applied in common
5 fund cases”); *see also Van Vranken*, 901 F. Supp. 294 at 298 (“Multipliers in the 3-4
6 range are common in lodestar awards for lengthy and complex class action
7 litigation.”). Here, Plaintiff is seeking a negative multiplier of approximately .91 –
8 passing the lodestar check. *See Rosado v. Ebay Inc.*, No. 5:12-CV04005-EJD, 2016
9 WL 3401987, at *8 (N.D. Cal. June 21, 2016) (conducting a lodestar cross-check and
10 finding that a negative multiplier “strongly suggests the reasonableness of the
11 negotiated fee”).

12 **IV. THE COURT SHOULD GRANT CLASS COUNSEL \$337,926.05 FOR**
13 **THEIR COSTS ADVANCED FROM SEPTEMBER 18, 2017, TO**
14 **PRESENT**

15 Counsel requests the amount of \$337,926.03 to reimburse incurred litigation
16 costs and expenses that have not been reimbursed. Mark Decl., ¶ 22.

17 It is appropriate to reimburse attorneys prosecuting class claims on a
18 contingent basis for “reasonable expenses that would typically be billed to paying
19 clients in non-contingency matters,” i.e., costs “incidental and necessary to the
20 effective representation of the Class.” *Trosper v. Stryker Corp.*, No. 13-CV-00607-
21 LHK, 2015 WL 5915360, at *1 (N.D. Cal. Oct. 9, 2015) (citing *Harris v. Marhoefer*,
22 24 F.3d 16, 19 (9th Cir. 1994)). Reasonable reimbursable litigation expenses include
23 those for document production, experts and consultants, depositions, translation
24 services, travel, mail, and postage costs.³ Under the common fund doctrine, plaintiffs’
25

26 _____
27 ³ See, e.g., *In re Media Vision Technology Securities Litigation*, 913 F. Supp. 1362,
28 1366 (N.D. Cal. 1996) (court fees, experts/consultants, service of process, court
reporters, transcripts, deposition costs, computer research, photocopies, postage,

1 counsel should receive reimbursement of all reasonable out-of-pocket expenses and
2 costs in prosecution of the claims and in obtaining a settlement. *See generally Vincent*
3 *v. Hughes Air W., Inc.*, 557 F.2d 759 (9th Cir. 1977).

4 **V. THE COURT SHOULD GRANT SERVICE AWARDS TO THE**
5 **NAMED PLAINTIFFS IN LIGHT OF THEIR SUBSTANTIAL**
6 **CONTRIBUTIONS TO THE LITIGATION.**

7 Class Counsel seeks service awards for the three named class representatives:
8 \$30,000.00 for Patricia Rodgers, \$30,000.00 for Jennifer Ribalta, and \$18,000.00 for
9 Izaar Valdez. Service awards are “fairly typical in class action cases.” *Rodriguez v.*
10 *West Publishing*, 563 F.3d 948, 958 (9th Cir. 2009). Service awards are particularly
11 appropriate when the litigation is “complicated” and “took up quite a bit of the class
12 representatives’ time.” *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 947-
13 48 (9th Cir. 2015); accord *In re Facebook Biometric Info. Priv. Litig.*, 522 F. Supp.
14 3d 617, 633-34 (N.D. Cal. 2021). “In deciding whether such an award is warranted,
15 relevant factors include the actions the plaintiff has taken to protect the interest of the
16 class, the degree to which the class has benefited from those actions, and the amount
17 of time and effort the plaintiff expended in pursuing the litigation.” *Cook v. Niedert*,
18 142 F.3d 1004, 1016 (9th Cir. 1998); accord *Staton v. Boeing Co.*, 327 F.3d 938 (9th
19 Cir. 2003).

20 The named Plaintiffs undertook significant action to protect the interests of the
21 class. Each of the named Plaintiffs maintained close contact with Class Counsel
22 throughout the case, produced thousands of documents during the course of this
23 complex litigation, Ms. Ribalta and Ms. Rodgers were subjected to multiple
24 depositions, and devoted hundreds of hours in assisting Class Counsel in this case,

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26 _____
27 telephone/fax); *Thornberry v. Delta Air Lines, Inc.*, 676 F.2d 1240, 1244 (9th Cir.
28 1982) (travel, meals and lodging), remanded on other grounds, 461 U.S. 952(1983);
Mauss v. NuVasive, Inc., Case No. 13cv2005 JM (JLB), 2018 WL 6421623, at *8-9
(S.D. Cal. Dec. 6, 2018) (online research, press release and newswires).

1 expending a great deal of time and effort. Attached hereto as **Exhibits C, D and E**
2 are the Declarations of Ms. Rodgers, Ms. Ribalta and Ms. Valdez, respectively. *See*
3 Rodgers Decl., ¶¶ 3-10; Ribalta Decl., ¶¶ 3-10; and Valdez Decl. at ¶¶ 3-9.
4 Specifically, Ms. Ribalta and Ms. Rodgers have both attested to spending between
5 250-300 hours on this case, while Ms. Valdez spent approximately 180 hours. *See*
6 *also* Mark Decl. at ¶¶ 17-18.

7 Counsel is mindful that the requested incentive award is atypically high.
8 However, as all three have attested, over the past five years, this litigation has had a
9 significant negative impact on their lives and their relationships, including being cut-
10 off from friends and other close personal relationships. *See* Rodgers Decl., ¶ 4; Ribalta
11 Decl., ¶ 4; and Valdez Decl. at ¶ 4; Mark Decl. at ¶¶ 17-18. This, coupled with the
12 time and assistance each Plaintiff provided, including in some cases having to travel
13 to miss work to travel to Los Angeles (Ms. Ribalta and Ms. Valdez), the trauma of
14 losing a spouse during the litigation (Ms. Rodgers), enduring two, separate full-day
15 depositions (Ms. Ribalta and Ms. Rodgers), and spending many, many hours
16 collecting and reviewing documents, warrants this atypically high incentive award.
17 *See* Rodgers Decl., ¶¶ 3-10; Ribalta Decl., ¶¶ 3-10; and Valdez Decl. at ¶¶ 3-9. The
18 Court should preliminarily approve these amounts. *See Gomez v. USF Reddaway Inc.*,
19 LACV1605572JAKFFMX, 2020 WL 10964592, at *18–20 (C.D. Cal. Mar. 30,
20 2020).

21 VI. CONCLUSION

22 For the reasons set forth above, Counsel requests the Court grant its request
23 for payment of \$4,166,666 in attorneys' fees, \$337,926.03 in reimbursable costs, and
24 \$78,000 in service awards.
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1 DATED: October 21, 2022

Mark Migdal & Hayden

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By:

Etan Mark
Attorneys for Plaintiffs Patricia Rodgers,
Jennifer Ribalta, and Izaar Valdez

EXHIBIT A

1 Paul A. Levin (State Bar No. 229077)
plevin@themrlg.com
2 MORTGAGE RECOVERY LAW GROUP LLP
3 700 North Brand Boulevard, Suite 830
Glendale, California 91203
4 Telephone: (818) 630-7900 / Fax: (818) 630-7920

5 Etan Mark (admitted *pro hac*)
6 etan@markmigd.com
7 Donald J. Hayden (admitted *pro hac*)
don@markmigd.com
8 MARK MIGDAL & HAYDEN
9 80 SW 8th Street, Suite 1999
Miami, Florida 33130
10 Telephone: (305) 374-0440

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

14
15 MICHAEL LAVIGNE, *et al.*,
16 Plaintiffs,
17 vs.
18 HERBALIFE LTD., *et al.*,
19 Defendants.

CASE NO. 2:18-cv-07480-JAK (MRWx)
[Related Case 2:13-cv-02488-BRO-RZ]

**DECLARATION OF ETAN MARK
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS COUNSEL'S
ATTORNEY FEES,
REIMBURSEMENT OF EXPENSES
AND SERVICE AWARDS**

Assigned to Hon. John A. Kronstadt,
Courtroom 10B

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1 I, Etan Mark, declare:

2 1. I have personal knowledge of the facts set forth in this declaration and,
3 if called as a witness, I could and would testify competently about these facts.

4 2. I am a member of the State Bars of New York and Florida and am
5 admitted *pro hac vice* to practice before the Court. I am counsel for Plaintiffs in this
6 matter.

7 3. I am the co-founder of Mark Migdal & Hayden (“MMH”), and I oversee
8 MMH’s litigation efforts in this case.

9 4. My firm committed significant resources to this action, both in attorney
10 time and costs. The sheer amount of work put in by Class Counsel is borne out by the
11 time records summary, which reflects \$4,564,848.50 in time billed, attached hereto as
12 **Composite Exhibit 1**, but the following points are worth emphasizing:

- 13 • The Settlement fully and completely resolves two intertwined matters: the post-
14 bifurcation case styled *Lavigne, et al. v. Herbalife Ltd.*, Case No. 1:17-23429-
15 MGC (S.D. Fla.) (the “Florida Action”) and this action. Class Counsel spent
16 approximately 2,500 hours on the Florida Action, approximately 7,200 hours
17 on this action,¹ for a total approximate amount of fees in the amounts of \$1.1
18 million and \$3.45 million, respectively. The scope of the two actions is the
19 same: they both involve claims regarding the same Herbalife Events, and they
20 both involve claims brought on behalf of the same class that the parties seek to
21 certify through a settlement here. The primary distinction was that considering
22 the absence of a contractual relationship between the individual defendants
23 named in the Florida action and the named Plaintiffs, there was no legal basis
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26
27 ¹ For purposes of this Motion, Plaintiffs are referring to the litigation prior to the case
28 being bifurcated as part of “this” action, while referring to the litigation in Florida
after bifurcation as the “Florida Action.”

1 to transfer the Florida Action to this district. The absence of that provision
2 resulted in the bifurcation of the case pursuant to Judge Cooke’s order on
3 August 23, 2018. *See* Florida Action at ECF No. 106. The parties to the Florida
4 Action moved to stay that case pending final approval of a classwide settlement
5 here, with the intention of dismissing the Florida Action should this Court
6 finally approve the parties’ proposed class Settlement. *See* Florida Action, ECF
7 No. 235; Mark Decl. at ¶ 4.

8 Case Dispositive Filings

- 9
- 10 • Class Counsel staved off several case dispositive filings, including a motion to
11 compel arbitration [Florida Action ECF No. 62] and multiple motions to
12 dismiss in this action and the Florida Action.
 - 13 • In the Florida Action, after the motion to compel arbitration was denied, the
14 Individual Defendants appealed Judge Cooke’s order to the Eleventh Circuit
15 Court of Appeals (USCA Case Number 18-14048-JJ). The matter was fully
16 briefed and oral argument was held. In an eighteen page published decision,
17 the 11th Circuit Court of Appeals affirmed the trial court. ECF No. 106 (the
18 “Order Re: Arbitration”).
 - 19 • The day before Herbalife filed its second Motion to Dismiss, Plaintiffs filed
20 their Motion to Certify Class (“Class Certification Motion”) which was also
21 briefed and argued before the Court. *See* ECF Nos. 207, 218, 234, and 261.
 - 22 • While the Second Motion to Dismiss and Class Certification Motion were
23 pending, the parties extensively briefed Herbalife’s Motion for Summary
24 Judgment (ECF No. 322) and collectively filed eight separate *Daubert*
25 motions, each of which were individually fully briefed. *See* ECF Nos. 323-
26 338, 341-349.
 - 27 • Herbalife ultimately withdrew its Second Motion to Dismiss (ECF No. 350),
28 answered the First Amended Complaint (ECF No. 352), and the parties

1 subsequently fully briefed Plaintiffs' Motion to Strike Herbalife's Affirmative
2 Defenses (ECF No. 359).

- 3 • Once the Eleventh Circuit issued its mandate in August 2020, the parties in
4 that action engaged in two rounds of briefing on the Individual Defendants'
5 Motion to Dismiss, and had oral argument before Judge Cooke on that motion
6 to dismiss. At the time of Settlement, Plaintiffs were in the process of
7 amending their complaint.

8 **Discovery**

- 9 • The Defendants produced more than 400,000 pages of documents in the
10 cases, which documents were used in both actions.
- 11 • Forty depositions were taken.
- 12 • Hundreds of hours of video from events were produced and watched as
13 well.
- 14 • In the California Action, Plaintiffs had seven separate discovery hearings
15 before Magistrate Judge Michael R. Wilner (ECF Nos. 176, 190, 191,
16 206, 221, 253, and 288); there were also seven discovery hearings before
17 Magistrate Judge Goodman in the Southern District of Florida.
- 18 • The parties also engaged in extensive expert discovery. Both sides
19 collectively designated eight experts. Each prepared an expert report and
20 each was deposed.

21 5. The Parties engaged in extensive arm's length settlement negotiations,
22 included two mediation sessions before two separate respected and skilled mediators,
23 the latter of which extended over several months under the direction of a retired judge
24 of this District and ultimately culminated in a mediator's proposal that both sides
25 accepted.

26 6. On January 11, 2021, we served the expert report of Christian Tregillis,
27 a damages expert. In that report, Mr. Tregillis presented different damages models
28

1 that allowed Plaintiffs to calculate potential damages depending on multiple factors.
2 Assuming liability could be proven, the Plaintiffs’ potential damages theories ranged
3 from under \$4MM to \$121.1MM. Significant fluctuation in these ranges depended on
4 whether Plaintiffs would be able to prove any damages for non-Herbalife corporate
5 events (or “STS” events), whether Plaintiffs would be able to extend the time period
6 for claims back to 2009 (instead of 2013 – four years before the Florida Action was
7 filed), whether damages for those distributors who signed an arbitration agreement
8 would be recoverable, and whether the damages for the putative class would be
9 limited pursuant to a private one-year statute of limitations in the distributor
10 agreements. If, for example, STS event damages could not be proven and the Plaintiffs
11 were held to a four-year statute of limitations from when they first discovered their
12 injury (which Herbalife argued was at the time they realized they were losing money),
13 then the maximum recoverable damages for the Plaintiffs was \$21MM. ECF. No. 322
14 at 21.

15 7. Although it is hard to predict which of the different damages outcomes
16 was “most likely,” certainly one very possible outcome was an assessment of \$38MM
17 in damages against Herbalife, which represented the damages of all events, including
18 STS events, limiting claims to those arising four years prior to the filing of the lawsuit
19 and excluding those distributors who signed arbitration agreements. Under that
20 scenario, a \$12.5 million settlement represents a 32% recovery of the \$39 million of
21 damages for any distributor who attended his/her first event after August 2013 which
22 is four years prior to the filing of the complaint.

23 8. For the reasons discussed in Herbalife’s Motion for Summary Judgment
24 (ECF No. 322) and Herbalife’s Response in Opposition to Plaintiff’s Motion to
25 Certify the Class (ECF No. 218), this litigation was fraught with risk. Aside from the
26 risks associated with the class not being certified, there was a possibility of large
27 swaths of the damages sought in this action being excluded based on statutes of
28

1 limitations defenses, the applicability of the *Bostick* release, the contention that the
2 alleged “fraud” was mere puffery, the contention that the vast majority of Herbalife
3 distributors reported recognizing “value” from events, and the conclusions of
4 Herbalife’s correlation expert that there is a statistically positive correlation between
5 those who attend events and the amount of money they earn pursuing the Herbalife
6 opportunity. *See generally* ECF No. 218.

7 9. In addition to the significant monetary recovery obtained here, Herbalife
8 has also agreed to substantial injunctive relief that drastically alters Herbalife’s
9 corporate policies as it pertains to events and the event system.

10 10. As alleged in the Amended Complaint, Plaintiffs contend in this action
11 that Herbalife’s Circle of Success is premised on a combination of emotional
12 manipulation and peer pressure; coupled with statements guaranteeing financial
13 success or statements in which attendees are told attendance is “mandatory.” *See* ECF
14 No. 202 at ¶¶ 1, 4, 5, 7. Specific examples of high-level distributors stating that event
15 attendance is mandatory or directly correlating event attendance to financial success
16 within Herbalife are referenced throughout the Amended Complaint and in the
17 Plaintiffs’ briefing. *See id.* at ¶ 7 (“If you go to all of the events . . . you will get rich”);
18 ¶ 56 (“There is a DIRECT CORRELATION between the amount of people you bring
19 to an event and your position in the Herbalife Marketing Plan”); ¶¶ 59-60 (“MY
20 ABILITY TO GROW A ROYALTY CHECK IS COMPLETELY DEPENDENT ON
21 MY ABILITY TO GET PEOPLE TO EVENTS”). *See also* ECF No. 339 at 7-8
22 (examples of “the narrative that event attendance leads to financial success is a central
23 component of Herbalife’s manipulative event system”).

24 11. Further, “a primary focus of each event is aggressively encouraging
25 distributors to attend future events – and using hard-selling tactics to get participants
26 to purchase their non-refundable tickets on site.” *Id.* at 10-11.

27 12. The injunctive relief obtained here directly mitigates these alleged
28

1 tactics. As a result of the Settlement, Herbalife is required to amend its corporate
2 policies to state that event attendance is not mandatory, to state that event attendance
3 does not guarantee financial success, to include disclaimers on all event promotional
4 materials, and to amend its policies to allow for a refund for any ticket purchases
5 within 24 hours of purchase. *See* ECF No. 282 at ¶ 5.1.1 – ¶ 5.1.5.

6 13. The MMH attorneys assisting me on this case include Don Hayden, Lara
7 O’Donnell Grillo, Yaniv Adar, Maia Aron, Niki Namazi and Joshua Migdal.
8 Summaries of their (and my) biographies are attached as **Composite Exhibit 2** to this
9 Declaration.

10 14. In addition, we co-counseled with Jason Jones, a solo practitioner with
11 extensive investigative experience, particular involving alleged pyramid schemes, and
12 Jennifer Jones, a former attorney with the Department of Justice and current Deputy
13 Attorney General, Public Advocacy Division at the Office of the Attorney General
14 for the District of Columbia. A copy of Ms. Jones’s curriculum vitae is attached hereto
15 as **Exhibit 3**.

16 15. My normal hourly rate is \$600/hour, but for this matter my rate is
17 \$550/hour. The paralegals who worked on this matter – Michelle Pelaez, Viviana
18 Vazquez and Victoria Pantin, have a normal hourly rate of \$175/hour. The normal
19 hourly rates for the attorneys is as follows:

20 Don Hayden	\$650
21 Jennifer Jones	\$600
22 Josh Migdal	\$525 (discounted from \$550)
23 Yaniv Adar	\$525 (discounted from \$550)
24 Maia Aron	\$450
Lara O’Donnell Grillo	\$450
Niki Namazi	\$325

25 16. Paul Levin, our local counsel, billed out at a discounted hourly rate of
26 \$300/hour, along with his partner Lauren Gibbs. Mr. Levin’s biography is attached
27 hereto as **Exhibit 4**. Their paralegal, Mary Melbar, billed out at an hourly rate of
28

1 \$185/hour.

2 17. As set out in my earlier Declaration (ECF No. 384-1), each of the
3 Plaintiffs has remained committed to representing the proposed Class in this litigation
4 since 2017, remaining available to and in touch with Class Counsel, and submitting
5 information, declarations, and other evidence, including electronic devices for
6 forensic imaging and sitting for depositions. The Plaintiffs were instrumental in our
7 ability to litigate this case and collectively spent hundreds of hours participating.

8 18. I personally observed the emotional toll that this case took on the
9 Plaintiffs.

10 19. The Settlement Agreement does not create a “clear sailing” arrangement,
11 as reasonable attorneys’ fees will be paid only upon Court approval of Plaintiffs’
12 petition and no mention is made of Herbalife acquiescing or agreeing not to dispute
13 Plaintiffs’ petition.

14 20. My firm assumed a significant risk in undertaking this litigation. By its
15 nature, recovery is never guaranteed in contingency litigation. We committed our
16 time, money, and energy to the prosecution of a multi-year, multi-district litigation
17 against more than 20 defendants represented by three separate sets of excellent law
18 firms. This case is complex, and complex RICO cases often take years to resolve
19 through settlement, trial, or appeal— indeed, this litigation has now lasted over 5
20 years. We have expended millions of dollars of our time and incurred hundreds of
21 thousands of dollars in expenses, all on a purely contingent basis. We have turned
22 away other case opportunities over the last five years that would have paid hourly so
23 that we could dedicate the time and resources needed to prosecute the Class’s claims.

24 21. In my opinion, Defendants have hired excellent defense counsel to
25 defend them against the Class’s claims.

26 22. We have also incurred and paid \$337,926.03 in costs in connection with
27 our efforts in this action. Approximately one-third of these costs were for the experts
28

1 we retained. Attached as **Exhibit 5** is a copy of a spreadsheet detailing the costs
2 incurred.

3 I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct. Executed on October 20, 2022, at
5 Miami, Florida.

6
7 /s/ Etan Mark

8 _____
9 Etan Mark
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COMPOSITE EXHIBIT 1

Table 1			
<i>Task 1: Pre-Suit Investigation</i>			
Attorney	Rate	Hours	Fee
Jason Jones (Attorney)	\$450	150	\$67,500.00
Total Fee Request for Task 1		150	\$67,500.00
<i>Task 2: Drafting Original Complaint</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	55.7	\$25,065.00
Donald J. Hayden (Partner)	\$650	4	\$2,600.00
Etan Mark (Partner)	\$550	78.9	\$43,395.00
Joshua A. Migdal (Partner)	\$525	4.1	\$2,152.50
Jason Jones (Attorney)	\$450	80.25	\$36,112.50
Michelle Pelaez (Senior Paralegal)	\$175	18.2	\$3,185.00
Total Fee Request for Task 2		241.15	\$112,510.00
<i>Task 3: Motion to Stay Discovery (Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	14.4	\$6,480.00
Donald J. Hayden (Partner)	\$650	1.4	\$910.00
Etan Mark (Partner)	\$550	4.2	\$2,310.00
Joshua A. Migdal (Partner)	\$525	0.9	\$472.50
Total Fee Request for Task 3		20.9	\$10,172.50
<i>Task 4: Motion to Dismiss (Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	12	\$5,400.00
Donald J. Hayden (Partner)	\$650	0.5	\$325.00
Etan Mark (Partner)	\$550	19	\$10,450.00
Joshua A. Migdal (Partner)	\$525	9.5	\$4,987.50
Jason Jones (Attorney)	\$450	55	\$24,750.00
Total Fee Request for Task 4		96	\$45,912.50

<i>Task 5: Motions to Compel Arbitration and Transfer Venue</i>			
Attorney	Rate	Hours	Fee
George Breur (Partner)	\$400	0.8	\$320.00
Lara Grillo (Partner)	\$450	160.3	\$72,135.00
Donald J. Hayden (Partner)	\$650	68.4	\$44,460.00
Etan Mark (Partner)	\$550	154.5	\$84,975.00
Joshua A. Migdal (Partner)	\$525	85.6	\$44,940.00
Jason Jones (Attorney)	\$450	72.2	\$32,490.00
Michelle Pelaez (Senior Paralegal)	\$175	22.8	\$3,990.00
Total Fee Request for Task 5		564.6	\$283,310.00
<i>Task 6: Jurisdictional Discovery</i>			
Attorney	Rate	Hours	Fee
George Breur (Partner)	\$400	1.1	\$440.00
Lara Grillo (Partner)	\$450	10.6	\$4,770.00
Donald J. Hayden (Partner)	\$650	9.1	\$5,915.00
Etan Mark (Partner)	\$550	40.5	\$22,275.00
Joshua A. Migdal (Partner)	\$525	11.5	\$6,037.50
Jason Jones (Attorney)	\$450	84	\$37,800.00
Total Fee Request for Task 6		156.8	\$77,237.50
<i>Task 7: Investigation and Research (Post-Filing, Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Jason Jones (Attorney)	\$450	90	\$40,500.00
Total Fee Request for Task 7		90	\$40,500.00
<i>Task 8: Miscellaneous Case and Project Management (Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	8	\$3,600.00
Donald J. Hayden (Partner)	\$650	16.3	\$10,595.00
Etan Mark (Partner)	\$550	29.2	\$16,060.00
Joshua A. Migdal (Partner)	\$525	6.1	\$3,202.50

Jason Jones (Attorney)	\$450	80	\$36,000.00
Michelle Pelaez (Senior Paralegal)	\$175	12.6	\$2,205.00
Total Fee Request for Task 8		152.2	\$71,662.50
<i>Task 9: Case Assessment and Strategization After Transfer to California</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	34.8	\$15,660.00
Donald J. Hayden (Partner)	\$650	5.7	\$3,705.00
Etan Mark (Partner)	\$550	7.7	\$4,235.00
Joshua A. Migdal (Partner)	\$525	27.6	\$14,490.00
Jason Jones (Attorney)	\$450	30	\$13,500.00
Michelle Pelaez (Senior Paralegal)	\$175	3.8	\$665.00
Total Fee Request for Task 9		109.6	\$52,255.00
<i>Task 10: Fact Depositions</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	75.2	\$39,480.00
Etan Mark (Partner)	\$550	103.1	\$56,705.00
Joshua A. Migdal (Partner)	\$525	11.1	\$5,827.50
Jason Jones (Attorney)	\$450	459.11	\$206,599.50
Jennifer Jones (Attorney)	\$600	271.14	\$162,684.00
Paul Levin (Attorney)	\$300	5.2	\$1,560.00
Michelle Pelaez (Senior Paralegal)	\$175	9.1	\$1,592.50
Viviana Vazquez (Paralegal)	\$175	9.3	\$1,627.50
Victoria Pantin (Paralegal)	\$175	38.3	\$6,702.50
Total Fee Request for Task 10		981.55	\$482,778.50
<i>Task 11: Contested Discovery (Hearings, Meet and Confers, Briefing, etc.)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	294.7	\$154,717.50
Donald J. Hayden (Partner)	\$650	0.7	\$455.00

Etan Mark (Partner)	\$550	88.1	\$48,455.00
Joshua A. Migdal (Partner)	\$525	8.3	\$4,357.50
Jason Jones (Attorney)	\$450	26.15	\$11,767.50
Jennifer Jones (Attorney)	\$600	32.7	\$19,620.00
Niki Namazi (Associate)	\$325	17.9	\$5,817.50
Paul Levin (Attorney)	\$300	21.1	\$6,330.00
Lauren Gibbs (Attorney)	\$300	3.3	\$990.00
Mary Melbar (Senior Paralegal)	\$185	13	\$2,405.00
Viviana Vazquez (Paralegal)	\$175	10.2	\$1,785.00
Victoria Pantin (Paralegal)	\$175	0.4	\$70.00
Total Fee Request for Task 11		516.55	\$256,770.00
<i>Task 12: Written Discovery</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	69.7	\$36,592.50
Etan Mark (Partner)	\$550	26.2	\$14,410.00
Jason Jones (Attorney)	\$450	235.74	\$106,083.00
Jennifer Jones (Attorney)	\$600	3.84	\$2,304.00
Paul Levin (Attorney)	\$300	9.8	\$2,940.00
Lauren Gibbs (Attorney)	\$300	2.2	\$660.00
Michelle Pelaez (Senior Paralegal)	\$175	7	\$1,225.00
Total Fee Request for Task 12		354.48	\$164,214.50
<i>Task 13: Document Review and ESI Organization</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	13.8	\$7,245.00
Joshua A. Migdal (Partner)	\$525	3.8	\$1,995.00
Jason Jones (Attorney)	\$450	692.22	\$311,499.00
Jennifer Jones	\$600	78.17	\$46,902.00

(Attorney)			
Michelle Pelaez (Senior Paralegal)	\$175	1.1	\$192.50
Victoria Pantin (Paralegal)	\$175	0.4	\$70.00
Total Fee Request for Task 13		789.49	\$367,903.50
<i>Task 14: First Motion to Dismiss in California</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	3.1	\$1,627.50
Lara Grillo (Partner)	\$450	26.7	\$12,015.00
Donald J. Hayden (Partner)	\$650	22.5	\$14,625.00
Etan Mark (Partner)	\$550	63.8	\$35,090.00
Joshua A. Migdal (Partner)	\$525	3	\$1,575.00
Jason Jones (Attorney)	\$450	74	\$33,300.00
Jennifer Jones (Attorney)	\$600	32.7	\$19,620.00
Paul Levin (Attorney)	\$300	4	\$1,200.00
Lauren Gibbs (Attorney)	\$300	9.8	\$2,940.00
Mary Melbar (Senior Paralegal)	\$185	9.5	\$1,757.50
Michelle Pelaez (Senior Paralegal)	\$175	11	\$1,925.00
Viviana Vazquez (Paralegal)	\$175	3	\$525.00
Total Fee Request for Task 14		263.1	\$126,200.00
<i>Task 15: Motion for Class Certification</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	95.7	\$50,242.50
Donald J. Hayden (Partner)	\$650	6	\$3,900.00
Etan Mark (Partner)	\$550	67.2	\$36,960.00
Joshua A. Migdal (Partner)	\$525	35.1	\$18,427.50
Jason Jones (Attorney)	\$450	110	\$49,500.00
Jennifer Jones (Attorney)	\$600	2.75	\$1,650.00

Paul Levin (Attorney)	\$300	4.6	\$1,380.00
Mary Melbar (Senior Paralegal)	\$185	6	\$1,110.00
Michelle Pelaez (Senior Paralegal)	\$175	6.9	\$1,207.50
Viviana Vazquez (Paralegal)	\$175	28.6	\$5,005.00
Victoria Pantin (Paralegal)	\$175	5.5	\$962.50
Total Fee Request for Task 15		368.35	\$170,345.00
<i>Task 16: Draft First Amended Complaint in California</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	5.5	\$2,887.50
Etan Mark (Partner)	\$550	9.2	\$5,060.00
Jason Jones (Attorney)	\$450	35	\$15,750.00
Jennifer Jones (Attorney)	\$600	3.43	\$2,058.00
Michelle Pelaez (Senior Paralegal)	\$175	1.6	\$280.00
Total Fee Request for Task 16		54.73	\$26,035.50
<i>Task 17: Second Motion to Dismiss in California</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	25.8	\$13,545.00
Donald J. Hayden (Partner)	\$650	0.5	\$325.00
Etan Mark (Partner)	\$550	36.2	\$19,910.00
Joshua A. Migdal (Partner)	\$525	0.8	\$420.00
Jason Jones (Attorney)	\$450	40	\$18,000.00
Niki Namazi (Associate)	\$325	0.1	\$32.50
Mary Melbar (Senior Paralegal)	\$185	2	\$370.00
Victoria Pantin (Paralegal)	\$175	0.8	\$140.00
Total Fee Request for Task 17		106.2	\$52,742.50
<i>Task 18: Settlement Conferences and Mediation</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	34.2	\$17,955.00

Donald J. Hayden (Partner)	\$650	1.7	\$1,105.00
Etan Mark (Partner)	\$550	98.8	\$54,340.00
Joshua A. Migdal (Partner)	\$525	112.2	\$58,905.00
Jason Jones (Attorney)	\$450	25	\$11,250.00
Paul Levin (Attorney)	\$300	1.3	\$390.00
Viviana Vazquez (Paralegal)	\$175	7.7	\$1,347.50
Total Fee Request for Task 18		280.9	\$145,292.50
<i>Task 19: Miscellaneous Case and Project Management</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	107.5	\$56,437.50
Donald J. Hayden (Partner)	\$650	4.8	\$3,120.00
Etan Mark (Partner)	\$550	119.1	\$65,505.00
Joshua A. Migdal (Partner)	\$525	50.6	\$26,565.00
Jason Jones (Attorney)	\$450	216.29	\$97,330.50
Jennifer Jones (Attorney)	\$600	29.48	\$17,688.00
Paul Levin (Attorney)	\$300	40.1	\$12,030.00
Lauren Gibbs (Attorney)	\$300	9.3	\$2,790.00
Niki Namazi (Associate)	\$325	11.7	\$3,802.50
Mary Melbar (Senior Paralegal)	\$185	15.1	\$2,793.50
Michelle Pelaez (Senior Paralegal)	\$175	58.7	\$10,272.50
Viviana Vazquez (Paralegal)	\$175	41.4	\$7,245.00
Victoria Pantin (Paralegal)	\$175	52.3	\$9,152.50
Total Fee Request for Task 19		756.37	\$314,732.00
<i>Task 20: Expert Written Discovery and Reports</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	46.4	\$24,360.00
Etan Mark	\$550	76.2	\$41,910.00

(Partner)			
Joshua A. Migdal (Partner)	\$525	13.6	\$7,140.00
Jason Jones (Attorney)	\$450	135	\$60,750.00
Paul Levin (Attorney)	\$300	0.8	\$240.00
Niki Namazi (Associate)	\$325	17.7	\$5,752.50
Mary Melbar (Senior Paralegal)	\$185	2	\$370.00
Viviana Vazquez (Paralegal)	\$175	5.7	\$997.50
Total Fee Request for Task 20		297.4	\$141,520.00
<i>Task 21: Expert Depositions</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	24.8	\$13,020.00
Etan Mark (Partner)	\$550	9.3	\$5,115.00
Joshua A. Migdal (Partner)	\$525	4.4	\$2,310.00
Jason Jones (Attorney)	\$450	106.62	\$47,979.00
Niki Namazi (Associate)	\$325	12.3	\$3,997.50
Viviana Vazquez (Paralegal)	\$175	4.6	\$805.00
Total Fee Request for Task 21		162.02	\$73,226.50
<i>Task 22: Motions in Limine</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	89.8	\$47,145.00
Etan Mark (Partner)	\$550	15.4	\$8,470.00
Joshua A. Migdal (Partner)	\$525	29.6	\$15,540.00
Jason Jones (Attorney)	\$450	33	\$14,850.00
Paul Levin (Attorney)	\$300	1.5	\$450.00
Niki Namazi (Associate)	\$325	33.8	\$10,985.00
Viviana Vazquez (Paralegal)	\$175	3.4	\$595.00
Total Fee Request for Task 22		206.5	\$98,035.00
<i>Task 23: Motion for Summary Judgment</i>			

Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	29.2	\$15,330.00
Etan Mark (Partner)	\$550	77.8	\$42,790.00
Joshua A. Migdal (Partner)	\$525	22	\$11,550.00
Jason Jones (Attorney)	\$450	158	\$71,100.00
Paul Levin (Attorney)	\$300	1	\$300.00
Niki Namazi (Associate)	\$325	16.8	\$5,460.00
Viviana Vazquez (Paralegal)	\$175	2.5	\$437.50
Total Fee Request for Task 23		307.3	\$146,967.50
<i>Task 24: Motion to Strike Affirmative Defenses</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	9.5	\$4,987.50
Joshua A. Migdal (Partner)	\$525	2.1	\$1,102.50
Niki Namazi (Associate)	\$325	26.6	\$8,645.00
Viviana Vazquez (Paralegal)	\$175	1.4	\$245.00
Total Fee Request for Task 24		39.6	\$14,980.00
<i>Task 25: Drafting Settlement Documents and Preliminary Class Certification Docs</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	76	\$39,900.00
Etan Mark (Partner)	\$550	27.9	\$15,345.00
Joshua A. Migdal (Partner)	\$525	4.9	\$2,572.50
Viviana Vazquez (Paralegal)	\$175	8.4	\$1,470.00
Total Fee Request for Task 25		117.2	\$59,287.50
<i>Task 26: Written Discovery (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	79.5	\$41,737.50
Donald J. Hayden (Partner)	\$650	0.4	\$260.00
Etan Mark (Partner)	\$550	7.1	\$3,905.00
Joshua A. Migdal	\$525	0.4	\$210.00

(Partner)			
Jason Jones (Attorney)	\$450	7.47	\$3,361.50
Niki Namazi (Associate)	\$325	101.5	\$32,987.50
Michelle Pelaez (Senior Paralegal)	\$175	1.2	\$210.00
Viviana Vazquez (Paralegal)	\$175	29.5	\$5,162.50
Total Fee Request for Task 26		227.07	\$87,834.00
<i>Task 27: Fact Depositions (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	36.7	\$19,267.50
Etan Mark (Partner)	\$550	5.5	\$3,025.00
Jason Jones (Attorney)	\$450	171	\$76,950.00
Niki Namazi (Associate)	\$325	95.1	\$30,907.50
Viviana Vazquez (Paralegal)	\$175	15.2	\$2,660.00
Total Fee Request for Task 27		323.5	\$132,810.00
<i>Task 28: Document Review and Factual Research (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	53.7	\$28,192.50
Jason Jones (Attorney)	\$450	340.39	\$153,175.50
Niki Namazi (Associate)	\$325	84.9	\$27,592.50
Viviana Vazquez (Paralegal)	\$175	11.6	\$2,030.00
Total Fee Request for Task 28		490.59	\$210,990.50
<i>Task 29: Draft First Amended Complaint (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	15.3	\$8,032.50
Etan Mark (Partner)	\$550	11	\$6,050.00
Jason Jones (Attorney)	\$450	68.51	\$30,829.50
Niki Namazi (Associate)	\$325	12.3	\$3,997.50
Viviana Vazquez (Paralegal)	\$175	3	\$525.00
Total Fee Request for Task 29		110.11	\$49,434.50

<i>Task 30: Draft Second Amended Complaint (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	11.6	\$6,090.00
Etan Mark (Partner)	\$550	12.4	\$6,820.00
Joshua A. Migdal (Partner)	\$525	4.9	\$2,572.50
Niki Namazi (Associate)	\$325	48.8	\$15,860.00
Viviana Vazquez (Paralegal)	\$175	1.5	\$262.50
Total Fee Request for Task 30		79.2	\$31,605.00
<i>Task 31: Miscellaneous Case and Project Management (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	34.2	\$17,955.00
Lara Grillo (Partner)	\$450	11.3	\$5,085.00
Donald J. Hayden (Partner)	\$650	3.1	\$2,015.00
Etan Mark (Partner)	\$550	8.1	\$4,455.00
Joshua A. Migdal (Partner)	\$525	10	\$5,250.00
Jason Jones (Attorney)	\$450	35.47	\$15,961.50
Niki Namazi (Associate)	\$325	60	\$19,500.00
Viviana Vazquez (Paralegal)	\$175	9.8	\$1,715.00
Total Fee Request for Task 31		171.97	\$71,936.50
<i>Task 32: Contested Discovery (Briefings, Conference, Hearings) (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	187.2	\$98,280.00
Etan Mark (Partner)	\$550	16.8	\$9,240.00
Joshua A. Migdal (Partner)	\$525	1	\$525.00
Jason Jones (Attorney)	\$450	103.34	\$46,503.00
Niki Namazi (Associate)	\$325	107.1	\$34,807.50
Viviana Vazquez (Paralegal)	\$175	18.9	\$3,307.50
Total Fee Request for Task 32		434.34	\$192,663.00

<i>Task 33: Motion to Dismiss and Supplemental Briefing (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	60.8	\$31,920.00
Lara Grillo (Partner)	\$450	42.1	\$18,945.00
Donald J. Hayden (Partner)	\$650	3.4	\$2,210.00
Etan Mark (Partner)	\$550	135.9	\$74,745.00
Joshua A. Migdal (Partner)	\$525	22.6	\$11,865.00
Jason Jones (Attorney)	\$450	70.45	\$31,702.50
Niki Namazi (Associate)	\$325	41.7	\$13,552.50
Michelle Pelaez (Senior Paralegal)	\$175	1.6	\$280.00
Viviana Vazquez (Paralegal)	\$175	12.2	\$2,135.00
Total Fee Request for Task 33		390.75	\$187,355.00
<i>Task 34: Appellate Briefing and Argument Before Eleventh Circuit Court of Appeals</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	7.2	\$3,780.00
Lara Grillo (Partner)	\$450	120.6	\$54,270.00
Donald J. Hayden (Partner)	\$650	2.2	\$1,430.00
Etan Mark (Partner)	\$550	58	\$31,900.00
Joshua A. Migdal (Partner)	\$525	6	\$3,150.00
Jason Jones (Attorney)	\$450	127.31	\$57,289.50
Michelle Pelaez (Senior Paralegal)	\$175	27.7	\$4,847.50
Viviana Vazquez (Paralegal)	\$175	5.5	\$962.50
Total Fee Request for Task 34		354.51	\$157,629.50

<i>Projected Future Fees - Motion for Preliminary Approval, Motion for Final Approval, Dealing with Objections, Travel to Hearing, Claims Process, etc.</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar	\$525	30	\$15,750.00

(Partner)			
Etan Mark (Partner)	\$550	45	\$24,750.00
Total Fee Request for Future Fees		75	\$40,500.00

ALL FEE REQUEST:

\$4,564,848.50

9840.03

Attorney's Fees Summary Chart

Table 2					
Attorney	Rate	Task #	HOURS BY TASK		TOTALS
Etan Mark (Partner)	\$550 / hour	2	Draft Orig. Complaint	78.9	Hours: 1452.1 Amount: \$798,655
		3	Motion to Stay Discovery	4.2	
		4	Motion to Dismiss Before Transfer	19	
		5	Arbitration and Transfer Motions	154.5	
		6	Juris. Discovery	40.5	
		8	Misc Case Management Before Transfer	29.2	
		9	Case Assessment After Transfer	7.7	
		10	Fact Depos	103.1	
		11	Contested Discovery	88.1	
		12	Written Discovery	26.2	
		14	Motion to Dismiss (CA)	63.8	
		15	Class Cert Motion	67.2	
		16	Draft FAC (CA)	9.2	
		17	Second MTD (CA)	36.2	
		18	Mediation / Settlement	98.8	
		19	Misc Case Management	119.1	
		20	Expert Reports	76.2	
		21	Expert Depos	9.3	

		22	Daubert Motions	15.4	
		23	MSJ	77.8	
		25	Prelim Approval Paperwork	27.9	
		26	Written Discovery (FL)	7.1	
		27	Fact Depos (FL)	5.5	
		29	Draft FAC (FL)	11	
		30	Draft SAC	12.4	
		31	Misc Case Mgmt (FL)	8.1	
		32	Contested Discovery (FL)	16.8	
		33	MTD (FL)	135.9	
		34	Appeal	58	
		N/A	Proj. Fees	45	
Yaniv Adar (Partner)	\$525 / hour	10	Fact Depos	75.2	Hours: 1517.1
		11	Contested Discovery	294.7	Amount: \$796,478
		12	Written Discovery	69.7	
		13	Doc Review	13.8	
		14	Motion to Dismiss (CA)	3.1	
		15	Class Cert Motion	95.7	
		16	Draft FAC (CA)	5.5	
		17	Second MTD (CA)	25.8	
		18	Mediation / Settlement	34.2	
		19	Misc Case Management	107.5	
		20	Expert Reports	46.4	
		21	Expert Depos	24.8	
		22	Daubert Motions	89.8	
		23	MSJ	29.2	

		24	Motion to Strike AF	9.5	
		25	Prelim Approval Paperwork	76	
		26	Written Discovery (FL)	79.5	
		27	Fact Depos (FL)	36.7	
		28	Doc Review (FL)	53.7	
		29	Draft FAC (FL)	15.3	
		30	Draft SAC	11.6	
		31	Misc Case Mgmt (FL)	34.2	
		32	Contested Discovery (FL)	187.2	
		33	MTD (FL)	60.8	
		34	Appeal	7.2	
		N/A	Proj. Fees	30	
Don Hayden (Partner)	\$650 / hour	2	Draft Orig. Complaint	4	Hours: 150.7
		3	Motion to Stay Discovery	1.4	Amount: \$97,955
		4	Motion to Dismiss Before Transfer	0.5	
		5	Arbitration and Transfer Motions	68.4	
		6	Juris. Discovery	9.1	
		8	Misc Case Management Before Transfer	16.3	
		9	Case Assessment After Transfer	5.7	
		11	Contested Discovery	0.7	

		14	Motion to Dismiss (CA)	22.5	
		15	Class Cert Motion	6	
		17	Second MTD (CA)	0.5	
		18	Mediation / Settlement	1.7	
		19	Misc Case Management	4.8	
		26	Written Discovery (FL)	0.4	
		30	Draft SAC	3.1	
		33	MTD (FL)	3.4	
		34	Appeal	2.2	
Joshua A. Migdal (Partner)	\$525 / hour	2	Draft Orig. Complaint	4.1	Hours: 491.7
		3	Motion to Stay Discovery	0.9	Amount: \$258,143
		4	Motion to Dismiss Before Transfer	9.5	
		5	Arbitration and Transfer Motions	85.6	
		6	Juris. Discovery	11.5	
		8	Misc Case Management Before Transfer	6.1	
		9	Case Assessment After Transfer	27.6	
		10	Fact Depos	11.1	
		11	Contested Discovery	8.3	
		13	Doc Review	3.8	
		14	Motion to Dismiss (CA)	3	
		15	Class Cert Motion	35.1	

		17	Second MTD (CA)	0.8	
		18	Mediation / Settlement	112.2	
		19	Misc Case Management	50.6	
		20	Expert Reports	13.6	
		21	Expert Depos	4.4	
		22	Daubert Motions	29.6	
		23	MSJ	22	
		24	Motion to Strike AF	2.1	
		25	Prelim Approval Paperwork	4.9	
		26	Written Discovery (FL)	0.4	
		30	Draft SAC	4.9	
		31	Misc Case Mgmt (FL)	10	
		32	Contested Discovery (FL)	1	
		33	MTD (FL)	22.6	
		34	Appeal	6	
Lara Grillo (Partner)	\$450 / hour	2	Draft Orig. Complaint	55.7	Hours: 496.5
		3	Motion to Stay Discovery	14.4	Amount: \$223,425
		4	Motion to Dismiss Before Transfer	12	
		5	Arbitration and Transfer Motions	160.3	
		6	Juris. Discovery	10.6	
		8	Misc Case Management Before Transfer	8	

		9	Case Assessment After Transfer	34.8	
		14	Motion to Dismiss (CA)	26.7	
		31	Misc Case Mgmt (FL)	11.3	
		33	MTD (FL)	42.1	
		34	Appeal	120.6	
George Breur (Partner)	\$400 / hour	5	Arbitration and Transfer Motions	0.8	Hours: 1.9
		6	Juris. Discovery	1.1	Amount: \$760
Niki Namazi (Associate)	\$325 / hour	11	Contested Discovery	17.9	Hours: 688.3
		17	Second MTD (CA)	0.1	Amount: \$223,698
		19	Misc Case Management	11.7	
		20	Expert Reports	17.7	
		21	Expert Depos	12.3	
		22	Daubert Motions	33.8	
		23	MSJ	16.8	
		24	Motion to Strike AF	26.6	
		26	Written Discovery (FL)	101.5	
		27	Fact Depos (FL)	95.1	
		28	Doc Review (FL)	84.9	
		29	Draft FAC (FL)	12.3	
		30	Draft SAC	48.8	
		31	Misc Case Mgmt (FL)	60	
		32	Contested Discovery (FL)	107.1	
33	MTD (FL)	41.7			
Jason Jones (Attorney)	\$450 / hour	1	Pre-Suit Investigation	150	Hours: 3911.52

2	Draft Orig. Complaint	80.25	Amount: \$1,760,184
4	Motion to Dismiss Before Transfer	55	
5	Arbitration and Transfer Motions	72.2	
6	Juris. Discovery	84	
7	Invest. and Fact Research	90	
8	Misc Case Management Before Transfer	80	
9	Case Assessment After Transfer	30	
10	Fact Depos	459.11	
11	Contested Discovery	26.15	
12	Written Discovery	235.74	
13	Doc Review	692.22	
14	Motion to Dismiss (CA)	74	
15	Class Cert Motion	110	
16	Draft FAC (CA)	35	
17	Second MTD (CA)	40	
18	Mediation / Settlement	25	
19	Misc Case Management	216.29	
20	Expert Reports	135	
21	Expert Depos	106.62	
22	Daubert Motions	33	
23	MSJ	158	

		26	Written Discovery (FL)	7.47	
		27	Fact Depos (FL)	171	
		28	Draft FAC (FL)	340.39	
		29	Doc Review	68.51	
		31	Misc Case Mgmt (FL)	35.47	
		32	Contested Discovery (FL)	103.34	
		33	MTD (FL)	70.45	
		34	Appeal	127.31	
Jennifer Jones (Attorney)	\$600 / hour	10	Fact Depos	271.14	Hours: 454.21
		11	Contested Discovery	32.7	Amount: \$272,526
		12	Written Discovery	3.84	
		13	Doc Review	78.17	
		14	Motion to Dismiss (CA)	32.7	
		15	Class Cert Motion	2.75	
		16	Draft FAC (CA)	3.43	
		19	Misc Case Management	29.48	
Paul Levin (Attorney)	\$300 / hour	10	Fact Depos	5.2	Hours: 89.4
		11	Contested Discovery	21.1	Amount: \$26,820
		12	Written Discovery	9.8	
		14	Motion to Dismiss (CA)	4	
		15	Class Cert Motion	4.6	
		18	Mediation / Settlement	1.3	
		19	Misc Case Management	40.1	
		20	Expert Reports	0.8	
		22	Daubert Motions	1.5	
		23	MSJ	1	

Lauren Gibbs (Attorney)	\$300 / hour	11	Contested Discovery	3.3	Hours: 24.6 Amount: \$7,380
		12	Written Discovery	2.2	
		14	Motion to Dismiss (CA)	9.8	
		19	Misc Case Management	9.3	
Mary Melbar (Senior Paralegal)	\$185 / hour	11	Contested Discovery	13	Hours: 47.6 Amount: \$8,806
		14	Motion to Dismiss (CA)	9.5	
		15	Class Cert Motion	6	
		17	Second MTD (CA)	2	
		19	Misc Case Management	15.1	
		20	Expert Reports	2	
Michelle Pelaez (Senior Paralegal)	\$175 / hour	2	Draft Orig. Complaint	18.2	Hours: 183.3 Amount: \$32,078
		5	Arbitration and Transfer Motions	22.8	
		8	Misc Case Management Before Transfer	12.6	
		9	Case Assessment After Transfer	3.8	
		10	Fact Depos	9.1	
		12	Written Discovery	7	
		13	Doc Review	1.1	
		14	Motion to Dismiss (CA)	11	
		15	Class Cert Motion	6.9	
		16	Draft FAC (CA)	1.6	
		19	Misc Case Management	58.7	

		26	Written Discovery (FL)	1.2			
		33	MTD (FL)	1.6			
		34	Appeal	27.7			
Viviana Vazquez (Paralegal)	\$175 / hour	10	Fact Depos	9.3	Hours:	233.4	
		11	Contested Discovery	10.2	Amount:	\$40,845	
		14	Motion to Dismiss (CA)	3			
		15	Class Cert Motion	28.6			
		18	Mediation / Settlement	7.7			
		19	Misc Case Management	41.4			
		20	Expert Reports	5.7			
		21	Expert Depos	4.6			
		22	Daubert Motions	3.4			
		23	MSJ	2.5			
		24	Motion to Strike AF	1.4			
		25	Prelim Approval Paperwork	8.4			
		26	Written Discovery (FL)	29.5			
		27	Fact Depos (FL)	15.2			
		28	Doc Review (FL)	11.6			
		29	Draft FAC (FL)	3			
		30	Draft SAC	1.5			
		31	Misc Case Mgmt (FL)	9.8			
		32	Contested Discovery (FL)	18.9			
		33	MTD (FL)	12.2			
34	Appeal	5.5					
Victoria Pantin (Paralegal)	\$175 / hour	10	Fact Depos	38.3	Hours:	97.7	
		11	Contested Discovery	0.4	Amount:	\$17,098	

	13	Doc Review	0.4
	15	Class Cert Motion	5.5
	17	Second MTD (CA)	0.8
	19	Misc Case Management	52.3

9840.03 Hours

Total: \$4,564,849

COMPOSITE EXHIBIT 2



DON HAYDEN

CULTURE EATS STRATEGY FOR BREAKFAST.

PETER DRUCKER

E: don@markmigdal.com T: (305) 374-6620



Don is very analytical, knowledgeable of the law and very good at finding unconventional solutions."

Chambers USA, 2019

AWARDS



Donald J Hayden



INTERNATIONAL
LITIGATION AND
ARBITRATION

Chambers and Partners, America's Leading Business Lawyers, Commercial Litigation, 2009-Present | Best Lawyers in America, Commercial Litigation and International Arbitration, 2012-Present | Legal 500, International Arbitration, 2012-2015 | Law 360 Editorial Advisory Board – International Arbitration, 2016- Present | more on website

EXPERIENCE

Berger Singerman, Florida
Baker & McKenzie, Chicago and Miami Offices

FOR FULL LIST OF SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

<https://www.markmigdal.com/don-hayden/>

NOTRE DAME, 82 | LOYOLA, 85

Although age is just a state of mind at MM&H, with thirty-two years of experience as a commercial litigator and a reputation as a seasoned practitioner in the international arbitration arena, Don has been around the block (and the globe) a few times during his career. Don prides himself as being a trusted advisor who can evaluate complex claims, especially for those clients who find themselves in multiple jurisdictions given today's global economy.

Don has been ranked in Chambers & Partners since 2009 for commercial litigation, and has been regularly recognized as a top attorney by Best Lawyers in America, South Florida Legal Guide, Florida's Super Lawyers, Florida Trend Legal Elite and the Legal 500 for either litigation or international arbitration. In 2010, he was inducted as a Fellow of the Litigation Counsel of America.

Over the years, Don has represented AT&T, Knauf Plasterboard, Borg Warner, Banco do Brasil, Travelers Insurance, Google, and SAP to name a few.

Throughout his career, Don has been committed to pro bono representation. He served as the Chair of the widely recognized Pro Bono Program of Baker & McKenzie in North America for over seven years. He co-counseled with Lambda Legal in *Langbehn v. Jackson Memorial Hospital*, a high-profile case that led to an executive order by President Obama requiring all health care facilities receiving federal funds to have equal visitation rights for same sex families. In addition, he was involved in the drafting of an amicus brief on behalf of leading juvenile rights organizations, in *Gill v. State*, which led to Florida courts overturning the state's prohibition against homosexuals adopting, and in *Windsor v. the Internal Revenue Service*, he assisted in drafting an amicus brief on behalf of Fortune 500 companies in favor of marriage equality. He also was awarded for his work in the areas of foster care and juvenile justice by Lawyers for Children America and the Miami-Dade Public Defender's Office.

ASSOCIATIONS

- Chartered Institute of Arbitrators (CIArb) – Fellow
- Miami International Arbitration Society – Founding Member, Board of Directors, 2013-Present
- Miami International Arbitration Foundation – Secretary, 2015-Present
- American Bar Association, Litigation Counsel of America – Fellow, 2010-Present
- American Bar Association, Section of Litigation – Co-chair, International Litigation Committee, 2002-2006
- American Bar Association, Section of International Law & Practice, 2014-Present
- International Council for Commercial Arbitration, 2014-Present
- Law360 International Arbitration Editorial Advisory Board, 2015-Present
- Member of the Florida Bar's Civil Rules Committee, 2016-Present
- Federal Bar Association – Member
- Lexis Legal Advisory Board – Member, 2009-Present
- Lambda Legal – National Leadership Council, 2008-Present
- Catalyst Miami – Board of Directors, 2014-2016
- The Miami Foundation – Chairman of GLBT Fund Grants Committee, 2014-Present



Mark Migdal & Hayden



SUCCESS... DEPENDS ON THE ATTENTION TO DETAIL.

DAVID SELZNICK

LARA O'DONNELL GRILLO

E: lara@markmigdal.com T: (305) 374-6621



I've worked with many attorneys over my career. I had the pleasure of working with Lara on a long-shot claim. She achieved a remarkable result, and distinguished herself with her professionalism, meticulousness and tenacity."

CEO, Florida broker-dealer and investment banking firm

AWARDS

Florida's Super Lawyers, Rising Star, Business Litigation, Appellate, 2014-2017

ASSOCIATIONS

- International Association of Defense Counsel (IADC)
- Cuban American Bar Association
- Dade County Bar Association
- American Bar Association, Section of Litigation
 - Member, Class Action and Derivative Suits Committee (2017-present)
 - Co-Chair, Website and Social Media, Appellate Practice Committee (2015-present)
 - Chair, Professional and Social Networking, Appellate Practice Committee (2012-2015)
 - Case Notes Editor for the United States Supreme Court, Appellate Practice Committee (2011-2014)
 - Case Notes Editor for the United States Court of Appeals for the Fifth Circuit, ABA Appellate Practice Committee (2008-2011)
- Member, Class Action and Derivative Suits Committee
- Nyah Project, Advisory Committee Member (2014-present)
- Miami Dade College Law Center, Adjunct Professor, Legal Writing (2012)

FOR FULL LIST OF SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

www.markmigdal.com/lara-odonnell-grillo/

EMORY, 02 | HARVARD LAW, 05

Lara O'Donnell Grillo concentrates her practice in complex business litigation and arbitration, and appeals. Her experience includes the areas of fraud and securities, insurance and annuities, consumer finance and banking, environmental law, Indian law, criminal defense, and special investigations. She represents businesses, sovereign entities, and individuals in a range of complex matters, including extensive experience in appeals and class action defense. Lara has appellate experience in courts throughout the United States. She handles state and federal appeals primarily in the Florida District Courts of Appeal, the Eleventh Circuit Court of Appeals, the Florida Supreme Court, and the United States Supreme Court. Lara's appellate practice includes merits and jurisdictional briefing, appellate petitions, extraordinary writs, interlocutory appeals, appeals related motions, and appellate mediation. She also submits amicus curiae briefs on behalf of clients and frequently handles court appointed appeals. Lara is fluent in Spanish.

Prior to joining Mark, Migdal & Hayden, Lara was of counsel at Berger Singerman, an associate at Carlton Fields Jordan Burt, and clerked for the Honorable Peter T. Fay in the United States Court of Appeals for the Eleventh Circuit. She also served as a legal intern in the Appellate division of the United States Attorney's Office for the Southern District of Florida.

EXPERIENCE

Associate/Of Counsel, Berger Singerman LLP
Associate, Carlton Fields Jordan Burt LLP
Judicial Clerk to the Honorable Peter T. Fay, United States Court of Appeals for the Eleventh Circuit
Intern, Appellate Division of the United States Attorney's Office for the Southern District of Florida





YANIV ADAR



Yaniv is a trusted advisor and problem solver. He has the unique ability to find creative solutions to complicated problems. If litigation is necessary, Yaniv is an experienced, efficient, and ferocious litigator."

**Chief Operative Officer,
Element E-Liquid, LLC**

AWARDS

Duke Journal of Gender Law & Policy, Executive Editor | Duke University School of Law Moot Court Board, Member | Duke University School of Law Jessup Cup, Finalist | Recipient of D.R. "Billy Ray Matthews" Scholarship

ASSOCIATIONS

- South Florida Chapter of the Federal Bar Association
 - Treasurer (2018-present)
 - Secretary (2017-2018)
 - Board Member (2015-present)
 - Law School Committee Chair (2015-2018)
 - FBA Luncheon Committee (2013-present)
- Greater Miami Jewish Federation (Under 45 Division)
 - Campaign Co-Chair (2017-present)
 - Board Member (2015-present)
 - Leadership Development Institute Graduate (2014)

FOR FULL LIST OF SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

www.markmigdal.com/yaniv-adar/

IF A THING IS WORTH DOING, IT IS WORTH
DOING WELL. IF IT IS WORTH HAVING, IT
IS WORTH WAITING FOR. IF IT IS WORTH
ATTAINING, IT IS WORTH FIGHTING FOR.

OSCAR WILDE

E: yaniv@markmigdal.com T: (305) 374-6623

UNIVERSITY OF FLORIDA, 05 | DUKE UNIVERSITY (JD, MPP), 08

Yaniv Adar is an aggressive commercial litigator with significant experience in federal and state courts throughout the country, as well as various arbitral forums. Yaniv has a diverse practice that includes representing clients in shareholder and partner disputes, consumer class actions, education-related matters, enforcement of restrictive covenants, professional negligence cases, trade secret disputes, regulatory matters, insurance coverage disputes, securities litigation, consumer dispute resolution, real estate litigation, data breaches, and employment-related disputes.

Yaniv leverages his experience as a former federal clerk, advising his clients on a variety of matters that are commonly filed in federal court. Yaniv specializes in defending lawsuits brought under the TCPA, FDCPA, and ADA, having handled matters in Florida, California, Illinois, Maryland, Georgia, Texas, Michigan, and Indiana. Yaniv also serves as local counsel to law firms for matters filed in the state and federal courts of Florida.

Yaniv serves as outside counsel to numerous corporate entities, providing support on a variety of litigation, employment, corporate, and regulatory matters. Yaniv counsels clients on how to avoid litigation, recommending the implementation of policies focused on compliance with state, local, and federal regulations, and positioning the client to have a strong defense in the event of litigation. If a dispute ultimately arises, Yaniv works with the client to zealously and efficiently see the matter through until it is fully resolved.

EXPERIENCE

Homer Bonner Jacobs (2012-2019)
Judicial Clerkship, Honorable Kenneth A. Marra, United States District Court for the Southern District of Florida (2011-2012)
Judicial Clerkship, Justice R. Fred Lewis, Supreme Court of Florida (2009-2011)



MAIA ARON

E: maia@markmigdal.com T: (305) 374-6616

UNIVERSITY OF MIAMI, 02 | UNIVERSITY OF MIAMI GRADUATE SCHOOL OF BUSINESS, 04 & UNIVERSITY OF MIAMI SCHOOL OF LAW, 05



"I rarely work with counsel who so effectively combines efficiency, thoroughness, and value, while moving the case forward towards a successful resolution."

General Counsel, Florida company

Maia focuses her practice on complex, high-stakes litigation, including financial fraud, contract disputes, and other business torts. Maia has successfully represented investors in Ponzi scheme litigation. Maia also focuses her practice on disputes involving Latin American businesses and investors. As a native Spanish speaker, she understands not only the language, but also the business culture. Maia is also conversational in Hebrew and Portuguese

Maia is a proud "Triple Cane" with three degrees from the University of Miami. She received her J.D. degree from the University of Miami School of Law in May of 2005. Maia also obtained a Masters in Business Administration in Finance from the University of Miami Graduate School of Business, and a B.B.A., cum laude, in Entrepreneurship and Business Management.

Maia gives back to the community. She serves as the President of the Miami Chapter of the Jewish National Fund. Maia also served as the chair of Access Miami, the young leadership arm of American Jewish Committee (AJC) and as a member of AJC Miami's Executive Committee. In 2017, the Cystic Fibrosis Foundation honored Maia as a 40 under 40 Outstanding Lawyer of South Florida. This award recognizes not only her legal achievements, but also her commitment to service and leadership in the community.

AWARDS

2021, South Florida Legal Guide, Top Lawyer
2021, Daily Business Review Florida Legal Award honoree, On the Rise category ; 2017, Cystic Fibrosis Foundation 40 under 40 Outstanding Lawyer of South Florida. This award recognizes not only legal achievements, but also commitment to service and leadership in the community.

ASSOCIATIONS

- President of the Miami Chapter of the Jewish National Fund (JNF), 2018-present
- Member of JNF's national Lawyers for Israel group, 2015-present
- Member of JNF's Women for Israel National Executive Board, 2020-present
- Chair of Women for Israel (JNF's Women's Society) in Miami, 2017-2018
- Founder and President of JNF's Miami Young Leadership chapter, 2015-2017
- Chair of Access Miami, the young leadership arm of American Jewish Committee (AJC), 2016-October 2019
- Member of AJC Miami's Executive Committee 2017-October 2019
- Member of the Access Miami Steering Committee, 2016-present

EXPERIENCE

Kozyak Tropin & Throckmorton, Of Counsel
Kozyak Tropin & Throckmorton, Associate
Stearns Weaver Miller Weissler Alhadeff & Sitterson, Associate
Pertnoy Solowsky & Allen, Associate

FOR FULL LIST OF SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

www.markmigdal.com/maia-aron/





NIKI NAMAZI

THROUGHOUT HISTORY, GREAT LEADERS
HAVE KNOWN THE POWER OF HUMOR.

ALLEN KLEIN

E: niki@markmigdal.com T: (305) 374-0440

UNIVERSITY OF FLORIDA, 16 | UNIVERSITY OF MIAMI, 19

AWARDS

- Order of the Coif
- Dean's Merit Scholarship
- CALI Excellence for the Future Award in Legal Writing
- CALI Excellence for the Future Award in Social Media & the Law

ASSOCIATIONS

- Inter-American Law Review (2017-2019)
- UNetworking: Breakfast with the Bench (2016-2019)
- Miami Law Middle Eastern Students Association (2016-2019)
- Miami Law Women (2016-2019)
- Nourish International (2015-2016)
- Phi Alpha Delta (2015-2016)

Niki Namazi focuses her practice primarily on complex commercial litigation and mass torts. She is a member of the Florida Bar and has experience representing both individuals and major corporations in high stakes matters.

Niki's professional philosophy includes public service and pro bono representation. While in law school, Niki served as an intern for U.S. District Judge Ursula Ungaro at the Southern District of Florida, and at the Special Prosecutions Division of the U.S. Attorney's Office for the Southern District of Florida. She was also an intern at the University of Miami Federal Appellate Clinic and the University of Miami Immigration Clinic.

EXPERIENCE

- United States District Court, Southern District of Florida, Miami, FL
Judicial Intern to the Honorable Ursula Ungaro, Summer 2017
- University of Miami Immigration Clinic, Coral Gables, FL Spring 2018
- United States Attorney's Office for the Southern District of Florida, Miami, FL
Intern, Special Prosecutions Unit, Summer 2018



JOSH MIGDAL



At every turn during his representation, Josh provided sound advice which took into account cost and future business endeavors. Josh is both a zealous advocate and trusted counselor."

Jon Bourbeau, CEO Pacer Partners

AWARDS



Josh Migdal

Chambers & Partners USA: America's Leading Business Lawyers, General Commercial Litigation, 2021 | Recipient of Sandra C. Goldstein Young Leadership Award from Greater Miami Jewish Federation

ASSOCIATIONS

- Former Florida Regional Board Member of Anti-Defamation League
- Former Co-chair of the Greater Miami Jewish Federation's Network Executive Board
- Former Board Member of Greater Miami Jewish Federation
- Former Board Member of JCS

FOR FULL LIST OF SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

www.markmigdal.com/josh-migdal/

THE FUTURE BELONGS TO THOSE WHO SEE IT COMING

DAVID BOWIE

E: josh@markmigdal.com T: (305) 374-6617

WISCONSIN-MADISON, 02 | LOYOLA, 05

Josh takes great pride in understanding the issues which confront his clients and then crafting an efficient and effective strategy tailored to achieving his clients' goals. For example, in the aftermath of the financial crisis, Josh successfully implemented an innovative legal theory to obtain recovery for government sponsored entities and financial institutions from title insurers pursuant to closing protection letter claims. Josh is one of only a handful of lawyers in Florida that stridently advocates to secure this type of recovery from title insurers on such claims. Josh is also a formidable opponent in complex commercial litigation, corporate divorce, business torts, professional negligence, real estate disputes and repurchase and indemnity claims.

Josh, a Midwesterner and above average poker player, has immersed himself in South Florida's community and has been fortunate to be able to act in leadership roles for a number of organizations. His most recent appointment, in June this year, was to the board of directors of Florida's Jewish Community Services (JCS).

EXPERIENCE

- Hanzman, Criden & Love
- Hall, Lamb & Hall
- Boyd Richards
- Stolzenberg, Gelles, Flynn & Arango



THINGS DO NOT HAPPEN
THINGS ARE MADE TO HAPPEN.

JOHN F. KENNEDY
(AND MORE RECENTLY PETYR BAELESH)

ETAN MARK

E: etan@markmigdal.com T: (305) 374-6622



My company has more than \$1.5B in assets under management and works with a half-dozen different attorneys every quarter. Etan is not just our lawyer – he is our company’s consigliere. His responsiveness, counsel and advocacy skills are true differentiators.”

Managing Principal, Florida real estate development company

MICHIGAN, 00 | GEORGE WASHINGTON LAW, 03

Foremost, Etan is a litigation strategist and collaborator, working with clients to advise on what they should and (often) should not do when presented with the unique challenges of a business in litigation, or one facing the prospect of litigation. Etan is also passionate about the future of the legal practice, and when it benefits his clients, is committed to applying those trends to his practice.

Etan has been ranked by Chambers & Partners USA in commercial litigation (we think he’s the youngest business litigator ranked in Florida). Sources interviewed by Chambers – none of whom is his mother – have said that “He’s absolutely fantastic; a very smart, strategic litigator. His ability to present in court is outstanding.” When interviewed, his mother opined: “He is a good boy but he should’ve been a cardiologist.”

AWARDS



Chambers & Partners USA, America’s Leading | Business Lawyers, 2019, General Commercial Litigation | South Florida Legal Guide, Top Up and Comer, 2016-2018 | Florida’s Super Lawyers, 2009-2018 (Rising Star in Business Litigation) | Florida Trend, Legal Elite, 2018, Commercial Litigation | Florida Trend, Legal Elite – Top Up and Comer, 2013, 2016, 2017 | Martindale-Hubbell, AV® Preeminent™ rated | South Florida Business Journal, Top 40 Under 40, 2015 | Daily Business Review, Rising Stars 40 Under 40, 2013

Many of Etan’s cases touch either real estate or allegations of fraud; often both. He also serves as an “inside-outside” counsel, helping clients avoid or mitigate risk in the day-to-day operations of their businesses. His representative clients include public and private companies, real estate developers, investors and owners, tech entrepreneurs, gaming operators, family offices, hotels and banks. For some strange reason, Etan is particularly enamored with the ins and outs of the Racketeer Influenced and Corrupt Organizations Act (RICO) and has written and read extensively on the subject. The rest of the time, he listens to podcasts (Dan Carlin’s Hardcore History is his favorite), wrings his hands about the state of American politics and is terrorized by his pre-teen daughter (and to a lesser extent, his son).

FOR FULL LIST OF ASSOCIATIONS, SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

www.markmigdal.com/etan-mark/

Etan began his legal career working as a business and securities litigator at a top 10 American Lawyer “Big Law” firm in New York. Since leaving New York for higher sea levels, Etan has become a devotee of alternative value propositions focused on efficiency, collaboration and bespoke service (that are sometimes hard to come by in “Big Law”). Etan worked as a law clerk to a federal district court judge in Miami, where he gained an insider’s view on effective advocacy. Following his clerkship, Etan owned and was the CEO of a company that leveraged the global marketplace by outsourcing certain legal services to top attorneys and other legal service providers in India. Prior to founding MM&H, Etan was a partner at Berger Singerman’s Miami office, and was manager of the firm’s Dispute Resolution team.

EXPERIENCE

Berger Singerman – Partner
iDiligence – CEO
Law Clerk to the Honorable K. Michael Moore,
U.S. District Court Judge, Southern District of Florida
Weil Gotshal & Manges, New York



EXHIBIT 3

JENNIFER C. JONES

3417 Sherman Avenue NW, Washington, D.C. 20010 • jenjones0601@gmail.com • 716-698-4430

EXPERIENCE

Office of the Attorney General for the District of Columbia, Washington, D.C.
Senior Trial Counsel, Public Advocacy Division

April 2020 – Present

- Leads numerous large trial teams in complex civil enforcement actions involving consumer protection, antitrust, nonprofit, housing, financial exploitation, fraud; provides supervision and mentorship to line attorneys
- Case lead on high-profile matters such as *District of Columbia v. 58th Presidential Inaugural Committee, et al.* and *District of Columbia v. NRA Foundation, Inc. and National Rifle Association of America, Inc.*; conducts depositions of important and politically sensitive witnesses, (e.g., Ivanka Trump, Donald Trump Jr., Wayne LaPierre), leads legal teams through fact and expert discovery, drafts and edits legal briefs, guides teams through court appearances and negotiations with opposing counsel
- Manages attorneys and investigators during all facets of litigation, including investigations, discovery, motions practice, mediation and negotiation, bench and jury trials
- Collaborates with multiple litigation stakeholders, including various state attorneys general, multiple District agencies, law enforcement officers, and outside counsel representing the District
- Advises senior leadership on complex legal issues, litigation risk, strategy, and difficult personnel issues

Jennifer Jones Law, Nationwide Federal Practice
Lead Trial Attorney

July 2019 – March 2020

- Trial attorney in nationwide class action against a publicly traded company; led deposition team; conducted and defended depositions, including corporate representatives and named defendants; led discovery team; oversaw written motions practice
- Represented victims of consumer fraud schemes; prepared and defended them in depositions
- Lead trial attorney in arbitration; led team through case filing, fully litigated hearing, and post hearing briefs

Robins Kaplan, LLP, New York, NY
Counsel

September 2018 – July 2019

- Responsible for every aspect of a civil case from intake through discovery, depositions, and trial
- Represented victims of childhood sexual abuse and victims of fraud perpetrated by major organizations and corporations
- Trained and supervised associates on pro bono cases going to trial—from intake and witness preparation through verdict
- Faculty in firm's Exceptional Advocacy Training Program, faculty for ABA and NYSBA mock trial and deposition training programs

United States Department of Justice, Antitrust Division, Washington, D.C.
Criminal Litigation Consultant and Training Coordinator

October 2015 – August 2018

- Advised trial teams working in multiple federal jurisdictions; led mock trials; counseled on witness preparation, trial strategy/presentations; created 1-day trial refresher course tailored to each team's abilities
- Worked one-on-one with attorneys to develop strategic jury addresses, direct and cross examinations
- Responsible for training all Criminal Division attorneys; developed litigation courses for all experience levels
- Guest faculty at the National Advocacy Center

Trial Attorney

- Responsible for every aspect of a criminal antitrust case; grand jury investigation, indictment, trial, appeal
- Led trial team of 4 attorneys and 3 paralegals; managed discovery, motions, trial prep, plea negotiations
- Lead attorney on financial sector investigation in parallel with the SEC; led team from report through pleas
- Worked with multiple stakeholders; FBI, SEC, DHS to develop cases through interviews, subpoenas, warrants

JENNIFER C. JONES

3417 Sherman Avenue NW, Washington, D.C. 20010 • jenjones0601@gmail.com • 716-698-4430

Assistant United States Attorney, Bismarck, ND
Trial Attorney

August 2014 – October 2015

- Convicted defendants for child molestation, domestic violence, drive-by shooting, assault, theft and arson
- Lead counsel in district court trials; responsible for all aspects of litigation from charging through appeal
- Drafted warrants, trial briefs, indictments, complaints, motions, responses and appellate briefs
- Led a multi-disciplinary team of federal, state and tribal law enforcers, child welfare advocates and domestic violence advocates to ensure clear interagency communication/facilitate effective prosecutions

United States Air Force, Maryland and Louisiana
Special Victims Unit, Chief of Litigation and Policy, Judge Advocate General's Corp

July 2008 – August 2014

- Lead prosecutor in high-profile cases; rape, sexual assault, child molestation, child pornography; supervised over 30 trial attorneys and staff; advised 84 legal offices including 100+ attorneys on proper prosecution of sex crimes
- Trained over 200 military attorneys in litigation techniques and over 100 federal investigators on legal aspects of investigations; trained law enforcement and attorneys on proper interview methods for victim-witnesses
- Created and advised on policy matters related to investigating and prosecuting sex crimes in the military
- Advised Department of Defense political leaders on the unique intricacies of military prosecutions and investigations
- Guest-speaker at numerous courses and conferences including Air Force senior leadership events
- Honors: Ranked number 1 of 41 Majors in the Air Force Judiciary

Deputy Chief, Senior Trial Counsel

- Lead prosecutor for 24 complex cases: murder, rape, child molestation, computer crimes, and financial fraud
- Supervised and trained junior military prosecutors nationwide on all aspects of courtroom procedure/litigation
- Senior advisor to Air Force leadership and 16 Senior Trial Counsel on all facets of litigation and trial strategy
- Trained legal offices worldwide on voir dire, closing argument, cross and direct examination techniques
- Honors: Ranked number 1 of the 17 Senior Prosecutors Air Force-wide

Military Defense Counsel, Judge Advocate General's Corps

- Lead defense counsel; defended clients in bench and jury trials; child abuse, mail fraud, theft, etc.
- Represented over 200 clients in hearings, involuntary discharges, clemency, and post-trial actions
- Honors: Ranked number 1 of 5 defense attorneys in region and number 3 of 50 in the Air Force

Assistant Staff Judge Advocate (Prosecutor)

- Military prosecutor; assistant legal advisor to 24 base commanders; base-wide legal assistance attorney
- Honors: Ranked in the top 10% of 409 base junior grade officers by the base commander; Top Trial Advocacy Student Award, Judge Advocate Staff Officer Course

United States Air Force – Officer (non-legal)
Senior Human Resources Officer/Section Commander - Georgia, South Korea, Italy

July 2000 – July 2005

- Human resources manager of at least 250 personnel per organization in 5 different organizations
- Directly supervised commander's support staff in each organization; final rater on over 200 personnel
- Advised the commander of each organization on all personnel, disciplinary, morale and administrative issues
- Honors: Ranked number 1 of 19, 1 of 9 and 1 of 8 officers in various squadrons

JENNIFER C. JONES

3417 Sherman Avenue NW, Washington, D.C. 20010 • jenjones0601@gmail.com • 716-698-4430

EDUCATION

State University of New York, at Buffalo Law School, Buffalo, NY **May 2008**
Juris Doctor, cum laude

Honors: 2008 Robert J. Connelly Trial Technique Award (top trial advocacy student); 2008 Ryan J. Mullins Award (top student, criminal trial advocacy); Second place in ABA Mediation Competition; Dean's List (every semester)

Weber State University, Ogden, UT **May 2000**
Bachelor of Science, magna cum laude, Communications & Public Relations

Honors: Dean's List (every semester); 2000 Top Graduate in Public Relations; Phi Kappa Phi Honor Society

ADMITTED TO PRACTICE

New York	January 2009
Colorado	September 2019
District of Columbia	October 2020

EXHIBIT 4



Paul A. Levin

Partner

plevin@themrlg.com (mailto:plevin@themrlg.com)

(818) 630-7901

Education

- University of Southern California Gould School of Law, J.D., 2003
- University of Pennsylvania, B.A., 1997

Overview

Paul's practice is currently focused on the investigation and the nationwide litigation of mortgage fraud-related claims on behalf of governmental entities, banks and mortgage bankers. Paul's broad litigation experience includes numerous suits against title insurers, closing agents, appraisers, developers and loan originators in connection with misrepresentation or fraud arising from the origination or servicing of residential mortgage loans. Paul has successfully resolved hundreds of mortgage fraud-related cases through settlements, pre-judgment remedies, dispositive motions and trials. Paul was trial counsel in a 2013 seminal closing protection letter (commonly known as a CPL) trial establishing broad contractual liability for title insurers in connection with dishonesty or closing instruction breaches by title agents conducting closings for victim lenders.

Paul was previously at IndyMac Bank where he was Co-Director of the Fraud Recovery and Loss Mitigation unit and Senior Litigation Counsel. Paul managed the day-to-day repurchase and mortgage fraud litigation across the country and provided legal support to various mortgage banking operations. Prior to IndyMac Bank, Paul represented mortgage industry clients while working as an associate with Bryan Cave LLP.

EXHIBIT 5

Date	Timekeeper	Description	Type	Quantity	Bill amount	Bill Status	Inv No.
18-Sep-17	Pelaez, Michelle	Filing Fee - Case No: 17-CV-23429-MGC	Soft cost	1	\$400.00	Unbilled	'-
21-Sep-17	Pelaez, Michelle	DLE - Subpoenas - Herbalife Defendants	Soft cost	1	\$340.00	Unbilled	'-
19-Oct-17	Pelaez, Michelle	DLE Subpoenas - Herbalife Defendants	Soft cost	1	\$623.20	Unbilled	'-
25-Oct-17	Pelaez, Michelle	Pro Hac Vic Filing Fee for Southern District of Florida for Jason Jones, Esq.	Soft cost	1	\$75.00	Unbilled	'-
4-Dec-17	Pelaez, Michelle	DLE - Subpoenas - Herbalife Defendants	Soft cost	1	\$429.20	Unbilled	'-
20-Dec-17	Pelaez, Michelle	DLE - Process Server - Subpoenas	Soft cost	1	\$908.60	Unbilled	'-
27-Dec-17	Pelaez, Michelle	DLE Process Servers - Subpoenas	Soft cost	1	\$3,186.20	Unbilled	'-
28-Dec-17	Pelaez, Michelle	US Legal Support - Invoice 728128866	Soft cost	1	\$1,734.43	Unbilled	'-
9-Jan-18	Pelaez, Michelle	American Airlines - EM flight	Soft cost	1	\$417.60	Unbilled	'-
24-Jan-18	Pelaez, Michelle	FedEx - Invoice 370872087	Soft cost	1	\$242.95	Unbilled	'-
25-Jan-18	Pelaez, Michelle	MIA Airport Parking	Soft cost	1	\$50.00	Unbilled	'-
27-Jan-18	Pelaez, Michelle	FedEx - Invoice - 370872087	Soft cost	1	\$215.36	Unbilled	'-
6-Feb-18	Pelaez, Michelle	Esquire - Depositions of Roxanne Romans and Silvia Ramirez taken 1.24.18	Soft cost	1	\$2,353.37	Unbilled	'-
22-Aug-18	Pelaez, Michelle	Parking Fee (hearing 08/22/18)	Soft cost	1	\$18.00	Unbilled	'-
24-Aug-18	Pelaez, Michelle	Trial Reporters, Inc - Hearing Transcript 8.22.18	Soft cost	1	\$44.40	Unbilled	'-
4-Sep-18	Pelaez, Michelle	Pro Hac Filing Central District of California- Donald J. Hayden	Soft cost	1	\$ 400.00	Unbilled	'-
4-Sep-18	Pelaez, Michelle	Pro Hac Filing Central District of California- Etan Mark	Soft cost	1	\$ 400.00	Unbilled	'-
26-Feb-19	Pelaez, Michelle	DLE Service of Subpoena to Thomas Gioiosa	Soft cost	1	\$ 120.00	Unbilled	'-
28-Feb-19	Pelaez, Michelle	American Airlines - DJH Airfare	Soft cost	1	\$ 1,101.14	Unbilled	'-
28-Feb-19	Pelaez, Michelle	WGP LALIVE - DJH - Meals	Soft cost	1	\$ 20.52	Unbilled	'-
28-Feb-19	Pelaez, Michelle	JW Marriott - DJH - Lodging Food and Beverage Expense	Soft cost	1	\$ 136.75	Unbilled	'-
28-Feb-19	Pelaez, Michelle	JW Marriott - EM - Lodging Food and Beverage Expense	Soft cost	1	\$ 115.65	Unbilled	'-
28-Feb-19	Pelaez, Michelle	BadMaash - EM - Meals	Soft cost	1	\$ 138.98	Unbilled	'-
28-Feb-19	Pelaez, Michelle	JW Marriott - EM	Soft cost	1	\$ 657.95	Unbilled	'-
28-Feb-19	Pelaez, Michelle	JW Marriott - DJH	Soft cost	1	\$ 672.90	Unbilled	'-
28-Feb-19	Pelaez, Michelle	American Airlines - EM	Soft cost	1	\$ 905.55	Unbilled	'-
28-Feb-19	Pelaez, Michelle	TrialCopy - Copies of Hearing materials and Binders for EM and DJH.	Soft cost	1	\$ 310.00	Unbilled	'-
28-Feb-19	Pelaez, Michelle	EM Parking at Airport	Soft cost	1	\$ 51.00	Unbilled	'-
21-Mar-19	Pelaez, Michelle	Pro Hac Filing Central District of California- Jason Jones	Soft cost	1	\$ 400.00	Unbilled	'-
30-Mar-19	Pelaez, Michelle	DLE Process Servers - Subpoena issued to Thomas Gioiosa	Soft cost	1	\$ 120.00	Unbilled	'-
6-Jul-19	Pelaez, Michelle	e-Discovery Hosting Cicayda	Soft cost	1	\$ 197.50	Unbilled	'-
15-Jul-19	Pelaez, Michelle	Cicayda -eDiscovery Hosting	Soft cost	1	\$ 147.50	Unbilled	'-
15-Aug-19	Pelaez, Michelle	Transperfect - web collections Valdez and Rodgers	Soft cost	1	\$ 1,410.00	Unbilled	'-
20-Aug-19	Pelaez, Michelle	American Airlines Ticket - Etan Mark (Miami/LA 08/27 - 08/30/19)	Soft cost	1	\$ 804.45	Unbilled	'-
23-Aug-19	Pelaez, Michelle	DLE Process Servers - Service on Jorge de la Concepcion, Disney de la Concepcion and Fabiola Rodriguez	Soft cost	1	\$ 1,030.00	Unbilled	'-
30-Aug-19	Pelaez, Michelle	Transperfect July 2019 - Hosting Fee	Soft cost	1	\$ 1,133.50	Unbilled	'-
4-Sep-19	Pelaez, Michelle	Jennifer Jones - Travel Expenses - Depositions of Valdes and Ribalta.	Soft cost	1	\$ 1,485.70	Unbilled	'-
12-Sep-19	Pelaez, Michelle	Cicayda - eDiscovery Hosting	Soft cost	1	\$ 147.50	Unbilled	'-
16-Sep-19	Pelaez, Michelle	Transperfect - August 2019 eHosting	Soft cost	1	\$ 1,096.25	Unbilled	'-
16-Sep-19	Pelaez, Michelle	Transperfect eHosting - Social Media Collection	Soft cost	1	\$ 885.00	Unbilled	'-
25-Sep-19	Pelaez, Michelle	American Airlines - Etan Mark (9/24/19 - 9/28/19)	Soft cost	1	\$ 642.71	Unbilled	'-
1-Oct-19	Pelaez, Michelle	Centext Court Reporters - Jennifer N. Ribalta	Soft cost	1	\$ 1,506.83	Unbilled	'-
7-Oct-19	Pelaez, Michelle	Jennifer Jones - Travel Expenses	Soft cost	1	\$ 3,385.41	Unbilled	'-
15-Oct-19	Pelaez, Michelle	Cicayda - eDiscovery Hosting	Soft cost	1	\$ 269.50	Unbilled	'-
15-Oct-19	Pelaez, Michelle	DLE Process Servers - Service Subpoena - Morgan Blake (Skip Trace, Additional Address and RUSH Service)	Soft cost	1	\$ 230.00	Unbilled	'-
15-Oct-19	Pelaez, Michelle	Transperfect September 2019 eHosting	Soft cost	1	\$ 165.00	Unbilled	'-

28-Oct-19	Pelaez, Michelle	Veritext Legal Solutions - Ibi Montesino	Soft cost	1	\$ 295.00	Unbilled	'-
28-Oct-19	Pelaez, Michelle	Veritext Legal Solutions - Patricia Rodgers	Soft cost	1	\$ 1,278.25	Unbilled	'-
30-Oct-19	Pelaez, Michelle	Centext Court Reporters - Izaar Valdez	Soft cost	1	\$ 877.80	Unbilled	'-
30-Oct-19	Pelaez, Michelle	Veritext Legal Solutions - Robert Bogard	Soft cost	1	\$ 2,249.80	Unbilled	'-
1-Nov-19	Pelaez, Michelle	Javier Hernandez - Court Runner and Copies RE - DE 199	Soft cost	1	\$ 106.60	Unbilled	'-
4-Nov-19	Pelaez, Michelle	Veritext - Thomas Gioiosa	Soft cost	1	\$ 3,353.71	Unbilled	'-
7-Nov-19	Pelaez, Michelle	Jennifer Jones - Travel Expenses	Soft cost	1	\$ 1,860.43	Unbilled	'-
15-Nov-19	Pelaez, Michelle	US Clerk of Courts Case Misc. Filing Fee	Soft cost	1	\$ 47.00	Unbilled	'-
18-Nov-19	Pelaez, Michelle	Transperfect October 2019 - Hosting Fee	Soft cost	1	\$ 252.20	Unbilled	'-
18-Nov-19	Pelaez, Michelle	Veritext Legal Solutions - Ibelis Montesino	Soft cost	1	\$ 1,370.20	Unbilled	'-
18-Nov-19	Pelaez, Michelle	Veritext Legal Solutions - Thomas Gioiosa	Soft cost	1	\$ 1,662.25	Unbilled	'-
23-Dec-19	Pelaez, Michelle	Cicayda e-Discovery	Soft cost	1	\$ 466.25	Unbilled	'-
31-Dec-19	Pelaez, Michelle	Veritext Legal Solutions - Mauricio Domingo	Soft cost	1	\$ 2,175.10	Unbilled	'-
6-Jan-20	Pelaez, Michelle	Transperfect eDiscovery Hosting	Soft cost	1	\$ 165.00	Unbilled	'-
15-Jan-20	Pelaez, Michelle	Cicayda - Ediscovery Hosting	Soft cost	1	\$ 1,259.75	Unbilled	'-
30-Jan-20	Pelaez, Michelle	Jason Jones - Travel Expenses	Soft cost	1	\$ 9,603.20	Unbilled	'-
31-Jan-20	Pelaez, Michelle	Cicayda eDiscovery Hosting	Soft cost	1	\$ 1,633.25	Unbilled	'-
5-Mar-20	Pelaez, Michelle	Transperfect eHosting Fee - February 2020	Soft cost	1	\$ 153.00	Unbilled	'-
5-Mar-20	Pelaez, Michelle	Veritext Deposition of Amber Wick	Soft cost	1	\$ 2,357.19	Unbilled	'-
4-May-20	Pelaez, Michelle	Cicayda eDiscovery Hosting - February 2020	Soft cost	1	\$ 983.25	Unbilled	'-
4-May-20	Pelaez, Michelle	Cicayda eDiscovery Hosting - March 2020	Soft cost	1	\$ 983.25	Unbilled	'-
4-May-20	Pelaez, Michelle	Cicayda Project Management and eDiscovery Hosting - April 2020	Soft cost	1	\$ 2,567.25	Unbilled	'-
28-May-20	Pelaez, Michelle	Hemming and Morse Forensic Consultants - Retainer	Soft cost	1	\$ 5,000.00	Unbilled	'-
15-Jun-20	Pelaez, Michelle	Cicayda - May 2020	Soft cost	1	\$ 2,567.25	Unbilled	'-
15-Jun-20	Pelaez, Michelle	Cicayda - June 2020	Soft cost	1	\$ 2,906.83	Unbilled	'-
1-Jul-20	Pelaez, Michelle	Cicayda eDiscovery	Soft cost	1	\$ 3,071.33	Unbilled	'-
2-Jul-20	Pelaez, Michelle	Retainer - Janja A. Lalich, Ph.D	Soft cost	1	\$ 2,000.00	Unbilled	'-
8-Aug-20	Pelaez, Michelle	Cicayda eDiscovery Hosting	Soft cost	1	\$ 2,671.33	Unbilled	'-
18-Aug-20	Pelaez, Michelle	Janja Lalich, PH.D. - July 2020	Soft cost	1	\$ 2,500.00	Unbilled	'-
24-Aug-20	Pelaez, Michelle	TransPerfect - eHosting	Soft cost	1	\$ 147.00	Unbilled	'-
3-Sep-20	Pelaez, Michelle	Cicayda eDiscovery Hosting	Soft cost	1	\$ 2,773.55	Unbilled	'-
22-Sep-20	Pelaez, Michelle	Janja Lalich, PH.D. - Expert - September 2020 - Invoice	Soft cost	1	\$ 400.00	Unbilled	'-
24-Sep-20	Pelaez, Michelle	Esquire Deposition Solutions - John Tartol - 07/30/20	Soft cost	1	\$ 3,363.85	Unbilled	'-
24-Sep-20	Pelaez, Michelle	Esquire Deposition Solutions - John Tartol - Videographer	Soft cost	1	\$ 1,192.50	Unbilled	'-
24-Sep-20	Pelaez, Michelle	Esquire Deposition Solutions - Garrain Steph - 08/28/20	Soft cost	1	\$ 3,750.78	Unbilled	'-
24-Sep-20	Pelaez, Michelle	Esquire Deposition Solutions - Garrain Steph - Video - 08/28/20	Soft cost	1	\$ 1,015.00	Unbilled	'-
5-Oct-20	Pelaez, Michelle	Dr. William Keep Invoice - 01.21.2020 - 09.30.2020	Soft cost	1	\$ 14,962.50	Unbilled	'-
5-Oct-20	Pelaez, Michelle	Janja Lalich, PH.D. - Invoice - October 2020	Soft cost	1	\$ 400.00	Unbilled	'-
12-Oct-20	Pelaez, Michelle	TransPerfect eDiscovery Hosting - Invoice 174548	Soft cost	1	\$ 147.00	Unbilled	'-
14-Oct-20	Pelaez, Michelle	Cicayda - eDiscovery Hosting	Soft cost	1	\$ 2,673.55	Unbilled	'-
20-Oct-20	Pelaez, Michelle	Hemming Morse, LLP - Invoice E2010-4788	Soft cost	1	\$ 7,889.00	Unbilled	'-
29-Nov-20	Pelaez, Michelle	Transperfect ediscovery Hosting	Soft cost	1	\$ 147.00	Unbilled	'-
30-Nov-20	Pelaez, Michelle	TCDI - Invoice	Soft cost	1	\$ 3,345.55	Unbilled	'-
31-Dec-20	Pelaez, Michelle	TCDI Invoice	Soft cost	1	\$ 3,288.05	Unbilled	'-
13-Jan-21	Pelaez, Michelle	Janja Lalich, PH.D. - Invoice 01/13/2021	Soft cost	1	\$ 4,800.00	Unbilled	'-
14-Jan-21	Pelaez, Michelle	Transperfect Invoice - 179522	Soft cost	1	\$ 147.00	Unbilled	'-
18-Jan-21	Pelaez, Michelle	Rhonda Harper, LLC	Soft cost	1	\$ 15,000.00	Unbilled	'-
27-Jan-21	Pelaez, Michelle	Rhonda Harper - Expert - Invoice 2132	Soft cost	1	\$ 3,000.00	Unbilled	'-

30-Jan-21	Pelaez, Michelle	Transperfect Invoice - 177838	Soft cost	1	\$ 147.00	Unbilled	'-
30-Jan-21	Pelaez, Michelle	Transperfect Invoice - 179522	Soft cost	1	\$ 147.00	Unbilled	'-
31-Jan-21	Pelaez, Michelle	TCDI	Soft cost	1	\$ 2,880.05	Unbilled	'-
1-Feb-21	Pelaez, Michelle	TransPerfect Invoice 181232	Soft cost	1	\$ 147.00	Unbilled	'-
18-Feb-21	Pelaez, Michelle	Janja Lalick Ph.D - Invoice 02/18/21	Soft cost	1	\$ 4,180.00	Unbilled	'-
19-Feb-21	Pelaez, Michelle	Veritext Deposition - Rhonda Harper, Christian D. Tregillis and Dr. Janja Lalich , Ph.D.	Soft cost	1	\$ 2,526.95	Unbilled	'-
1-Mar-21	Pelaez, Michelle	Hemming Morse, LLP - Invoice 2101-5325	Soft cost	1	\$ 74,912.50	Unbilled	'-
5-Mar-21	Pelaez, Michelle	TCDI - MMH-02-2021-FOR	Soft cost	1	\$ 1,375.00	Unbilled	'-
5-Mar-21	Pelaez, Michelle	TransPerfect Invoice - 185818	Soft cost	1	\$ 147.00	Unbilled	'-
5-Mar-21	Pelaez, Michelle	TransPerfect Invoice - 182962	Soft cost	1	\$ 147.00	Unbilled	'-
30-Mar-21	Pelaez, Michelle	Veritext - William W. Keep , Ph.D.	Soft cost	1	\$ 1,071.25	Unbilled	'-
31-Mar-21	Pelaez, Michelle	Esquire Deposition Solutions - Jonathan Tomlin	Soft cost	1	\$ 702.85	Unbilled	'-
31-Mar-21	Pelaez, Michelle	Esquire Deposition Solutions - - Corp. Rep. Depo	Soft cost	1	\$ 880.25	Unbilled	'-
4-Apr-21	Pelaez, Michelle	Esquire Deposition Solutions - Robert A. Peterson	Soft cost	1	\$ 1,415.85	Unbilled	'-
5-Apr-21	Pelaez, Michelle	Transperfect eDiscovery Hosting - Invoice - DMBI0000000182962	Soft cost	1	\$ 147.00	Unbilled	'-
22-Apr-21	Pelaez, Michelle	MMH-02-2021-FOR	Soft cost	1	\$ 1,375.00	Unbilled	'-
22-Apr-21	Pelaez, Michelle	TCDI - Invoice MMH-02-2021	Soft cost	1	\$ 3,457.05	Unbilled	'-
22-Apr-21	Pelaez, Michelle	MMH-03-2021 - TCDI	Soft cost	1	\$ 4,689.80	Unbilled	'-
22-Apr-21	Pelaez, Michelle	MMH-03-2021-FOR	Soft cost	1	\$ 375.00	Unbilled	'-
22-Apr-21	Pelaez, Michelle	MMH-01-2021	Soft cost	1	\$ 2,880.05	Unbilled	'-
26-Apr-21	Pelaez, Michelle	Esquire Deposition Solutions - Deposition of Alcides Mejia	Soft cost	1	\$ 1,610.42	Unbilled	'-
26-Apr-21	Pelaez, Michelle	TransPerfect eDiscovery Hosting - Invoice 185818	Soft cost	1	\$ 147.00	Unbilled	'-
29-Apr-21	Pelaez, Michelle	Harper Litigation Consulting and Research - Invoice 2135	Soft cost	1	\$ 1,290.00	Unbilled	'-
5-May-21	Pelaez, Michelle	TransPerfect Invoice - 185818	Soft cost	1	\$ 147.00	Unbilled	'-
12-May-21	Pelaez, Michelle	JAMS Mediation Deposit - JAMS Ref No. 1220070083	Soft cost	1	\$ 8,450.00	Unbilled	'-
5-Jun-21	Pelaez, Michelle	TransPerfect Invoice - 187418	Soft cost	1	\$ 147.00	Unbilled	'-
8-Jun-21	Pelaez, Michelle	Everlaw - Invoice - 41027	Soft cost	1	\$ 1,152.00	Unbilled	'-
22-Jun-21	Pelaez, Michelle	Hearing Transcript - Joanne Mancari Reporter	Soft cost	1	\$ 611.05	Unbilled	'-
28-Jun-21	Pelaez, Michelle	Esquire Deposition Solutions - Alan Rodriguez	Soft cost	1	\$ 2,169.97	Unbilled	'-
28-Jun-21	Pelaez, Michelle	Esquire Deposition Solutions - Alan Rodriguez	Soft cost	1	\$ 905.00	Unbilled	'-
8-Jul-21	Pelaez, Michelle	TransPerfect Invoice - 190099	Soft cost	1	\$ 593.25	Unbilled	'-
5-Aug-21	Pelaez, Michelle	TransPerfect Invoice - 189939	Soft cost	1	\$ 147.00	Unbilled	'-
18-Aug-21	Pelaez, Michelle	Esquire Deposition Solutions - Jillian Addy - Invoice 1981218	Soft cost	1	\$ 2,130.80	Unbilled	'-
18-Aug-21	Pelaez, Michelle	Esquire Deposition Solutions - Jennifer Ribalta - Invoice 1981953	Soft cost	1	\$ 2,473.30	Unbilled	'-
30-Aug-21	Pelaez, Michelle	TransPerfect Invoice - 191499	Soft cost	1	\$ 581.25	Unbilled	'-
5-Sep-21	Pelaez, Michelle	TransPerfect Invoice - 09/01/2021	Soft cost	1	\$ 147.00	Unbilled	'-
5-Sep-21	Pelaez, Michelle	TransPerfect Invoice - 193401	Soft cost	1	\$ 258.75	Unbilled	'-
30-Sep-21	Pelaez, Michelle	TransPerfect Invoice - 194892	Soft cost	1	\$ 1,023.00	Unbilled	'-
30-Sep-21	Pelaez, Michelle	TransPerfect Invoice - 195500	Soft cost	1	\$ 271.50	Unbilled	'-
5-Oct-21	Pelaez, Michelle	TransPerfect Invoice - 10.01.21	Soft cost	1	\$ 147.00	Unbilled	'-
27-Oct-21	Pelaez, Michelle	Jason Jones Expenses	Soft cost	1	\$ 3,452.96	Unbilled	'-
27-Oct-21	Pelaez, Michelle	TCDI Invoice No's 04,05,06,07 & 08-2021	Soft cost	1	\$ 17,000.00	Unbilled	'-
1-Nov-21	Pelaez, Michelle	Esquire Deposition Solutions - INV2024828	Soft cost	1	\$ 25.00	Unbilled	'-
1-Nov-21	Pelaez, Michelle	Esquire Deposition Solutions - INV2009498	Soft cost	1	\$ 1,719.99	Unbilled	'-
1-Nov-21	Pelaez, Michelle	Esquire Deposition Services - INV2014238	Soft cost	1	\$ 2,000.40	Unbilled	'-
4-Nov-21	Pelaez, Michelle	JAMS Invoice - 5936866	Soft cost	1	\$ 3,212.80	Unbilled	'-
5-Nov-21	Pelaez, Michelle	TransPerfect Invoice - 197220	Soft cost	1	\$ 271.50	Unbilled	'-
30-Dec-21	Pelaez, Michelle	Agile Law - e-Exhibits	Soft cost	1	\$ 600.00	Unbilled	'-

2-Jan-22	Pelaez, Michelle	Transperfect Invoice - 202525	Soft cost	1	\$ 271.50	Unbilled	'-
14-Jan-22	Pelaez, Michelle	Agile Law - e -Exhibits	Soft cost	1	\$ 600.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #47382	Soft cost	1	\$ 3,492.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #45994	Soft cost	1	\$ 3,492.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #44675	Soft cost	1	\$ 3,402.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #43360	Soft cost	1	\$ 3,429.11	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #42174	Soft cost	1	\$ 3,258.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	TransPerfect Invoice - 200941	Soft cost	1	\$ 271.50	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #51916	Soft cost	1	\$ 582.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #50386	Soft cost	1	\$ 582.00	Unbilled	'-
1-Feb-22	Pelaez, Michelle	Everlaw Invoice - Invoice #48833	Soft cost	1	\$ 582.00	Unbilled	'-
4-Feb-22	Pelaez, Michelle	Agile Law - E-exhibits	Soft cost	1	\$ 600.00	Unbilled	'-
1-Mar-22	Pelaez, Michelle	TransPerfect Invoice - 199379	Soft cost	1	\$ 271.50	Unbilled	'-
4-Mar-22	Pelaez, Michelle	Agile Law - E-exhibits	Soft cost	1	\$ 600.00	Unbilled	'-
11-Apr-22	Pelaez, Michelle	Agile Law - E-exhibits	Soft cost	1	\$ 600.00	Unbilled	'-
30-Apr-22	Pelaez, Michelle	Transperfect Invoice - 204924	Soft cost	1	\$ 271.50	Unbilled	'-
3-May-22	Pelaez, Michelle	Agile Law - e-Exhibits	Soft cost	1	\$ 600.00	Unbilled	'-
31-May-22	Pelaez, Michelle	Everlaw Invoice - 59826	Soft cost	1	\$ 582.00	Unbilled	'-
31-May-22	Pelaez, Michelle	TransPerfect Invoice - 208009	Soft cost	1	\$ 159.00	Unbilled	'-
1-Jun-22	Pelaez, Michelle	Agile Law - e-Exhibits	Soft cost	1	\$ 600.00	Unbilled	'-
15-Jun-22	Pelaez, Michelle	Trans Perfect - Invoice - 210162	Soft cost	1	\$ 159.00	Unbilled	'-
1-Jul-22	Pelaez, Michelle	Everlaw Invoice 61991	Soft cost	1	\$ 582.00	Unbilled	'-
31-Aug-22	Pelaez, Michelle	TransPerfect Legal Solutions - Invoice 214110	Soft cost	1	\$ 84.00	Unbilled	'-
2-Sep-22	Pelaez, Michelle	Everlaw Invoice 63719	Soft cost	1	\$ 582.00	Unbilled	'-
					\$337,926.05		

EXHIBIT B

1 Paul A. Levin (State Bar No. 229077)
plevin@themrlg.com
2 MORTGAGE RECOVERY LAW GROUP LLP
3 700 North Brand Boulevard, Suite 830
Glendale, California 91203
4 Telephone: (818) 630-7900 / Fax: (818) 630-7920

5 Etan Mark (admitted *pro hac*)
6 etan@markmigd.com
7 Donald J. Hayden (admitted *pro hac*)
don@markmigd.com
8 MARK MIGDAL & HAYDEN
9 80 SW 8th Street, Suite 1999
Miami, Florida 33130
10 Telephone: (305) 374-0440

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

14
15 MICHAEL LAVIGNE, *et al.*,
16 Plaintiffs,
17 vs.
18 HERBALIFE LTD., *et al.*,
19 Defendants.

CASE NO. 2:18-cv-07480-JAK (MRWx)
[Related Case 2:13-cv-02488-BRO-RZ]
**DECLARATION OF JASON JONES
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS COUNSEL'S
ATTORNEY FEES,
REIMBURSEMENT OF EXPENSES
AND SERVICE AWARDS**

Assigned to Hon. John A. Kronstadt,
Courtroom 10B

1 I, Jason Jones, declare:

2 1. I have personal knowledge of the facts set forth in this declaration and,
3 if called as a witness, I could and would testify competently about these facts.

4 2. I am a member of the State Bars of Ohio and Washington D.C. and am
5 admitted *pro hac vice* to practice before the Court. I was counsel for Plaintiffs in this
6 matter from 2016 through October 2021.

7 3. At that time, I was solo practitioner at my own law firm. Currently, I am
8 an Assistant Attorney General in the Workers' Rights Antifraud Section of the Public
9 Advocacy Division of the Office of the Attorney General for District of Columbia.
10 Attached as **Exhibit 1** is a copy of my resume.

11 4. From 2016 through 2021 I worked full-time on this case and related cases
12 adverse to Herbalife, including investigating the operations and consumer practices
13 of Herbalife Nutrition and its top distributors. I was the primary attorney who
14 reviewed hundreds of thousands of documents, watched hundreds of hours of videos
15 and took or defended more than 20 depositions.

16 5. I have reviewed the fee summary attached hereto as **Exhibit 2**. It
17 represents a significant reduction in the time that I recorded on this case. Otherwise,
18 it is an accurate representation of the time I recorded on these matters.

19 6. I first began investigating these claims against Herbalife in 2016 and
20 spent hundreds of hours building the factual basis for the claims that were brought. I
21 am a long-time advocate for the victims of large-scale consumer fraud.

22 7. Every matter I have ever worked on has either been on a contingency fee
23 basis, pro bono in the public interest, or on behalf of the government. I believe that in
24 light of my experience and expertise, and the fact that I have been an attorney for
25 more than 16 years, a rate of \$450/hour is appropriate for my work.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 20, 2022, at Washington, D.C.

/s/ Jason Jones

Jason Jones

EXHIBIT 1

JASON M. JONES

EXPERIENCE

ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA, WASHINGTON, D.C. – 2021-PRESENT

Trial lawyer in the Workers' Rights Antifraud section of the Public Advocacy Division. Investigate and litigate violations of the False Claims Act on behalf of the citizens of the District of Columbia. Perform extensive pre-suit investigations and author complaints and subsequent legal filings. Conduct written discovery, depositions, negotiations, hearings and trials.

SOLO PRACTITIONER, JONES@LAW; COLUMBUS, OHIO – 2016-2021

Originator and primary attorney on two complex putative class action lawsuits (involving more than forty separate parties) brought on behalf of the consumer victims of a publicly traded company. Arranged law firm co-counsel and co-managed a team of experienced litigators. Investigated, vetted and recruited high quality class representatives, keeping them interested and involved. Conducted extensive research utilizing sophisticated online techniques, successfully mapping out a decade-long fraud pre-discovery. Authored complaints, motions, responses, replies, discovery requests, and mediation memos. Managed, conducted, and defended depositions including plaintiffs, defendants, third parties, and experts. Managed multiple arbitrations through hearing or settlement. Worked pro bono to defend the online speech and anonymity of aggrieved consumers. Successfully briefed a novel issue before the 11th Circuit Court of Appeals.

CONSUMER ADVOCATE, ATTORNEY, ACTIVIST; CHICAGO, IL – 2009-2016

Created non-profit website and published more than 500 informational and satirical articles about organized consumer fraud. Assisted local, state, and federal governments in their investigations of consumer fraud. Originated and assisted local, national, and international investigative journalists in the publication of pieces pertaining to consumer fraud, including: ABC News, NBC News, Vox, The Telegraph, NPR, CNN, Associated Press, CBN, HBO's Last Week Tonight, Oxygen's Deadly Cults, and Betting on Zero. Exposed and disrupted the operations of several online fraud cartels saving consumers hundreds of thousands of dollars. Investigated and exposed multiple boiler room operations (two of which were forced to cease operations). Interviewed hundreds of victims of online scams and business opportunity schemes. Established relationships with lawyers, experts and academics across an array of relevant fields. Provided pro bono legal counsel to fraud victims and targets of online and legal harassment.

CHIEF OPERATING OFFICER, IDILIGENCE; CHICAGO, IL – 2006-2008

Helped secure funding and establish operations for a legal outsourcing start-up that hired high quality attorneys in India to handle low-level American legal tasks. Setup global online workflow and project management procedures. Trained and managed eight attorneys performing legal research, document review, and simple writing projects.

CUSTOMER SUPPORT, MORNINGSTAR; CHICAGO, IL – 1999-2000

Interacted with financial advisors and money managers across the country, supporting the renowned fund rating company's suite of portfolio management and investor tools.

EMERGENCY MEDICAL TECHNICIAN, UNITED STATES AIR FORCE – 1993-1996

Facilitated ground and air transport of patients dealing with serious medical problems. Performed a wide variety of medical tasks under the supervision of Air Force doctors and nurses.

EDUCATION

UNIVERSITY OF ALASKA, ANCHORAGE, ALASKA – B.A. BIOLOGY (WITH HONORS),
1999

GEORGE WASHINGTON UNIVERSITY SCHOOL OF LAW, WASHINGTON, D.C. – J.D.
(WITH HONORS), 2003

SKILLS

Litigation, legal and technical writing, legal research, online research and investigation, collaboration software (Dropbox, Box, Basecamp, Google Suite), e-discovery software (Reprise, Relativity, Everlaw), IT backend systems (mail and web servers, operating systems, routing and networking), graphic design and editing, audio editing, video editing, public relations, informal writing and communication.

EXHIBIT 2

Table 1			
<i>Task 1: Pre-Suit Investigation</i>			
Attorney	Rate	Hours	Fee
Jason Jones (Attorney)	\$450	150	\$67,500.00
Total Fee Request for Task 1		150	\$67,500.00
<i>Task 2: Drafting Original Complaint</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	55.7	\$25,065.00
Donald J. Hayden (Partner)	\$650	4	\$2,600.00
Etan Mark (Partner)	\$550	78.9	\$43,395.00
Joshua A. Migdal (Partner)	\$525	4.1	\$2,152.50
Jason Jones (Attorney)	\$450	80.25	\$36,112.50
Michelle Pelaez (Senior Paralegal)	\$175	18.2	\$3,185.00
Total Fee Request for Task 2		241.15	\$112,510.00
<i>Task 3: Motion to Stay Discovery (Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	14.4	\$6,480.00
Donald J. Hayden (Partner)	\$650	1.4	\$910.00
Etan Mark (Partner)	\$550	4.2	\$2,310.00
Joshua A. Migdal (Partner)	\$525	0.9	\$472.50
Total Fee Request for Task 3		20.9	\$10,172.50
<i>Task 4: Motion to Dismiss (Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	12	\$5,400.00
Donald J. Hayden (Partner)	\$650	0.5	\$325.00
Etan Mark (Partner)	\$550	19	\$10,450.00
Joshua A. Migdal (Partner)	\$525	9.5	\$4,987.50
Jason Jones (Attorney)	\$450	55	\$24,750.00
Total Fee Request for Task 4		96	\$45,912.50

<i>Task 5: Motions to Compel Arbitration and Transfer Venue</i>			
Attorney	Rate	Hours	Fee
George Breur (Partner)	\$400	0.8	\$320.00
Lara Grillo (Partner)	\$450	160.3	\$72,135.00
Donald J. Hayden (Partner)	\$650	68.4	\$44,460.00
Etan Mark (Partner)	\$550	154.5	\$84,975.00
Joshua A. Migdal (Partner)	\$525	85.6	\$44,940.00
Jason Jones (Attorney)	\$450	72.2	\$32,490.00
Michelle Pelaez (Senior Paralegal)	\$175	22.8	\$3,990.00
Total Fee Request for Task 5		564.6	\$283,310.00
<i>Task 6: Jurisdictional Discovery</i>			
Attorney	Rate	Hours	Fee
George Breur (Partner)	\$400	1.1	\$440.00
Lara Grillo (Partner)	\$450	10.6	\$4,770.00
Donald J. Hayden (Partner)	\$650	9.1	\$5,915.00
Etan Mark (Partner)	\$550	40.5	\$22,275.00
Joshua A. Migdal (Partner)	\$525	11.5	\$6,037.50
Jason Jones (Attorney)	\$450	84	\$37,800.00
Total Fee Request for Task 6		156.8	\$77,237.50
<i>Task 7: Investigation and Research (Post-Filing, Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Jason Jones (Attorney)	\$450	90	\$40,500.00
Total Fee Request for Task 7		90	\$40,500.00
<i>Task 8: Miscellaneous Case and Project Management (Before Transfer)</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	8	\$3,600.00
Donald J. Hayden (Partner)	\$650	16.3	\$10,595.00
Etan Mark (Partner)	\$550	29.2	\$16,060.00
Joshua A. Migdal (Partner)	\$525	6.1	\$3,202.50

Jason Jones (Attorney)	\$450	80	\$36,000.00
Michelle Pelaez (Senior Paralegal)	\$175	12.6	\$2,205.00
Total Fee Request for Task 8		152.2	\$71,662.50
<i>Task 9: Case Assessment and Strategization After Transfer to California</i>			
Attorney	Rate	Hours	Fee
Lara Grillo (Partner)	\$450	34.8	\$15,660.00
Donald J. Hayden (Partner)	\$650	5.7	\$3,705.00
Etan Mark (Partner)	\$550	7.7	\$4,235.00
Joshua A. Migdal (Partner)	\$525	27.6	\$14,490.00
Jason Jones (Attorney)	\$450	30	\$13,500.00
Michelle Pelaez (Senior Paralegal)	\$175	3.8	\$665.00
Total Fee Request for Task 9		109.6	\$52,255.00
<i>Task 10: Fact Depositions</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	75.2	\$39,480.00
Etan Mark (Partner)	\$550	103.1	\$56,705.00
Joshua A. Migdal (Partner)	\$525	11.1	\$5,827.50
Jason Jones (Attorney)	\$450	459.11	\$206,599.50
Jennifer Jones (Attorney)	\$600	271.14	\$162,684.00
Paul Levin (Attorney)	\$300	5.2	\$1,560.00
Michelle Pelaez (Senior Paralegal)	\$175	9.1	\$1,592.50
Viviana Vazquez (Paralegal)	\$175	9.3	\$1,627.50
Victoria Pantin (Paralegal)	\$175	38.3	\$6,702.50
Total Fee Request for Task 10		981.55	\$482,778.50
<i>Task 11: Contested Discovery (Hearings, Meet and Confers, Briefing, etc.)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	294.7	\$154,717.50
Donald J. Hayden (Partner)	\$650	0.7	\$455.00

Etan Mark (Partner)	\$550	88.1	\$48,455.00
Joshua A. Migdal (Partner)	\$525	8.3	\$4,357.50
Jason Jones (Attorney)	\$450	26.15	\$11,767.50
Jennifer Jones (Attorney)	\$600	32.7	\$19,620.00
Niki Namazi (Associate)	\$325	17.9	\$5,817.50
Paul Levin (Attorney)	\$300	21.1	\$6,330.00
Lauren Gibbs (Attorney)	\$300	3.3	\$990.00
Mary Melbar (Senior Paralegal)	\$185	13	\$2,405.00
Viviana Vazquez (Paralegal)	\$175	10.2	\$1,785.00
Victoria Pantin (Paralegal)	\$175	0.4	\$70.00
Total Fee Request for Task 11		516.55	\$256,770.00
<i>Task 12: Written Discovery</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	69.7	\$36,592.50
Etan Mark (Partner)	\$550	26.2	\$14,410.00
Jason Jones (Attorney)	\$450	235.74	\$106,083.00
Jennifer Jones (Attorney)	\$600	3.84	\$2,304.00
Paul Levin (Attorney)	\$300	9.8	\$2,940.00
Lauren Gibbs (Attorney)	\$300	2.2	\$660.00
Michelle Pelaez (Senior Paralegal)	\$175	7	\$1,225.00
Total Fee Request for Task 12		354.48	\$164,214.50
<i>Task 13: Document Review and ESI Organization</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	13.8	\$7,245.00
Joshua A. Migdal (Partner)	\$525	3.8	\$1,995.00
Jason Jones (Attorney)	\$450	692.22	\$311,499.00
Jennifer Jones	\$600	78.17	\$46,902.00

(Attorney)			
Michelle Pelaez (Senior Paralegal)	\$175	1.1	\$192.50
Victoria Pantin (Paralegal)	\$175	0.4	\$70.00
Total Fee Request for Task 13		789.49	\$367,903.50
<i>Task 14: First Motion to Dismiss in California</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	3.1	\$1,627.50
Lara Grillo (Partner)	\$450	26.7	\$12,015.00
Donald J. Hayden (Partner)	\$650	22.5	\$14,625.00
Etan Mark (Partner)	\$550	63.8	\$35,090.00
Joshua A. Migdal (Partner)	\$525	3	\$1,575.00
Jason Jones (Attorney)	\$450	74	\$33,300.00
Jennifer Jones (Attorney)	\$600	32.7	\$19,620.00
Paul Levin (Attorney)	\$300	4	\$1,200.00
Lauren Gibbs (Attorney)	\$300	9.8	\$2,940.00
Mary Melbar (Senior Paralegal)	\$185	9.5	\$1,757.50
Michelle Pelaez (Senior Paralegal)	\$175	11	\$1,925.00
Viviana Vazquez (Paralegal)	\$175	3	\$525.00
Total Fee Request for Task 14		263.1	\$126,200.00
<i>Task 15: Motion for Class Certification</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	95.7	\$50,242.50
Donald J. Hayden (Partner)	\$650	6	\$3,900.00
Etan Mark (Partner)	\$550	67.2	\$36,960.00
Joshua A. Migdal (Partner)	\$525	35.1	\$18,427.50
Jason Jones (Attorney)	\$450	110	\$49,500.00
Jennifer Jones (Attorney)	\$600	2.75	\$1,650.00

Paul Levin (Attorney)	\$300	4.6	\$1,380.00
Mary Melbar (Senior Paralegal)	\$185	6	\$1,110.00
Michelle Pelaez (Senior Paralegal)	\$175	6.9	\$1,207.50
Viviana Vazquez (Paralegal)	\$175	28.6	\$5,005.00
Victoria Pantin (Paralegal)	\$175	5.5	\$962.50
Total Fee Request for Task 15		368.35	\$170,345.00
<i>Task 16: Draft First Amended Complaint in California</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	5.5	\$2,887.50
Etan Mark (Partner)	\$550	9.2	\$5,060.00
Jason Jones (Attorney)	\$450	35	\$15,750.00
Jennifer Jones (Attorney)	\$600	3.43	\$2,058.00
Michelle Pelaez (Senior Paralegal)	\$175	1.6	\$280.00
Total Fee Request for Task 16		54.73	\$26,035.50
<i>Task 17: Second Motion to Dismiss in California</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	25.8	\$13,545.00
Donald J. Hayden (Partner)	\$650	0.5	\$325.00
Etan Mark (Partner)	\$550	36.2	\$19,910.00
Joshua A. Migdal (Partner)	\$525	0.8	\$420.00
Jason Jones (Attorney)	\$450	40	\$18,000.00
Niki Namazi (Associate)	\$325	0.1	\$32.50
Mary Melbar (Senior Paralegal)	\$185	2	\$370.00
Victoria Pantin (Paralegal)	\$175	0.8	\$140.00
Total Fee Request for Task 17		106.2	\$52,742.50
<i>Task 18: Settlement Conferences and Mediation</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	34.2	\$17,955.00

Donald J. Hayden (Partner)	\$650	1.7	\$1,105.00
Etan Mark (Partner)	\$550	98.8	\$54,340.00
Joshua A. Migdal (Partner)	\$525	112.2	\$58,905.00
Jason Jones (Attorney)	\$450	25	\$11,250.00
Paul Levin (Attorney)	\$300	1.3	\$390.00
Viviana Vazquez (Paralegal)	\$175	7.7	\$1,347.50
Total Fee Request for Task 18		280.9	\$145,292.50
<i>Task 19: Miscellaneous Case and Project Management</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	107.5	\$56,437.50
Donald J. Hayden (Partner)	\$650	4.8	\$3,120.00
Etan Mark (Partner)	\$550	119.1	\$65,505.00
Joshua A. Migdal (Partner)	\$525	50.6	\$26,565.00
Jason Jones (Attorney)	\$450	216.29	\$97,330.50
Jennifer Jones (Attorney)	\$600	29.48	\$17,688.00
Paul Levin (Attorney)	\$300	40.1	\$12,030.00
Lauren Gibbs (Attorney)	\$300	9.3	\$2,790.00
Niki Namazi (Associate)	\$325	11.7	\$3,802.50
Mary Melbar (Senior Paralegal)	\$185	15.1	\$2,793.50
Michelle Pelaez (Senior Paralegal)	\$175	58.7	\$10,272.50
Viviana Vazquez (Paralegal)	\$175	41.4	\$7,245.00
Victoria Pantin (Paralegal)	\$175	52.3	\$9,152.50
Total Fee Request for Task 19		756.37	\$314,732.00
<i>Task 20: Expert Written Discovery and Reports</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	46.4	\$24,360.00
Etan Mark	\$550	76.2	\$41,910.00

(Partner)			
Joshua A. Migdal (Partner)	\$525	13.6	\$7,140.00
Jason Jones (Attorney)	\$450	135	\$60,750.00
Paul Levin (Attorney)	\$300	0.8	\$240.00
Niki Namazi (Associate)	\$325	17.7	\$5,752.50
Mary Melbar (Senior Paralegal)	\$185	2	\$370.00
Viviana Vazquez (Paralegal)	\$175	5.7	\$997.50
Total Fee Request for Task 20		297.4	\$141,520.00
<i>Task 21: Expert Depositions</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	24.8	\$13,020.00
Etan Mark (Partner)	\$550	9.3	\$5,115.00
Joshua A. Migdal (Partner)	\$525	4.4	\$2,310.00
Jason Jones (Attorney)	\$450	106.62	\$47,979.00
Niki Namazi (Associate)	\$325	12.3	\$3,997.50
Viviana Vazquez (Paralegal)	\$175	4.6	\$805.00
Total Fee Request for Task 21		162.02	\$73,226.50
<i>Task 22: Motions in Limine</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	89.8	\$47,145.00
Etan Mark (Partner)	\$550	15.4	\$8,470.00
Joshua A. Migdal (Partner)	\$525	29.6	\$15,540.00
Jason Jones (Attorney)	\$450	33	\$14,850.00
Paul Levin (Attorney)	\$300	1.5	\$450.00
Niki Namazi (Associate)	\$325	33.8	\$10,985.00
Viviana Vazquez (Paralegal)	\$175	3.4	\$595.00
Total Fee Request for Task 22		206.5	\$98,035.00
<i>Task 23: Motion for Summary Judgment</i>			

Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	29.2	\$15,330.00
Etan Mark (Partner)	\$550	77.8	\$42,790.00
Joshua A. Migdal (Partner)	\$525	22	\$11,550.00
Jason Jones (Attorney)	\$450	158	\$71,100.00
Paul Levin (Attorney)	\$300	1	\$300.00
Niki Namazi (Associate)	\$325	16.8	\$5,460.00
Viviana Vazquez (Paralegal)	\$175	2.5	\$437.50
Total Fee Request for Task 23		307.3	\$146,967.50
<i>Task 24: Motion to Strike Affirmative Defenses</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	9.5	\$4,987.50
Joshua A. Migdal (Partner)	\$525	2.1	\$1,102.50
Niki Namazi (Associate)	\$325	26.6	\$8,645.00
Viviana Vazquez (Paralegal)	\$175	1.4	\$245.00
Total Fee Request for Task 24		39.6	\$14,980.00
<i>Task 25: Drafting Settlement Documents and Preliminary Class Certification Docs</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	76	\$39,900.00
Etan Mark (Partner)	\$550	27.9	\$15,345.00
Joshua A. Migdal (Partner)	\$525	4.9	\$2,572.50
Viviana Vazquez (Paralegal)	\$175	8.4	\$1,470.00
Total Fee Request for Task 25		117.2	\$59,287.50
<i>Task 26: Written Discovery (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	79.5	\$41,737.50
Donald J. Hayden (Partner)	\$650	0.4	\$260.00
Etan Mark (Partner)	\$550	7.1	\$3,905.00
Joshua A. Migdal	\$525	0.4	\$210.00

(Partner)			
Jason Jones (Attorney)	\$450	7.47	\$3,361.50
Niki Namazi (Associate)	\$325	101.5	\$32,987.50
Michelle Pelaez (Senior Paralegal)	\$175	1.2	\$210.00
Viviana Vazquez (Paralegal)	\$175	29.5	\$5,162.50
Total Fee Request for Task 26		227.07	\$87,834.00
<i>Task 27: Fact Depositions (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	36.7	\$19,267.50
Etan Mark (Partner)	\$550	5.5	\$3,025.00
Jason Jones (Attorney)	\$450	171	\$76,950.00
Niki Namazi (Associate)	\$325	95.1	\$30,907.50
Viviana Vazquez (Paralegal)	\$175	15.2	\$2,660.00
Total Fee Request for Task 27		323.5	\$132,810.00
<i>Task 28: Document Review and Factual Research (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	53.7	\$28,192.50
Jason Jones (Attorney)	\$450	340.39	\$153,175.50
Niki Namazi (Associate)	\$325	84.9	\$27,592.50
Viviana Vazquez (Paralegal)	\$175	11.6	\$2,030.00
Total Fee Request for Task 28		490.59	\$210,990.50
<i>Task 29: Draft First Amended Complaint (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	15.3	\$8,032.50
Etan Mark (Partner)	\$550	11	\$6,050.00
Jason Jones (Attorney)	\$450	68.51	\$30,829.50
Niki Namazi (Associate)	\$325	12.3	\$3,997.50
Viviana Vazquez (Paralegal)	\$175	3	\$525.00
Total Fee Request for Task 29		110.11	\$49,434.50

<i>Task 30: Draft Second Amended Complaint (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	11.6	\$6,090.00
Etan Mark (Partner)	\$550	12.4	\$6,820.00
Joshua A. Migdal (Partner)	\$525	4.9	\$2,572.50
Niki Namazi (Associate)	\$325	48.8	\$15,860.00
Viviana Vazquez (Paralegal)	\$175	1.5	\$262.50
Total Fee Request for Task 30		79.2	\$31,605.00
<i>Task 31: Miscellaneous Case and Project Management (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	34.2	\$17,955.00
Lara Grillo (Partner)	\$450	11.3	\$5,085.00
Donald J. Hayden (Partner)	\$650	3.1	\$2,015.00
Etan Mark (Partner)	\$550	8.1	\$4,455.00
Joshua A. Migdal (Partner)	\$525	10	\$5,250.00
Jason Jones (Attorney)	\$450	35.47	\$15,961.50
Niki Namazi (Associate)	\$325	60	\$19,500.00
Viviana Vazquez (Paralegal)	\$175	9.8	\$1,715.00
Total Fee Request for Task 31		171.97	\$71,936.50
<i>Task 32: Contested Discovery (Briefings, Conference, Hearings) (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	187.2	\$98,280.00
Etan Mark (Partner)	\$550	16.8	\$9,240.00
Joshua A. Migdal (Partner)	\$525	1	\$525.00
Jason Jones (Attorney)	\$450	103.34	\$46,503.00
Niki Namazi (Associate)	\$325	107.1	\$34,807.50
Viviana Vazquez (Paralegal)	\$175	18.9	\$3,307.50
Total Fee Request for Task 32		434.34	\$192,663.00

<i>Task 33: Motion to Dismiss and Supplemental Briefing (Florida)</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	60.8	\$31,920.00
Lara Grillo (Partner)	\$450	42.1	\$18,945.00
Donald J. Hayden (Partner)	\$650	3.4	\$2,210.00
Etan Mark (Partner)	\$550	135.9	\$74,745.00
Joshua A. Migdal (Partner)	\$525	22.6	\$11,865.00
Jason Jones (Attorney)	\$450	70.45	\$31,702.50
Niki Namazi (Associate)	\$325	41.7	\$13,552.50
Michelle Pelaez (Senior Paralegal)	\$175	1.6	\$280.00
Viviana Vazquez (Paralegal)	\$175	12.2	\$2,135.00
Total Fee Request for Task 33		390.75	\$187,355.00
<i>Task 34: Appellate Briefing and Argument Before Eleventh Circuit Court of Appeals</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar (Partner)	\$525	7.2	\$3,780.00
Lara Grillo (Partner)	\$450	120.6	\$54,270.00
Donald J. Hayden (Partner)	\$650	2.2	\$1,430.00
Etan Mark (Partner)	\$550	58	\$31,900.00
Joshua A. Migdal (Partner)	\$525	6	\$3,150.00
Jason Jones (Attorney)	\$450	127.31	\$57,289.50
Michelle Pelaez (Senior Paralegal)	\$175	27.7	\$4,847.50
Viviana Vazquez (Paralegal)	\$175	5.5	\$962.50
Total Fee Request for Task 34		354.51	\$157,629.50

<i>Projected Future Fees - Motion for Preliminary Approval, Motion for Final Approval, Dealing with Objections, Travel to Hearing, Claims Process, etc.</i>			
Attorney	Rate	Hours	Fee
Yaniv Adar	\$525	30	\$15,750.00

(Partner)			
Etan Mark (Partner)	\$550	45	\$24,750.00
Total Fee Request for Future Fees		75	\$40,500.00

ALL FEE REQUEST:

\$4,564,848.50

9840.03

Attorney's Fees Summary Chart

Table 2					
Attorney	Rate	Task #	HOURS BY TASK		TOTALS
Etan Mark (Partner)	\$550 / hour	2	Draft Orig. Complaint	78.9	Hours: 1452.1 Amount: \$798,655
		3	Motion to Stay Discovery	4.2	
		4	Motion to Dismiss Before Transfer	19	
		5	Arbitration and Transfer Motions	154.5	
		6	Juris. Discovery	40.5	
		8	Misc Case Management Before Transfer	29.2	
		9	Case Assessment After Transfer	7.7	
		10	Fact Depos	103.1	
		11	Contested Discovery	88.1	
		12	Written Discovery	26.2	
		14	Motion to Dismiss (CA)	63.8	
		15	Class Cert Motion	67.2	
		16	Draft FAC (CA)	9.2	
		17	Second MTD (CA)	36.2	
		18	Mediation / Settlement	98.8	
		19	Misc Case Management	119.1	
		20	Expert Reports	76.2	
		21	Expert Depos	9.3	

		22	Daubert Motions	15.4	
		23	MSJ	77.8	
		25	Prelim Approval Paperwork	27.9	
		26	Written Discovery (FL)	7.1	
		27	Fact Depos (FL)	5.5	
		29	Draft FAC (FL)	11	
		30	Draft SAC	12.4	
		31	Misc Case Mgmt (FL)	8.1	
		32	Contested Discovery (FL)	16.8	
		33	MTD (FL)	135.9	
		34	Appeal	58	
		N/A	Proj. Fees	45	
Yaniv Adar (Partner)	\$525 / hour	10	Fact Depos	75.2	Hours: 1517.1
		11	Contested Discovery	294.7	Amount: \$796,478
		12	Written Discovery	69.7	
		13	Doc Review	13.8	
		14	Motion to Dismiss (CA)	3.1	
		15	Class Cert Motion	95.7	
		16	Draft FAC (CA)	5.5	
		17	Second MTD (CA)	25.8	
		18	Mediation / Settlement	34.2	
		19	Misc Case Management	107.5	
		20	Expert Reports	46.4	
		21	Expert Depos	24.8	
		22	Daubert Motions	89.8	
		23	MSJ	29.2	

		24	Motion to Strike AF	9.5	
		25	Prelim Approval Paperwork	76	
		26	Written Discovery (FL)	79.5	
		27	Fact Depos (FL)	36.7	
		28	Doc Review (FL)	53.7	
		29	Draft FAC (FL)	15.3	
		30	Draft SAC	11.6	
		31	Misc Case Mgmt (FL)	34.2	
		32	Contested Discovery (FL)	187.2	
		33	MTD (FL)	60.8	
		34	Appeal	7.2	
		N/A	Proj. Fees	30	
Don Hayden (Partner)	\$650 / hour	2	Draft Orig. Complaint	4	Hours: 150.7
		3	Motion to Stay Discovery	1.4	Amount: \$97,955
		4	Motion to Dismiss Before Transfer	0.5	
		5	Arbitration and Transfer Motions	68.4	
		6	Juris. Discovery	9.1	
		8	Misc Case Management Before Transfer	16.3	
		9	Case Assessment After Transfer	5.7	
		11	Contested Discovery	0.7	

		14	Motion to Dismiss (CA)	22.5	
		15	Class Cert Motion	6	
		17	Second MTD (CA)	0.5	
		18	Mediation / Settlement	1.7	
		19	Misc Case Management	4.8	
		26	Written Discovery (FL)	0.4	
		30	Draft SAC	3.1	
		33	MTD (FL)	3.4	
		34	Appeal	2.2	
Joshua A. Migdal (Partner)	\$525 / hour	2	Draft Orig. Complaint	4.1	Hours: 491.7
		3	Motion to Stay Discovery	0.9	Amount: \$258,143
		4	Motion to Dismiss Before Transfer	9.5	
		5	Arbitration and Transfer Motions	85.6	
		6	Juris. Discovery	11.5	
		8	Misc Case Management Before Transfer	6.1	
		9	Case Assessment After Transfer	27.6	
		10	Fact Depos	11.1	
		11	Contested Discovery	8.3	
		13	Doc Review	3.8	
		14	Motion to Dismiss (CA)	3	
		15	Class Cert Motion	35.1	

		17	Second MTD (CA)	0.8	
		18	Mediation / Settlement	112.2	
		19	Misc Case Management	50.6	
		20	Expert Reports	13.6	
		21	Expert Depos	4.4	
		22	Daubert Motions	29.6	
		23	MSJ	22	
		24	Motion to Strike AF	2.1	
		25	Prelim Approval Paperwork	4.9	
		26	Written Discovery (FL)	0.4	
		30	Draft SAC	4.9	
		31	Misc Case Mgmt (FL)	10	
		32	Contested Discovery (FL)	1	
		33	MTD (FL)	22.6	
		34	Appeal	6	
Lara Grillo (Partner)	\$450 / hour	2	Draft Orig. Complaint	55.7	Hours: 496.5
		3	Motion to Stay Discovery	14.4	Amount: \$223,425
		4	Motion to Dismiss Before Transfer	12	
		5	Arbitration and Transfer Motions	160.3	
		6	Juris. Discovery	10.6	
		8	Misc Case Management Before Transfer	8	

		9	Case Assessment After Transfer	34.8	
		14	Motion to Dismiss (CA)	26.7	
		31	Misc Case Mgmt (FL)	11.3	
		33	MTD (FL)	42.1	
		34	Appeal	120.6	
George Breur (Partner)	\$400 / hour	5	Arbitration and Transfer Motions	0.8	Hours: 1.9
		6	Juris. Discovery	1.1	Amount: \$760
Niki Namazi (Associate)	\$325 / hour	11	Contested Discovery	17.9	Hours: 688.3
		17	Second MTD (CA)	0.1	Amount: \$223,698
		19	Misc Case Management	11.7	
		20	Expert Reports	17.7	
		21	Expert Depos	12.3	
		22	Daubert Motions	33.8	
		23	MSJ	16.8	
		24	Motion to Strike AF	26.6	
		26	Written Discovery (FL)	101.5	
		27	Fact Depos (FL)	95.1	
		28	Doc Review (FL)	84.9	
		29	Draft FAC (FL)	12.3	
		30	Draft SAC	48.8	
		31	Misc Case Mgmt (FL)	60	
		32	Contested Discovery (FL)	107.1	
33	MTD (FL)	41.7			
Jason Jones (Attorney)	\$450 / hour	1	Pre-Suit Investigation	150	Hours: 3911.52

2	Draft Orig. Complaint	80.25	Amount: \$1,760,184
4	Motion to Dismiss Before Transfer	55	
5	Arbitration and Transfer Motions	72.2	
6	Juris. Discovery	84	
7	Invest. and Fact Research	90	
8	Misc Case Management Before Transfer	80	
9	Case Assessment After Transfer	30	
10	Fact Depos	459.11	
11	Contested Discovery	26.15	
12	Written Discovery	235.74	
13	Doc Review	692.22	
14	Motion to Dismiss (CA)	74	
15	Class Cert Motion	110	
16	Draft FAC (CA)	35	
17	Second MTD (CA)	40	
18	Mediation / Settlement	25	
19	Misc Case Management	216.29	
20	Expert Reports	135	
21	Expert Depos	106.62	
22	Daubert Motions	33	
23	MSJ	158	

		26	Written Discovery (FL)	7.47	
		27	Fact Depos (FL)	171	
		28	Draft FAC (FL)	340.39	
		29	Doc Review	68.51	
		31	Misc Case Mgmt (FL)	35.47	
		32	Contested Discovery (FL)	103.34	
		33	MTD (FL)	70.45	
		34	Appeal	127.31	
Jennifer Jones (Attorney)	\$600 / hour	10	Fact Depos	271.14	Hours: 454.21
		11	Contested Discovery	32.7	Amount: \$272,526
		12	Written Discovery	3.84	
		13	Doc Review	78.17	
		14	Motion to Dismiss (CA)	32.7	
		15	Class Cert Motion	2.75	
		16	Draft FAC (CA)	3.43	
		19	Misc Case Management	29.48	
Paul Levin (Attorney)	\$300 / hour	10	Fact Depos	5.2	Hours: 89.4
		11	Contested Discovery	21.1	Amount: \$26,820
		12	Written Discovery	9.8	
		14	Motion to Dismiss (CA)	4	
		15	Class Cert Motion	4.6	
		18	Mediation / Settlement	1.3	
		19	Misc Case Management	40.1	
		20	Expert Reports	0.8	
		22	Daubert Motions	1.5	
		23	MSJ	1	

Lauren Gibbs (Attorney)	\$300 / hour	11	Contested Discovery	3.3	Hours: 24.6 Amount: \$7,380
		12	Written Discovery	2.2	
		14	Motion to Dismiss (CA)	9.8	
		19	Misc Case Management	9.3	
Mary Melbar (Senior Paralegal)	\$185 / hour	11	Contested Discovery	13	Hours: 47.6 Amount: \$8,806
		14	Motion to Dismiss (CA)	9.5	
		15	Class Cert Motion	6	
		17	Second MTD (CA)	2	
		19	Misc Case Management	15.1	
		20	Expert Reports	2	
Michelle Pelaez (Senior Paralegal)	\$175 / hour	2	Draft Orig. Complaint	18.2	Hours: 183.3 Amount: \$32,078
		5	Arbitration and Transfer Motions	22.8	
		8	Misc Case Management Before Transfer	12.6	
		9	Case Assessment After Transfer	3.8	
		10	Fact Depos	9.1	
		12	Written Discovery	7	
		13	Doc Review	1.1	
		14	Motion to Dismiss (CA)	11	
		15	Class Cert Motion	6.9	
		16	Draft FAC (CA)	1.6	
		19	Misc Case Management	58.7	

		26	Written Discovery (FL)	1.2	
		33	MTD (FL)	1.6	
		34	Appeal	27.7	
Viviana Vazquez (Paralegal)	\$175 / hour	10	Fact Depos	9.3	Hours: 233.4
		11	Contested Discovery	10.2	Amount: \$40,845
		14	Motion to Dismiss (CA)	3	
		15	Class Cert Motion	28.6	
		18	Mediation / Settlement	7.7	
		19	Misc Case Management	41.4	
		20	Expert Reports	5.7	
		21	Expert Depos	4.6	
		22	Daubert Motions	3.4	
		23	MSJ	2.5	
		24	Motion to Strike AF	1.4	
		25	Prelim Approval Paperwork	8.4	
		26	Written Discovery (FL)	29.5	
		27	Fact Depos (FL)	15.2	
		28	Doc Review (FL)	11.6	
		29	Draft FAC (FL)	3	
		30	Draft SAC	1.5	
		31	Misc Case Mgmt (FL)	9.8	
		32	Contested Discovery (FL)	18.9	
		33	MTD (FL)	12.2	
34	Appeal	5.5			
Victoria Pantin (Paralegal)	\$175 / hour	10	Fact Depos	38.3	Hours: 97.7
		11	Contested Discovery	0.4	Amount: \$17,098

	13	Doc Review	0.4
	15	Class Cert Motion	5.5
	17	Second MTD (CA)	0.8
	19	Misc Case Management	52.3

9840.03 Hours

Total: \$4,564,849

EXHIBIT C

1 PAUL A. LEVIN (State Bar No. 229077)
2 MORTGAGE RECOVERY LAW GROUP LLP
3 550 North Brand Boulevard, Suite 1100
4 Glendale, California 91203
5 TELEPHONE: (818) 630-7900 FACSIMILE: (818) 630-7920
6 EMAIL: plevin@themrlg.com

7 ETAN MARK (admitted *pro hac*)
8 DONALD J. HAYDEN (admitted *pro hac*)
9 YANIV ADAR (admitted *pro hac*)
10 MARK MIGDAL & HAYDEN
11 80 SW 8th Street, Suite 1999
12 Miami, Florida 33130
13 TELEPHONE: (305) 374-0440
14 EMAIL: etan@markmigdal.com
15 don@markmigdal.com
16 yaniv@markmigdal.com

17 Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

20 MICHAEL LAVIGNE, *et al.*,
21 Plaintiffs,
22 vs.
23 HERBALIFE LTD., *et al.*,
24 Defendants.

CASE NO. 2:18-cv-07480-JAK (MRWx)
[Related Case 2:13-cv-02488-BRO-RZ]

**DECLARATION OF PATRICIA
RODGERS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Assigned to Hon. John A. Kronstadt,
Courtroom 10B

1 I, Patricia Rodgers, declare:

2 1. I am of legal age and have the capacity to make this declaration based on
3 my personal knowledge of the facts, information and events that took place.

4 2. Between January 2011 and 2015 I attended over fifty Circle of Success
5 events.

6 3. My husband Jeff and I first became involved in this lawsuit in 2017.
7 Before the case was filed, I spent approximately 90 hours and Jeff spent
8 approximately 30 hours collecting documents and other information relevant to the
9 case and being interviewed by counsel as they prepared the complaint in this case. My
10 document collection efforts included an extensive review of my records since 2011 to
11 determine each event that I attended, review of tax returns, bank statements, credit
12 card bills and thousands of emails. It also included collecting books, trinkets, diaries
13 and other evidence from my time as a Herbalife distributor.

14 4. Once the case commenced and was filed, I was subject to intensive
15 scrutiny from other distributors that I thought were my friends. It is important to
16 remember that before this case was filed, Herbalife was my life. All of my friends and
17 closest personal relationships were other Herbalife distributors. The lawsuit was in
18 the newspapers, and they knew that I was one of the lead plaintiffs. Multiple news
19 stories were published, including a story in the Associated Press that was picked up
20 by the New York Times. My friends immediately cut me and Jeff off.

21 5. Once discovery was served in the cases, I had to collect all of the
22 document I had in my possession relating to Herbalife, which amounted to thousands
23 of pages. I also spent considerable time reviewing those documents and working with
24 my attorneys on my interrogatory responses. I would estimate that time to be 50-60
25 hours.

26 6. My husband Jeff passed away during this case, on February 8, 2020.

27 7. Over the course of the next few years, I had my deposition taken twice.
28 My deposition preparation time was another 50-60 hours.

2022-10-19- Declaration (Rodgers)

Final Audit Report

2022-10-19

Created:	2022-10-19
By:	Viviana Valdivieso (vivi@markmigdal.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAApP2BXNdPIhftZbMlomLQ7p2Jxit76sOF

"2022-10-19- Declaration (Rodgers)" History

-  Document created by Viviana Valdivieso (vivi@markmigdal.com)
2022-10-19 - 9:23:03 PM GMT- IP address: 76.239.138.225
-  Document emailed to prodgersfl@yahoo.com for signature
2022-10-19 - 9:23:38 PM GMT
-  Email viewed by prodgersfl@yahoo.com
2022-10-19 - 9:43:11 PM GMT- IP address: 69.147.86.138
-  Signer prodgersfl@yahoo.com entered name at signing as Patricia L. Rodgers
2022-10-19 - 9:46:29 PM GMT- IP address: 76.26.11.128
-  Document e-signed by Patricia L. Rodgers (prodgersfl@yahoo.com)
Signature Date: 2022-10-19 - 9:46:31 PM GMT - Time Source: server- IP address: 76.26.11.128
-  Agreement completed.
2022-10-19 - 9:46:31 PM GMT

EXHIBIT D

1 PAUL A. LEVIN (State Bar No. 229077)
2 MORTGAGE RECOVERY LAW GROUP LLP
3 550 North Brand Boulevard, Suite 1100
4 Glendale, California 91203
5 TELEPHONE: (818) 630-7900 FASCIMILE: (818) 630-7920
6 EMAIL: plevin@themrlg.com

7 ETAN MARK (admitted *pro hac*)
8 DONALD J. HAYDEN (admitted *pro hac*)
9 YANIV ADAR (admitted *pro hac*)
10 MARK MIGDAL & HAYDEN
11 80 SW 8th Street, Suite 1999
12 Miami, Florida 33130
13 TELEPHONE: (305) 374-0440
14 EMAIL: etan@markmigdal.com
15 don@markmigdal.com
16 yaniv@markmigdal.com

17 Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

20 MICHAEL LAVIGNE, *et al.*,
21 Plaintiffs,
22 vs.
23 HERBALIFE LTD., *et al.*,
24 Defendants.

CASE NO. 2:18-cv-07480-JAK (MRWx)
[Related Case 2:13-cv-02488-BRO-RZ]

DECLARATION OF JENNIFER RIBALTA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Assigned to Hon. John A. Kronstadt,
Courtroom 10B

1 I, Jennifer Ribalta, declare:

2 1. I am of legal age and have the capacity to make this declaration based on
3 my personal knowledge of the facts, information and events that took place.

4 2. Between February 2011 and June 2014 I attended dozens Circle of
5 Success events.

6 3. I first became involved in this lawsuit in 2017. Before the case was filed,
7 I spent approximately 120 hours collecting documents and other information relevant
8 to the case and being interviewed by counsel as they prepared the complaint in this
9 case. During that time, I spent at least 50 hours on the phone with Jason Jones going
10 through the draft Complaint in painstaking detail. My document collection efforts
11 included an extensive review of my records since 2011 to determine each event that I
12 attended, review of tax returns, bank statements, credit card bills and thousands of
13 emails.

14 4. Once the case commenced and was filed, I was subject to intensive
15 scrutiny from other distributors that I thought were my friends. It is important to
16 remember that before this case was filed, many of my friends and closest personal
17 relationships were other Herbalife distributors. The lawsuit was in the newspapers,
18 and they knew that I was one of the lead plaintiffs. Multiple news stories were
19 published, including a story in the Associated Press that was picked up by the New
20 York Times. My friends immediately cut me off.

21 5. Once discovery was served in the cases, I had to collect all of the
22 documents I had in my possession relating to Herbalife, which amounted to thousands
23 of pages. I also spent considerable time reviewing those documents and working with
24 my attorneys on my interrogatory responses. I would estimate that time to be 50-60
25 hours.

26 6. Over the course of the next few years, I had my deposition taken twice.
27 For one of those depositions, I had to travel to California from Florida and take time
28

1 off from work. My deposition preparation time was approximately 50 hours, and I
2 had another 15 hours of travel time.

3 7. Throughout the case, I spent many hours consulting with my attorneys
4 who provided updates to me. I would estimate an additional 20 hours of time to do
5 so.

6 8. I reviewed Herbalife's motion for summary judgment and discussed its
7 contents and in particular, the expert reports, with my attorneys. I worked with my
8 attorneys to prepare a declaration in support of my response to Herbalife's Motion for
9 Summary Judgment. I would estimate this time at 10 hours.

10 9. Herbalife also attempted to take my husband's deposition. The personal
11 toll of having my husband as a party to the case was very difficult for us. My attorneys
12 fought to limit his deposition, which required my husband to submit an affidavit
13 concerning his knowledge (or lack thereof). I was very involved in doing what I could
14 to prevent my husband from having to be dragged into this case. Unfortunately, he
15 was ultimately deposed. I would estimate this took an additional 10-15 hours of my
16 time, and approximately 5-10 hours of his time.

17 10. I would estimate the total amount of time I spent on this case to be
18 approximately 300 hours.

19 I declare under penalty of perjury under the laws of the United States of
20 America that the foregoing is true and correct. Executed on October 19, 2022 at Palm
21 Harbor, Florida.

22
23 
/s/ Jennifer Ribalta (Oct 19, 2022 20:24 EDT)

24 Jennifer Ribalta
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2022-10-19- Declaration (Ribalta)

Final Audit Report

2022-10-20

Created:	2022-10-19
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Transaction ID:	CBJCHBCAABAAoK2hDiWwjc5AQsal6aFrlI5wbyzEdhct

"2022-10-19- Declaration (Ribalta)" History

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2022-10-19 - 9:31:10 PM GMT - IP address: 76.239.138.225
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2022-10-19 - 9:31:27 PM GMT
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2022-10-20 - 0:21:36 AM GMT - IP address: 146.75.228.1
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2022-10-20 - 0:24:00 AM GMT - IP address: 47.196.201.248
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Signature Date: 2022-10-20 - 0:24:02 AM GMT - Time Source: server - IP address: 47.196.201.248
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2022-10-20 - 0:24:02 AM GMT

EXHIBIT E

1 PAUL A. LEVIN (State Bar No. 229077)
2 MORTGAGE RECOVERY LAW GROUP LLP
3 550 North Brand Boulevard, Suite 1100
4 Glendale, California 91203
5 TELEPHONE: (818) 630-7900 FACSIMILE: (818) 630-7920
6 EMAIL: plevin@themrlg.com

7 ETAN MARK (admitted *pro hac*)
8 DONALD J. HAYDEN (admitted *pro hac*)
9 YANIV ADAR (admitted *pro hac*)
10 MARK MIGDAL & HAYDEN
11 80 SW 8th Street, Suite 1999
12 Miami, Florida 33130
13 TELEPHONE: (305) 374-0440
14 EMAIL: etan@markmigdal.com
15 don@markmigdal.com
16 yaniv@markmigdal.com

17 Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

20 MICHAEL LAVIGNE, *et al.*,
21 Plaintiffs,
22 vs.
23 HERBALIFE LTD., *et al.*,
24 Defendants.

CASE NO. 2:18-cv-07480-JAK (MRWx)
[Related Case 2:13-cv-02488-BRO-RZ]
DECLARATION OF IZAAR VALDEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Assigned to Hon. John A. Kronstadt, Courtroom 10B

1 I, Izaar Valdez, declare:

2 1. I am of legal age and have the capacity to make this declaration based on
3 my personal knowledge of the facts, information and events that took place.

4 2. Between 2008 and 2014 I attended dozens Circle of Success events.

5 3. I first became involved in this lawsuit in 2017. Before the case was filed,
6 I spent approximately 40-50 hours collecting documents and other information
7 relevant to the case and being interviewed by counsel as they prepared the complaint
8 in this case. My document collection efforts included an extensive review of my
9 records since 2008 to determine each event that I attended, review of tax returns,
10 communications with my accountants, bank statements, credit card bills and emails.

11 4. Once the case commenced and was filed, I was subject to intensive
12 scrutiny from other distributors that I thought were my friends. It is important to
13 remember that before this case was filed, many of my friends and closest personal
14 relationships were other Herbalife distributors. The lawsuit was in the newspapers,
15 and they knew that I was one of the lead plaintiffs. Multiple news stories were
16 published, including a story in the Associated Press that was picked up by the New
17 York Times. My friends immediately cut me off.

18 5. Once discovery was served in the cases, I had to collect all of the
19 documents I had in my possession relating to Herbalife, which amounted to hundreds
20 of pages. I also spent considerable time reviewing those documents and working with
21 my attorneys on my interrogatory responses. I would estimate that time to be 20-30
22 hours.

23 6. Over the course of the next few years, I had my deposition taken. For
24 that deposition, I had to travel to California from New Jersey and take time off from
25 work. My deposition preparation time was approximately 30 hours, and I had another
26 20 hours of travel time.

27 7. Throughout the case, I spent many hours consulting with my attorneys
28 who provided updates to me. For a significant period of time, my father was also a

1 Plaintiff in one of the cases, until he got too ill to continue. I spent many hours
2 working with him as well. I would estimate an additional 30 hours of time relating to
3 my miscellaneous involvement in the case.

4 8. I reviewed Herbalife's motion for summary judgment and discussed its
5 contents and in particular, the expert reports, with my attorneys. I worked with my
6 attorneys to prepare a declaration in support of my response to Herbalife's Motion for
7 Summary Judgment. I would estimate this time at 10 hours.

8 9. I would estimate the total amount of time I spent on this case to be
9 approximately 180 hours.

10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true and correct. Executed on October 19, 2022 at New
12 York, NY.

13
14 *Izaar Valdez*
15 /s/ Izaar Valdez (Oct 19, 2022 20:25 EDT)
16 Izaar Valdez
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2022-10-19- Declaration (Valdez)

Final Audit Report

2022-10-20

Created:	2022-10-19
By:	Viviana Valdivieso (vivi@markmigdal.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvjF48MHs28IiwDkDsEeka2ADJWH8orG

"2022-10-19- Declaration (Valdez)" History

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2022-10-19 - 10:32:48 PM GMT- IP address: 76.239.138.225
-  Document emailed to izaarvaldez@yahoo.com for signature
2022-10-19 - 10:33:05 PM GMT
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2022-10-19 - 10:52:34 PM GMT- IP address: 209.73.183.26
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2022-10-20 - 0:25:10 AM GMT- IP address: 200.58.247.29
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Signature Date: 2022-10-20 - 0:25:12 AM GMT - Time Source: server- IP address: 200.58.247.29
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