

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE CHRISTIE'S DATA BREACH LITIGATION

No. 24-CV-4221 (JMF)

*This Document Relates To:  
All Member Cases*

CLASS ACTION

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**JOINT DECLARATION OF DAVID K. LIETZ AND JONATHAN S. MANN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES,  
AND SERVICE AWARDS TO CLASS REPRESENTATIVES**

We, the undersigned, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I, David K. Lietz, am a partner at the law firm of Milberg Coleman Bryson Phillips Grossman, PLLC, and am Class Counsel for Plaintiffs and the proposed Settlement Class in the above-captioned action (the "Action"). I am licensed to practice in the District of Columbia and am admitted *pro hac vice* in this Action. I have personal knowledge of the facts stated herein and, if called upon as a witness, I would and would testify competently thereto.

2. I, Jonathan S. Mann, am a partner at the law firm of Pittman, Dutton, Hellums, Bradley & Mann, P.C. and am Class Counsel for Plaintiffs and the proposed Settlement Class in this Action. I am licensed to practice in the State of Alabama and admitted *pro hac vice* in this matter. I have personal knowledge of the facts stated herein and, if called upon as a witness, I would and would testify competently thereto.

3. This Court appointed us as Class Counsel pursuant to Rule 23(g)(1) and we make this declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards to Class Representatives.

**The Work Counsel Performed and the Risk Incurred in this Case**

4. Class Counsel, as well as the Court-appointed Executive Committee, have spent significant time and resources investigating and prosecuting this case, reaching the Settlement, and administering the Settlement towards final approval.

5. Class Counsel and the Executive Committee members drafted separate class action complaints to initiate this litigation, and then worked cooperatively after the court consolidated the related actions and to file a Consolidated Complaint.

6. As litigation commenced, Class Counsel, with the support of the Executive Committee, coordinated the litigation schedule with defense counsel; analyzed topics for discovery; conducted settlement negotiations, including drafting of the settlement agreement, notices and claim form; prepared and filed Plaintiffs' Motion and Memorandum of Law in Support of Preliminary Approval of the Settlement; prepared and filed a Supplemental Memorandum in Support of Their Unopposed Motion for Preliminary Approval; and worked with the Settlement Administrator and Defendant's Counsel to effectuate notice and administer the Settlement.

7. The Parties attended a full day mediation with the experienced mediator, Jill R. Sperber, Esq. on October 30, 2024. By the end of the mediation, the Parties agreed upon the material terms of the Settlement.

8. Once the confidential term sheet was executed, Class Counsel and Defendant's diligently negotiated, drafted, and finalized the Settlement Agreement, notice forms, and came to an agreement on a claims process and administrator.

9. Class Counsel also drafted, finalized, and filed a motion for preliminary approval, and two subsequent supplemental filings to address issues raised by the Court.

10. Since the Settlement was granted preliminary approval, the Parties, in conjunction with the Settlement Administrator, have effectuated Class notice consistent with the Settlement and Preliminary Approval Order.

11. Class Counsel has continued to work with Defendant and the Claims Administrator regarding claims administration and processing as well as answering class members questions about the settlement and the process.

12. To date, the Settlement Administrator has issued notice to the Settlement Class, established the Settlement website and toll-free help line, and assisted Class Members with questions about the Settlement and filing claims.

13. Class Counsel's work is not over and will continue throughout the claims period. Based on experience, each Class Counsel will spend substantial additional hours seeking final approval, defending the Settlement from potential objections (of which there are none to date), and supervising claims administration and the distribution of proceeds.

14. Class Counsel knew from their initial investigations that this litigation would involve extensive research on challenging and complex legal and factual claims in this unique data security class action. Data security and data breach cases across the country are presenting novel issues to the courts for consideration. Class Counsel were also aware that pursuing this case beyond settlement would likely be lengthy and expensive, requiring discovery, briefing, argument, trial, and potential appeals.

15. This case presented substantial risks and uncertainties that could have prevented any recovery whatsoever. Despite the most vigorous and competent of efforts, success in this contingent-fee litigation was never assured.

16. Among national consumer protection class action litigation, data breach cases are some of the most complex. Data breach litigation is a relatively new area of the law and many of the legal issues encountered in such cases are novel, and, as a result, data breach cases present a significant risk to plaintiffs' attorneys.

17. As a result of our efforts in the face of substantial risks, Class Counsel, with the support of the Executive Committee, achieved a significant recovery for the benefit of the Settlement Class.

#### **Background and Experience of Class Counsel and the Executive Committee**

18. Class Counsel and the Executive Committee have substantial experience in both class actions generally, and complex consumer class actions involving cybersecurity incidents in particular.

19. For details about the experience and qualification of Class Counsel and Executive Committee members, *see* firm resumes submitted in support of Plaintiffs Motion for Appointment of Interim Class Counsel (Doc. 27-1)

#### **Counsel's Work in this Case**

20. This litigation required extensive time and labor by Plaintiffs' counsel. In total, Class Counsel and the Executive Committee members have spent 442.95 hours on the litigation, totaling \$297,181.50 in lodestar. This total lodestar yields a modest multiplier of 1.11, which is well within the range accepted by courts in the Second Circuit. Also, the lodestar multiplier will ultimately be lower once final approval is sought.

21. A summary indicating the amount of time expended by the partners, associates, and professional support staff of Class Counsel as of May 6, 2025 involved in the litigation is set forth below:

**Milberg Coleman Bryson Phillips Grossman PLLC**

<b>Timekeeper</b>	<b>Rate*</b>	<b>Hours</b>	<b>Total</b>
David Lietz, Senior Partner	\$1,057.00/\$1,141.00	71.8	\$78,765.40
John Nelson, Associate	\$538.00	2.3	\$1,237.40
Dean Meyer, Associate	\$437.00	5.6	\$2,447.20
Ashley Tyrell, Paralegal	\$239.00/\$258.00	6.1	\$1,469.30
Sandra Passanisi, Paralegal	\$239.00	3.8	\$2,447.20
Heather Sheflin, Paralegal	\$239.00/\$258.00	6.1	\$1,469.30
Michelle Benvenuto, Paralegal	\$239.00	3.0	\$717.00
Amanda Simpson, Paralegal	\$239.00	.4	\$95.60
Amanda Mkamanga, Paralegal	\$239.00	.2	\$47.80
<b>Totals</b>		<b>99.3</b>	<b>\$87,161.00</b>

\*Timekeepers with split rates had time billed at the 2024 and 2025 Milberg rates

**Pittman, Dutton, Hellums, Bradley & Mann, P.C.**

<b>Timekeeper</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Jon Mann, Partner	\$775.00	81.4	\$63,085.00
Austin Whitten, Partner	\$550.00	38.9	\$21,395.00
Peyton Clark, Associate	\$400.00	12.4	\$4,960.00
Rebecca Hicks, Paralegal	\$225.00	8.9	\$2,002.50
<b>Totals</b>		<b>141.6</b>	<b>\$91,442.50</b>

**Levi & Korsinsky, LLP**

<b>Timekeeper</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Courtney Maccarone, Partner	\$850.00	18.5	\$15,725.00
Melissa Meyer, Associate	\$500.00	4.5	\$2,250.00
Mark Svensson, Associate	\$475.00	17.5	\$8,312.50
Jennifer Mittasch, Staff Attorney	\$475.00	14.7	\$6,982.50
Amanda Herda, Paralegal	\$350.00	2.95	\$1,032.50
Cierra Walker, Paralegal	\$325.00	606	\$2,145.00
<b>Totals</b>		<b>64.75</b>	<b>\$36,447.50</b>

**Strauss Borrelli PLLC**

<b>Timekeeper</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Raina C. Borrelli, Partner	\$700.00	37.2	\$26,040.00
Samuel J. Strauss, Partner	\$700.00	9.10	\$6,370.00
Andrew Gunem, Associate	\$400.00	26.60	\$10,640.00

John Erickson, Legal Assistant	\$150.00	.3	\$45.00
<b>Totals</b>		<b>73.2</b>	<b>\$43,095.00</b>

**Kopelowitz Ostrow P.A.**

<b>Timekeeper</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Jeff Ostrow, Partner	\$1,110.00	11.5	\$12,765.00
Ken Grunfeld, Partner	\$1,025.00	.2	\$205.00
Steven Sukert, Partner	\$815.00	18.4	\$14,996.00
Todd M. Becker	\$250.00	.7	\$175.00
<b>Totals</b>		<b>30.8</b>	<b>\$28,141.00</b>

**Siri & Glimstad, LLP**

<b>Timekeeper</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Mason Barney, Partner	\$975.00	.5	\$487.50
Tyler Bean, Partner	\$725.00	4.4	\$3,190.00
Alcira Pena, Paralegal	\$260.00	19.1	\$4,966.00
Delilah Estefano, Paralegal	\$260.00	1.5	\$390.00
Cassie Jernigan, Paralegal	\$260.00	3.3	\$858.00
Enrica Peters, Paralegal	\$260.00	4.5	\$1,170.00
<b>Totals</b>		<b>33.3</b>	<b>\$11,061.50</b>

22. All firms maintained contemporaneous time records, and are prepared to submit the billing detail (including descriptions of the tasks performed, and the time allotted to each task) *in camera* to this Court, should the Court require this for the lodestar cross-check.

23. In our opinion and experience, this time was reasonably and justifiably incurred.

24. The hourly rates, as set forth in the Lodestar Summary above, are reasonable, appropriate, and consistent with the rates charged for legal services in similar complex class action litigation such as this one. Each firm has confirmed that their hourly rates as adjusted for inflation have been accepted by state and federal courts for purposes of lodestar determinations and for purposes of lodestar cross-checks in other recent class action cases.

### Plaintiffs' Counsel's Costs

25. Additionally, we seek reimbursement of costs and expenses totaling **\$15,278.13**, consistent with the terms of the Settlement Agreement. This amount (\$15,278.13 ) represents Class Counsel's, the Executive Committee's, and local counsel's total expenses to date.

26. The costs and expenses are almost exclusively for the cost of the mediator's services (with each of the five law firms of Class Counsel and the Executive Committee contributing \$2,490), the case filing fees (\$405 per case), service of process, *pro hac vice* admission fees, and postage. Specifically, the total expenses consist of the following amounts:

Category	Amount
Court Costs (Filing Fees and Pro Hac Vice)	\$2,244.70
Service of process	\$488.75
Mediation Costs (i.e. payments to Judicate West for Jill Sperber)	\$12,450.00
Postage/Federal Express	\$94.68
<b>Totals</b>	<b>\$15,278.13</b>

27. Each firm states and represents that these costs were reasonably incurred in pursuing this litigation.

### The Requested Service Awards are Reasonable

28. Finally, Plaintiffs seek service awards of \$5,000 each (or \$25,000 total) in recognition of their assistance in prosecuting and settling this Action. As set out in the declarations provided in connection with the first supplemental filing in support of the motion for preliminary approval (Docs.51-3 to 51-7), Plaintiffs provided information in advance of mediation and were available throughout the mediation and settlement process to answer questions and represent the interests of the Settlement Class. They were each prepared to take on the responsibilities of a class representative, including being deposed and testifying at trial.

Date: May 6, 2025

*/s/ David Lietz*

David K. Lietz

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*/s/ Jon Mann*

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