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10 *Attorneys for Plaintiffs*

11 **THE SUPERIOR COURT OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

13 ROGER HARRIS, DUANE BROWN, AND  
14 BRIAN LINDSEY,

15 Plaintiffs,

16 v.

17 FARMERS INSURANCE EXCHANGE AND  
18 MID CENTURY INSURANCE COMPANY,

19 Defendants.

Case No. BC579498

*[Assigned to the Hon. Maren Nelson in Dept. 17 of  
Spring Street Courthouse]*

CLASS ACTION

**DECLARATION OF ANDREA R. GOLD**

Date: June 17, 2020

Time: 9:00 a.m.

Department: 17

Complaint filed: April 22, 2015

Trial date: None set

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12 Hassan A. Zavareei, Esq. (CA Bar. No. 181547)  
13 Andrea Gold, Esq.  
14 **TYCKO & ZAVAREEI LLP**  
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21 *Class Counsel*

1 I, Andrea R. Gold, declare as follows:

2 1. I am one of the counsel for the Plaintiffs in this case. I submit this declaration in  
3 support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for  
4 Attorneys' Fees, Costs, Service Awards, and Notice and Administration Expenses.

5 2. The facts contained in this declaration are within my personal knowledge, and I could  
6 testify to those facts if called to do so under oath.

7 3. I was first admitted to practice law in 2004 in Illinois. (Bar No. 6282969). I was also  
8 admitted in Washington, D.C. in 2007 (Bar No. 502607), and Maryland in 2013 (Registration No.  
9 201306100006). I have been admitted pro hac vice in this matter.

10 4. I am a graduate of University of Michigan Law School (J.D., 2004) and University of  
11 Michigan Business School (B.B.A., 2001).

12 5. I have been in private practice since 2006, and a large portion of my practice has  
13 involved litigation on behalf of consumers, representing individuals and classes injured by predatory  
14 banking practices, unlawful insurance practices, violations of the Telephone Consumer Protection Act,  
15 and other unfair and deceptive business practices.

16 6. Over the past sixteen years, I have gained substantial experience handling complex civil  
17 litigation and class action litigation. With co-counsel, I have taken two cases to trial, including jury  
18 trials that have lasted several months.

19 7. I was lead counsel from Tycko & Zavareei in this case. As reflected below, my time  
20 accounts for 78% of our firm's time billed to this matter.

21 8. I have been named Class Counsel or Settlement Class Counsel in class actions  
22 including *Jacobs v. FirstMerit Corporation, et. al.*, No. 11 CV000090 (Ct. Common Pleas, Lake County,  
23 Ohio), *Maria Vergara v. Uber Technologies, Inc.*, No. 1:15-CV-06942 (N.D. Ill.), *Szafarz v. United Parcel*  
24 *Service, Inc.*, No. SUCV2016-2094-BLS2 (Superior Court, Commonwealth of Massachusetts), and *Jenna*  
25 *Lloyd, et al. v. Navy Federal Credit Union*, Case No. 3:17-cv-01280 (S.D. Cal.). The *Jacobs* litigation  
26 resulted in a \$15,975,000 settlement that has received final approval. The litigation against Uber  
27 Technologies, Inc. resulted in a \$20 million settlement that has been finally approved. The litigation  
28

1 against UPS resulted in a \$995,000 settlement that has been finally approved. The *Lloyd* litigation  
2 resulted in a \$24.5 settlement that has received final approval.

3 9. Tycko & Zavareei has also been named Class Counsel, Lead Counsel, or Settlement  
4 Class Counsel in consumer class actions styled *Kumar v. Safeway, Inc. et al.*, RG14726707 (Super. Ct. of  
5 Cal. Cty. of Alameda); *Kumar v. Salov North America Corp., et al.*, 4:14-cv-02411 (N.D. Cal.); *Koller v.*  
6 *Deoleo USA, Inc.*, Case No. 3:14-CV-02400-RS (N.D. Cal.); *Shannon Schulte, et al. v. Fifth Third Bank*, No.  
7 1:09-cv-06655 (N.D. Ill.); *Kelly Mathena v. Webster Bank*, No. 3:10-cv-01448 (D. Conn.); *Nick Allen, et al.*  
8 *v. UMB Bank, N.A., et al.*, No. 1016 Civ. 34791 (Cir. Ct. Jackson County, Mo.); *Thomas Casto, et al. v.*  
9 *City National Bank, N.A.*, 10 Civ. 01089 (Cir. Ct. Kanawha County, W. Va.); *Eaton v. Bank of Oklahoma,*  
10 *N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.*, No. CJ-2010-5209 (Dist. Ct. for  
11 Tulsa County, Okla.); *Lodley and Tehani Taulva, et al., v. Bank of Hawaii and Doe Defendants 1-50*, No. 11-1-  
12 0337-02 (Cir. Ct. of 1st Cir., Haw.); *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al.*, No. 1:10-cv-  
13 21080 (S.D. Fla.); *Mascaro, et al. v. TD Bank, Inc.*, No. 10-cv-21117 (S.D. Fla.); *Theresa Molina, et al., v.*  
14 *Intrust Bank, N.A.*, No. 10-cv-3686 (18th Judicial Dist., Dist. Ct. Sedgwick County, Kan.); *Trombley v.*  
15 *National City Bank*, 1:10-cv-00232-JDB (D.D.C.); *Jonathan Jones, et al. v. United Bank and United*  
16 *Banksshares, Inc.*, No. 11-C-50 (Cir. Ct. of Jackson County, W. Va.); *Amber Hawthorne, et al. v. Umpqua*  
17 *Bank*, No. 4:11-cv-06700 (N.D. Cal.); *Sylvia Hawkins, et al. v. First Tennessee Bank, N.A.*, No. CT-004085-  
18 11 (Cir. Ct. of Shelby County, Tenn.); *Jane Simpson, et al. v. Citizens Bank, et al.*, No. 2:12-cv-10267 (E.D.  
19 Mich.); *Alfonse Forgione, et al. v. Webster Bank, N.A.*, No. UWY-CV12-6015956-S (Super. Ct. Judicial  
20 Dist. of Waterbury, Conn.); *Sherry Bodnar v. Bank of America, N.A.*, No. 5:14-cv-03224-EGS (E.D. Pa.);  
21 *Wong v. TrueBeginnings LLC d/b/a True.com*, No. 3-07 Civ. 1244-N (N.D. Tex.); *Geis v. Airborne Health, et.*  
22 *al.*, Civil Action No. 2:07 Civ. 4238-KSH-PS (D. N.J.); *Dennings, et al. v. Clearwire Corporation*, No. 2:10-  
23 cv-01859 (W.D. Wash.); *In Re: Higher One Oneaccount Marketing And Sales Practices Litigation*, No. 3:12-  
24 md-02407 (VLB) (D. Conn.); *Galdamez v. I.Q. Data International, Inc.*, No. 15-cv-1605 (E.D. Va.); *Brown*  
25 *v. Transurban USA*, No. 15-cv-494 (E.D. Va.), *Gatinella et al. v. Michael Kors (USA)*, 14-cv-5731  
26 (S.D.N.Y.); *Grayson, et al. v. General Electric Company*, 3:13-cv-1799 (D. Conn.); *Farrell, et al. v. Bank of*  
27 *America, N.A.*, No. 3:16-00492 (S.D. Cal.); *In re: APA Assessment Fee Litigation*, 1:10-cv-01780 (D.D.C.);  
28 *Griffith v. ContextMedia Health, LLC d/b/a Outcome Health*, No. 1:16-cv-02900 (N.D. Ill.); *Scott, et al. v.*

1 *JPMorgan Chase & Co.*, No. 17-cv-249 (D.D.C.); *In re Think Finance, LLC*, et al., No. 17-bk-  
2 33964 (Bankr. N.D. Tex.); *Gibbs v. Plain Green, LLC*, No. 3:17-cv-495 (E.D. Va.); *Meta v. Target Corp., et*  
3 *al.*, No. 14-cv-0832 (N.D. Ohio); and *Petit v. Procter & Gamble Co.*, No. 15-cv-02150 (N.D. Cal.) . Each  
4 of these actions has resulted in a settlement that has been finally approved. A copy of Tycko &  
5 Zavareei's firm resume is attached hereto as **Exhibit 1**.

6 10. My partner, Hassan Zavareei, also worked on this case. Mr. Zavareei graduated from  
7 the University of California, Berkeley, School of Law in 1995. Prior to that, Mr. Zavareei graduated  
8 from Duke University in 1990. Mr. Zavareei is admitted to practice in California (Bar No. 181547),  
9 the District of Columbia (Bar No. 456161), and Maryland (Registration No. 0207150001). After  
10 graduation from Berkeley, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn &  
11 Crutcher LLP. In April of 2002, Mr. Zavareei founded Tycko & Zavareei LLP with our partner,  
12 Jonathan Tycko. Over the past twenty-one years, Mr. Zavareei has gained substantial experience  
13 handling complex civil litigation and class action litigation. He has taken several cases to trial,  
14 including jury trials that have lasted several months. He has argued appeals in the D.C. Circuit, the  
15 Fourth Circuit and the Fifth Circuit. Mr. Zavareei has been appointed as Class Counsel in numerous  
16 class actions.

17 11. My partner, Annick Persinger, also worked on this case. Ms. Persinger graduated from  
18 the University of California, Hastings College of Law in 2010. Prior to that, Ms. Persinger graduated  
19 from the University of California, San Diego in 2007. Ms. Persinger is admitted to practice in  
20 California (Bar No. 272996). Ms. Persinger leads Tycko & Zavareei's California office as California's  
21 Managing Partner. While at Tycko & Zavareei, Ms. Persinger has dedicated her practice to utilizing  
22 California's prohibitions against unfair competition and false advertising to advocate for consumers.  
23 Prior to joining Tycko & Zavareei, Ms. Persinger practiced law at Bursor & Fisher, P.A., a prestigious  
24 consumer class action firm. Following law school, Ms. Persinger also worked as a legal research  
25 attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

26 12. My partner, Jonathan Tycko, also worked on this case. Mr. Tycko graduated from the  
27 Columbia University Law School in 1992. Prior to that, Mr. Tycko graduated from Johns Hopkins  
28 University in 1989. Mr. Tycko is admitted to practice in the District of Columbia (Bar No. 445851),

1 New York (Bar No. 2568483), and Maryland (Registration No. 0203260001). Mr. Tycko focuses his  
2 practice on civil litigation, with special concentrations in whistleblower cases, consumer class actions,  
3 unfair competition litigation, employment litigation and housing litigation. He has extensive trial and  
4 appellate experience in courts around the country, and has represented a wide range of clients,  
5 including individual whistleblowers, Fortune 500 companies, privately-held business, and non-profit  
6 associations. Prior to founding Tycko & Zavareei LLP in 2002, Mr. Tycko was with Gibson, Dunn &  
7 Crutcher LLP, one of the nation's top law firms. Mr. Tycko also served for two years as law clerk to  
8 Judge Alexander Harvey, II, of the United States District Court for the District of Maryland.

9 13. An associate at my office, Mark Clifford, also worked on this case. Mr. Clifford  
10 graduated from Georgetown University Law Center in 2015. Prior to that, Mr. Clifford graduated  
11 from the University of Georgia in 2009. Mr. Clifford is admitted to practice in the District of  
12 Columbia (Bar No. 155088) and Maryland (Registration No. 1512150135). Since joining Tycko &  
13 Zavareei in 2019, Mr. Clifford has litigated cases against financial institutions, big tobacco, and the  
14 insurance industry involving allegations of fraudulent, unfair, and unlawful conduct. Prior to joining  
15 Tycko & Zavareei, Mr. Clifford was an Associate in the Washington, D.C. office of Covington &  
16 Burling LLP, one of the nation's top defense-side firms. During his time at Covington, Mr. Clifford  
17 represented some of the nation's largest corporations in complex litigation and government  
18 investigations. Following law school, Mr. Clifford clerked for the Honorable Catherine C. Blake of the  
19 United States District Court for the District of Maryland.

20 14. An associate at my office, Matthew Lanahan, also provided brief assistance on this  
21 case. Mr. Lanahan graduated from the University of Michigan Law School in 2014. Prior to that, Mr.  
22 Lanahan graduated from Virginia Polytechnic Institute and State University (Virginia Tech) in 2007.  
23 Mr. Lanahan is admitted to practice in the District of Columbia (Bar No. 1014760) and Virginia  
24 (87731). Since joining Tycko & Zavareei in 2019, Mr. Lanahan has focused his practice on consumer  
25 class action litigation. Prior to joining Tycko & Zavareei, Mr. Lanahan was an Associate in the  
26 Washington, D.C. office of Arnold & Porter, a large international law firm. While at Arnold & Porter,  
27 Mr. Lanahan's practice included work on large class actions, products liability matters, securities  
28 enforcement, and complex commercial litigation.

1           15.     A fellow at my office, Jennifer Thelusma, also worked on this case. Ms. Thelusma  
2 graduated from Duke University School of Law in 2019. Prior to that, Ms. Thelusma graduated from  
3 the University of Florida in 2016. Ms. Thelusma is admitted to practice in Florida (Bar No. 1019776).  
4 While a fellow at my firm, Ms. Thelusma has worked on several putative class actions and has  
5 performed integral legal research and writing work.

6           16.     A former fellow at my office, Rebecca Azhdam, also worked on this case. Ms. Azhdam  
7 graduated from Columbia Law School in 2017. Prior to that, Ms. Azhdam graduated from Johns  
8 Hopkins University in 2011. Ms. Azhdam is admitted to practice in New York (Bar No. 5639034) and  
9 the District of Columbia. Ms. Azhdam left our firm in September 2019 at the completion of her  
10 fellowship and is now an Honors Attorney at the U.S. Department of Labor. During her fellowship,  
11 Ms. Azhdam litigated cases in multiple practice areas, including consumer protection, employment,  
12 False Claims Act, Freedom of Information Act, Real Estate Settlement Procedures Act, and Fair  
13 Credit Reporting Act litigation. During her fellowship, Ms. Azhdam also spent three months at Tzedek  
14 D.C., a legal services organization focused primarily on safeguarding the rights of low-income D.C.  
15 residents facing crises related to debt collection and other consumer protection problems.

16           17.     I, and all Class Counsel, believe that the Settlement Agreement between the parties is  
17 fair and reasonable and in the best interests of the Settlement Class. Class Counsel's reasons for this  
18 belief are set forth in detail in Plaintiffs' Memorandum of Points and Authorities in Support of Motion  
19 for Final Approval, filed concurrently herewith, which I support.

20           18.     There are no conflicts of interest between Plaintiffs and the Settlement Class.

21           19.     Class Counsel conducted extensive investigation and the litigation was sufficiently  
22 advanced, including the exchange of voluminous discovery and motions practice in the Department  
23 Proceeding, to allow us to evaluate the merits of the case, and the value of potential recovery. The  
24 litigation has been pending for five years.

25           20.     Plaintiffs entered into settlement negotiations with substantial information about the  
26 nature and extent of the challenged practices, and the merits of the legal claims and factual allegations.  
27 Plaintiffs had the benefit of tens of thousands of pages of documents related to the challenged use of  
28 price optimization/elasticity of demand, extensive data on the proposed Settlement Class, as well as

1 the deposition testimony of seven Farmers' employees and the competing pre-filed direct testimony  
2 (akin to expert reports) of Plaintiffs' actuarial expert and former Insurance Commissioner, J. Robert  
3 Hunter, Consumer Watchdog's actuarial expert, the Department's chief actuary, and Farmers' actuarial  
4 expert.

5 21. Review of this information positioned Class Counsel to evaluate with confidence the  
6 strengths and weaknesses of Plaintiffs' claims and prospects for success in the Department  
7 Proceeding, and at class certification, summary judgment and trial in this Court.

8 22. While we hope that we would have prevailed in Plaintiffs' claims asserted against  
9 Farmers, we also recognize the substantial risks and uncertainties inherent in pursuing the action  
10 through the Department Proceeding, class certification, summary judgment, trial and appeals.

11 23. Protracted litigation carries inherent risks that would necessarily have delayed and  
12 endangered Settlement Class Members' monetary recovery.

13 24. This litigation involves complex legal issues. The costs and risks associated with  
14 litigating this litigation to a verdict, not to mention through the inevitable appeals, would have been  
15 high, and the process would require many hours of the Court's time and resources.

16 25. Here, there is still a significant amount of work and effort to prepare the case for trial.  
17 Indeed, it would likely be years before the litigation would be ready for a trial.

18 26. On February 19, 2019, the Parties' counsel attended a full-day mediation with former  
19 chief Justice of the California Court of Appeal and former California Insurance Commissioner, Hon.  
20 Harry Low (Ret.). The Parties did not reach a settlement following the first day of contentious  
21 mediation.

22 27. Settlement negotiations, both in writing and over the telephone, with the participation  
23 of Judge Low, continued for the next several months. On June 5, 2019, the Parties reached a  
24 settlement in principle to resolve the action. After further negotiations as to terms, the Parties executed  
25 a settlement agreement on August 29, 2019. Only after reaching resolution on the material terms of the  
26 Settlement did the Parties discuss attorneys' fees and expenses.

27 28. The Settlement Agreement provides substantial monetary benefits directly to the  
28 Settlement Class, benefits that may not be available in the event of continued litigation.



1           29.     The Settlement also provides significant injunctive relief both to the Settlement Class  
2 and, prospectively, to all Farmers policyholders.

3           30.     The Settlement also provides for the payment of attorneys’ fees, costs and expenses to  
4 Class Counsel. The amount of the requested fee was not addressed until agreement was reached as to  
5 relief for the Settlement Class. The compensation for the services Plaintiffs’ Counsel rendered to the  
6 Class is wholly contingent. Any fees and reimbursement of expenses will be limited to the amount  
7 awarded by the Court. In light of the complexity and scope of this action, Plaintiffs’ Counsel had to  
8 forgo other cases once they had agreed to represent the Class Representative and Settlement Class in  
9 this action. Tycko & Zavareei’s lodestar is shown in the following chart:

<b>Name</b>	<b>Position</b>	<b>Total Hours</b>	<b>Adjusted Rate<sup>1</sup></b>	<b>Lodestar</b>
Andrea Gold	Partner	792.1	\$ 747.00	\$591,698.70
Hassan Zavareei	Partner	23.8	\$ 899.00	\$21,396.20
Annick Persinger	Partner	18.7	\$ 661.00	\$12,360.70
Jonathan Tycko	Partner	3.6	\$899.00	\$3,236.40
Mark Clifford	Associate	40.5	\$ 458.00	\$18,549.00
Matthew Lanahan	Associate	0.2	\$458.00	\$91.6
Rebecca Azhdam	Fellow	12.4	\$ 372.00	\$4,612.80
Jennifer Thelusma	Fellow	15.3	\$ 372.00	\$5,691.60
Christina Parel	Paralegal	1	\$ 203.00	\$203.00
Collin Hoover	Paralegal	1.3	\$ 203.00	\$263.90
Natasha Fletcher	Paralegal	28.7	\$ 203.00	\$5,826.10
Melat Kiros	Paralegal	6.9	\$ 203.00	\$1,400.70
Nicole Porzenheim	Paralegal	13.8	\$ 203.00	\$2,801.40
Melis Coban	Paralegal	56.7	\$ 203.00	\$11,510.10
<b>TOTAL</b>		1015		\$679,642.20

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24           31.     The above chart was prepared from contemporaneous detailed daily time records  
25 regularly prepared and maintained by Tycko & Zavareei utilizing timekeeping software to which all  
26 employees have access. In my opinion, the time spent by attorneys and staff of Tycko & Zavareei was

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<sup>1</sup> See paragraph 34, *infra*.

1 reasonable and necessary. Indeed, by prosecuting this case purely on a contingency basis and not  
2 being paid by the hour, Tycko & Zavareei attorneys and staff worked efficiently and avoided  
3 unnecessary work. I carefully reviewed Tycko & Zavareei's time records and eliminated time entries  
4 that seemed excessive or otherwise inappropriate to bill. The detailed time and expense entries are  
5 available to the Court *en camera* upon request.

6 32. Tycko & Zavareei incurred \$57,263.94 in unreimbursed case-related expenses,  
7 including expenses related to filing, travel, copying, and case administration. Expenses are accounted  
8 for and billed separately and are not duplicated in my firm's professional billing rate. TZ has not  
9 received reimbursement for expenses incurred in connection with this litigation. The actual expenses  
10 incurred in the prosecution of this case is reflected on the computerized accounting records of my firm  
11 prepared by bookkeeping staff, based on receipts and check records, and accurately reflect all actual  
12 expenses incurred. These expenses were necessary to prosecuting litigation of this size and complexity  
13 on behalf of the Settlement Class, and they are typical of expenses regularly awarded in large-scale class  
14 actions. Indeed, because Tycko & Zavareei was responsible for advancing all expenses incurred,  
15 Tycko & Zavareei had a strong incentive not to spend any funds unnecessarily.

16 33. The hourly rates are based on the typical hourly rates for lawyers of similar experience  
17 in the communities in which Class Counsel practice.

18 34. The hourly rates shown for the attorneys at Tycko & Zavareei are our 2020 rates  
19 charged as delineated by the Adjusted Laffey Matrix (<http://www.laffeymatrix.com/>), which provides  
20 market rates for attorneys working in the Washington, D.C. area. *See, e.g., DL v. Dist. of Columbia*, 924  
21 F.3d 585 (D.C. Cir. 2019) (discussing the history and basis of the Laffey matrix). Although the  
22 Adjusted Laffey Matrix is updated annually, courts have awarded attorneys' fees consistent with the  
23 Adjusted Laffey Matrix to my firm in a number of cases. *See, e.g., Kumar v. Salov North America Corp.*,  
24 No. 14-CV-2411-YGR, 2017 WL 2902898 (N.D. Cal. July 7, 2017); *Stathakos v. Columbia Sportswear Co.*,  
25 No. 15-CV-04543-YGR, 2018 WL 1710075, at \*6 (N.D. Cal. Apr. 9, 2018); *Meta v. Target Corp., et al.*,  
26 No. 14-cv-0832 (N.D. Ohio Aug. 7, 2018), Dkt. 179; *In re Think Finance, LLC*, et al., No. 17-bk-  
27 33964 (Bankr. N.D. Tex.); *Brown v. Transurban USA, Inc.*, No. 1:15CV494 (JCC/MSN), 2016 WL  
28 6909683 (E.D. Va. Sept. 29, 2016); *Small v. BOKF, N.A.*, No. 1:13-cv-01125-REB-MJW (D. Colo.);

1 *Soule v. Hilton Worldwide, Inc.*, No. CV 13-00652 ACK-RLP, 2015 WL 12827769 (D. Haw. Aug. 25,  
2 2015); *Beck v. Test Masters Educ. Servs., Inc.*, 73 F. Supp. 3d 12 (D.D.C. 2014); *see also Mancini v. Dan P.*  
3 *Plute, Inc.*, 358 F. App'x 886 (9th Cir. 2009) (accepting Adjusted Laffey Matrix as evidence of  
4 reasonable hourly rates charged by Washington, D.C. attorneys). In rejecting a district court decision  
5 earlier last year that had used a different matrix to set attorney billing rates for complex litigation in  
6 Washington, D.C., the D.C. Circuit recently upheld the Laffey Matrix and the methods used to  
7 compile it but urged plaintiff and defense lawyers to “produce a reliable assessment of fees charged for  
8 complex federal litigation in the District.” *DL v. District of Columbia*, 924 F.3d 585, 594 (D.C. Cir.  
9 2019). Pending agreement on an updated matrix, Tycko & Zavareei continues to use the Adjusted  
10 Laffey Matrix rates for all its timekeepers. In addition, the Adjusted Laffey Matrix rates are consistent  
11 with rates billed to clients and awarded by courts for complex litigation in the Los Angeles area. *See*  
12 Declaration of Wilmer J. Harris, ¶ 27, filed concurrently herewith.

13 35. Class Counsel’s requested \$4,950,000 in attorneys’ fees (thirty-three percent of the  
14 Settlement Fund) is consistent with attorneys’ fee awards in California courts for settlements of this  
15 caliber and represents a less than 1.2 multiplier on Class Counsel’s lodestar, which is \$4,137,835.20  
16 arising from 6,029.8 hours of billable time.

17 36. The total number of hours is based only on the hours reasonably expended to achieve  
18 an excellent result for the Settlement Class. Our firm coordinated our efforts in the litigation of this  
19 case with our co-counsel to ensure that there was no duplicative or unnecessary work. Because our  
20 firms are experienced in litigating actions of this type, we were able to efficiently divide tasks based on  
21 expertise.

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# **EXHIBIT 1**

## **TYCKO & ZAVAREEI LLP**

### **HISTORY**

Our firm was founded in 2002, when Jonathan Tycko and Hassan Zavareei left the large national firm at which they both worked to start a new kind of practice. Since then, a wide range of clients have trusted us with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

Our practice is focused in a few select areas: consumer class action litigation, employment litigation, appellate litigation, whistleblower qui tam litigation, intellectual property litigation, First Amendment litigation, and business litigation.

### **EXPERIENCE**

Our firm's practice focuses on complex litigation. This includes representation of plaintiffs in class action litigation. Since the founding of our firm, we have been plaintiff's counsel in dozens of separate lawsuits brought as class actions. In addition to this work on class actions, our practice also involves representing businesses in unfair competition and antitrust litigation, representing employees in employment litigation, and representing whistleblowers in qui tam litigation brought under the False Claims Act and other similar whistleblower statutes.

### **PRACTICE AREAS**

#### **CONSUMER CLASS ACTIONS**

Our attorneys have a wealth of experience litigating consumer and other types of class actions. We primarily represent consumers who have been the victims of corporate wrongdoing. Our attorneys bring a unique perspective to such litigation because each of our partners trained at major national law firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables us to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation.

In addition, because class actions present such high-stakes litigation for corporate defendants, our ability to skillfully oppose motions to dismiss the case at an early stage of the litigation before the class has a chance to have a judge or jury consider the merits of its claims is critical to obtaining relief for our clients. Our attorneys have successfully obtained class certification, the



most critical step in winning a class action, and obtained approval of class action settlements with common funds collectively amounting to over \$250 million.

### EMPLOYMENT LITIGATION

Our attorneys have substantial experience representing employees and employers in employment disputes. In most of the employment litigation that we handle, however, we represent groups of plaintiffs who are challenging systemic unlawful employment practices. For instance, we successfully represented seven women in their claims of systemic discrimination and sexual harassment by Hooters restaurants in West Virginia, and we represented a group of women seeking class treatment of their allegations of sexual discrimination by Ruth's Chris.

### APPELLATE

Our attorneys have substantial experience in analyzing, briefing and arguing appeals. We have handled appeals in courts around the country, including the U.S. Supreme Court, the U.S. Circuit Courts, and the District of Columbia Court of Appeals.

### QUI TAM AND FALSE CLAIMS ACT

Our firm represents whistleblowers who courageously expose fraud by government contractors, healthcare providers, and other companies doing business with the government through litigation under the False Claims Act. We also represent whistleblowers who expose tax fraud through the IRS Whistleblower Office program, whistleblowers who expose violations of the securities laws through the SEC Whistleblower Office program, and banking industry whistleblowers through the Department of Justice's FIRREA program.

### INTELLECTUAL PROPERTY

Our attorneys have substantial experience litigating cutting-edge intellectual property cases in state and federal courts. Proper handling of intellectual property controversies requires substantive knowledge of the relevant body of law, together with strong litigation experience and skill. We bring these elements together to effectively represent our clients in complex trademark and copyright lawsuits.

We have litigated copyright infringement cases on behalf of corporations and associations, including submitting an amicus brief on behalf of three technology companies in the United States Supreme Court on Internet file sharing in the MGM, et al. v. Grokster, et al. case. We have also counseled clients on copyright matters, and written and presented on important copyright issues, such as the intersection of technology, copyright and the First Amendment. The firm briefed and argued an appeal to the Fifth Circuit Court of Appeals on a novel issue of law in a dispute over the competing trademark rights of two test preparation companies operating in the same markets, using the same trade name.



## FIRST AMENDMENT

Partner Hassan Zavareei represented the plaintiff in one of the most important cases of media defamation handled recently by the courts, namely, the case brought by Dr. Steven Hatfill

against Condé Nast Publications (the publisher of Vanity Fair magazine) and Reader's Digest for articles that falsely accused Dr. Hatfill of perpetrating the Anthrax murders that occurred in the fall of 2001.

Further, our firm has represented a number of employees who have fought back against former employers for defamatory statements. Our lawyers have obtained very substantial settlements on behalf of our clients. Also, our firm has represented businesses seeking to protect their hard-earned reputations against such defamation by their competitors.

Our attorneys also have experience in other types of First Amendment litigation. For example, partner Jonathan Tycko represented a consortium of media clients in a series of lawsuits to gain access to the sealed proceedings in the Independent Counsel investigation of and impeachment proceedings against President Bill Clinton. And partner Hassan Zavareei successfully challenged a district court injunction that violated our client's First Amendment guarantees to free speech and rights to petition the government.

## BUSINESS DISPUTES

We represent businesses, large and small, in their most significant business disputes. Indeed, prior to the founding of Tycko & Zavareei LLP, our partners spent many years at a large law firm specialized in representing business interests. We have represented some of the largest, publicly-traded corporations in the world, but also have represented small and medium size businesses.





**JONATHAN K. TYCKO**  
PARTNER

Jonathan K. Tycko, a graduate of The Johns Hopkins University and Columbia Law School, has been recognized by both peers and clients as among the best litigators and most effective qui tam attorneys in Washington, D.C. Mr. Tycko has represented clients in numerous qui tam whistleblower cases, in areas including Medicare fraud, government contracts fraud, and tax fraud. In addition, with the 2010 passage of the Dodd-Frank Act, Mr. Tycko's practice expanded into representation of whistleblowers in the areas of securities and commodities fraud, and violations of the Foreign Corrupt Practices Act.

Mr. Tycko focuses his practice on civil litigation, with special concentrations in whistleblower cases, consumer class actions, unfair competition litigation, employment litigation and housing litigation. He has extensive trial and appellate experience in courts around the country, and has represented a wide range of clients, including individual whistleblowers, Fortune 500 companies, privately-held business, and non-profit associations.

Prior to founding Tycko & Zavareei LLP in 2002, Mr. Tycko was with Gibson, Dunn & Crutcher LLP, one of the nation's top law firms. He received his law degree in 1992 from Columbia University Law School, where he was a Stone Scholar, and earned a B.A. degree, with honors, in 1989 from The Johns Hopkins University. After graduating from law school, Mr. Tycko served for two years as law clerk to Judge Alexander Harvey, II, of the United States District Court for the District of Maryland.

In addition to his private practice, Mr. Tycko is an active participant in other law-related activities. Mr. Tycko has taught as an Adjunct Professor at the George Washington University Law School. He serves as a certified arbitrator for FINRA, the Financial Industry Regulatory Authority. He is a former member and chairperson of the Rules of Professional Conduct Review Committee of the District of Columbia Bar, and he is a member of The Counsellors, a society comprised of select members of the District of Columbia bench and bar.

In addition, Mr. Tycko has handled many pro bono cases in the area of human rights law, including representation of political refugees seeking asylum, and preparation of amicus briefs on behalf of the Lawyers Committee for Human Rights (now known as Human Rights First) and other organizations and individuals in various appellate matters, including matters before the Supreme Court.

Mr. Tycko is admitted to practice before the courts of the District of Columbia, Maryland and New York, as well as before numerous federal courts, including the Supreme Court, the Circuit Courts for the D.C. Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Seventh Circuit, Ninth Circuit, Eleventh Circuit and Federal Circuit, the District Courts for the District of Columbia and District of Maryland, the Southern District of New York, the Northern District of New York, the Western District of New York, and the Court of Federal Claims.



When he is not engaged in professional matters, Mr. Tycko enjoys coaching his daughters' basketball teams, fishing for blues off the Delaware coast, cheering on the Nationals, and reading books on physics and astronomy.



**HASSAN A. ZAVAREEI**  
**PARTNER**

Hassan Zavareei graduated cum laude from Duke University in 1990, with degrees in Comparative Area Studies and Russian. Upon graduation from Duke, Mr. Zavareei worked as a Russian-speaking flight attendant for Delta Air Lines for two years. He later earned his law degree from the University of California, Berkeley School of Law in 1995, where he graduated as a member of the Order of the Coif. After graduation from Berkeley, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. In April of 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner, Jonathan Tycko.

Mr. Zavareei has handled numerous trials in state and federal courts across the nation in a wide range of practice areas. In his most recent jury trial, Mr. Zavareei prevailed on behalf of his client after a four-month trial in the Los Angeles Superior Court. That jury verdict came after years of hard-fought litigation, including an award of almost \$2 million in sanctions against the opposing party due to revelations of discovery misconduct uncovered through electronic discovery.

Although he is a general litigator, Mr. Zavareei devotes most of his practice to class action litigation. While at Gibson Dunn, Mr. Zavareei managed the defense of a nationwide class action brought against a major insurance carrier. In recent years, Mr. Zavareei's class action practice has focused on the representation of plaintiffs in consumer fraud cases, primarily relating to the financial services industry. For instance, Mr. Zavareei was class counsel in over a dozen cases against banks across the country regarding their practices of charging unlawful overdraft fees for debit card transactions. Those cases have returned hundreds of millions of dollars to consumers. Mr. Zavareei also served as Lead Counsel in Multi-District Litigation against a financial services company that provided debit cards to college students. That case also resulted in the return of millions of dollars to consumers. He is currently lead counsel or co-lead counsel in numerous class actions and putative class actions.

In his civil rights practice, Mr. Zavareei has represented individuals, groups of employees, and tenant associations in employment and fair housing litigation. Mr. Zavareei has obtained substantial judgments and settlements for his civil rights clients.

As a general litigator, Mr. Zavareei has been involved in numerous high-profile cases. For example, Mr. Zavareei represented Christian Laettner pro bono in a successful battle with investors and rogue business partners to stabilize Mr. Laettner's historic development of downtown Durham, North Carolina. Mr. Zavareei also represented Dr. Steven Hatfill, who was wrongfully accused by the media and the FBI of perpetrating the Anthrax attacks of 2001. Mr. Zavareei successfully represented Dr. Hatfill in defamation litigation against Vanity Fair and The Reader's Digest.

Mr. Zavareei is an accomplished appellate lawyer, having argued cases before the D.C. Circuit, the Fifth Circuit, the Fourth Circuit, and the Ohio Court of Appeals.



Mr. Zavareei has also testified before the Judiciary Committee of the House of Representatives and the Advisory Committee of Civil Procedure. He speaks frequently at continuing education events on a wide range of topics, including ethics, class action practice, and attorneys' fee jurisprudence.

Mr. Zavareei is married to Dr. Natalie Zavareei and has three daughters, Hayden, Jordan and Isabella. He is a member of the Executive Committee of Board of Directors of Public Justice and is the President of Hayden's Journey of Inspiration, a non-profit that provides housing to families of pediatric stem cell transplant recipients.

Mr. Zavareei is admitted to the Bar of the District of Columbia, Bar of the State of California, the Bar of the State of Maryland, the District of Columbia Court of Appeals, the Maryland Court of Appeals, and the Supreme Court of the United States.



**ANDREA R. GOLD**  
PARTNER

Andrea Gold, a two-time graduate of the University of Michigan, has spent her legal career advocating for consumers, employees, and whistleblowers. Ms. Gold has deftly litigated numerous complex cases, including through trial. Her extensive litigation experience benefits the firm's clients in both national class action cases as well as in qui tam whistleblower litigation.

She has served as trial counsel in two lengthy jury trials. First, she was second-chair in a four month civil jury trial in state court in California. She more recently served as second-chair in a multi-week jury trial in Maryland.

In her class action practice, Ms. Gold has successfully defended dispositive motions, navigated complex discovery, worked closely with leading experts, and obtained contested class certification. Her class action cases have involved, amongst other things, unlawful bank fees, product defects, violations of the Telephone Consumer Protection Act, and deceptive advertising and sales practices. Ms. Gold's tireless efforts have resulted in millions of dollars in recovery for consumers.

Ms. Gold also has significant civil rights experience. She has represented individuals and groups of employees in employment litigation, obtaining substantial recoveries for employees who have faced discrimination, harassment, and other wrongful conduct. In addition, Ms. Gold has appellate experience in both state and federal court.

Prior to joining Tycko & Zavareei, Ms. Gold was a Skadden fellow. The Skadden Fellowship Foundation was created by Skadden, Arps, Slate, Meagher & Flom LLP, one of the nation's top law firms, to support the work of new attorneys at public interest organizations around the country. The Skadden Fellowship Foundation receives hundreds of applications each year, but only a very small number of Skadden fellows are selected. Ms. Gold was awarded this prestigious fellowship in 2004 and, for two years, she represented survivors of domestic violence in family law and employment matters. Ms. Gold also provided legal counsel to clients, members of the legal community, and social service providers regarding the Illinois Victim's Safety and Security Act (VESSA), a state law protecting survivors of abuse from employment discrimination and providing for unpaid leave.

Ms. Gold earned her law degree from the University of Michigan Law School, where she was an associate editor of the *Journal of Law Reform*, co-President of the Law Students for Reproductive Choice, and a student attorney at the Family Law Project clinical program. Ms. Gold graduated with high distinction from the University of Michigan Ross School of Business in 2001, concentrating her studies in Finance and Marketing.

Ms. Gold is admitted to practice before the courts of the District of Columbia, Illinois, and Maryland, as well as numerous federal courts including the U.S. District Court for the District of Columbia, the U.S. District Court for the District of Maryland, and the U.S. Court of Appeals for the District of Columbia Circuit.



**ANNICK M. PERSINGER**  
**PARTNER**

Annick M. Persinger graduated magna cum laude as a member of the Order of the Coif from the University of California, Hastings College of the Law in 2010. While in law school, Ms. Persinger served as a member of Hastings Women's Law Journal, and authored two published articles. In 2008, Ms. Persinger received an award for Best Oral Argument in the first year moot court competition. In 2007, Ms. Persinger graduated cum laude from the University of California, San Diego with a B.A. in Sociology, and minors in Law & Society and Psychology.

Prior to joining Tycko & Zavareei LLP, Ms. Persinger was a litigation associate at Bursor & Fisher, P.A., a prestigious consumer class action firm. During her time at Bursor & Fisher, Ms. Persinger represented classes of purchasers of homeopathic products, mislabeled food products, mislabeled toothpaste products, and purchasers of large appliances that were mislabeled as Energy Star qualified. While working at Bursor & Fisher, Ms. Persinger developed cases for filing, drafted countless successful briefs in support of class certification, and defeated numerous motions to dismiss and motions for summary judgment. Ms. Persinger also routinely appeared in court, and regularly deposed and defended witnesses.

Following law school, Ms. Persinger also worked as a legal research attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

Since joining Tycko & Zavareei in 2017, Ms. Persinger has focused her practice on consumer class actions and other complex litigation.

Ms. Persinger has served as an elected board member of the Bay Area Lawyers for Individual Freedom (BALIF) since 2017. The BALIF Board named Ms. Persinger Co-Chair of BALIF in 2018.

Ms. Persinger is admitted to the State Bar of California and the bars of the United States District Courts for the Northern District of California, Central District of California, Eastern District of California, and Southern District of California.



**MARK CLIFFORD**  
ASSOCIATE

Mark Clifford joined Tycko & Zavareei in 2019. Prior to joining Tycko & Zavareei, Mr. Clifford was an Associate in the Washington, D.C. office of Covington & Burling LLP, a large international law firm. During his time at Covington, Mr. Clifford represented some of the nation's largest corporations in complex litigation and government investigations, including matters involving whistleblower allegations in the healthcare and technology industries. Mr. Clifford also developed significant experience in the areas of economic sanctions, export controls, and antiboycott laws and regulations, while maintaining an active pro bono practice. Prior to joining Covington, Mr. Clifford clerked for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland.

Mr. Clifford graduated magna cum laude from the Georgetown University Law Center in 2015. While in law school, he was an Executive Editor of the Georgetown Law Review and participated in the appellate litigation clinic. Mr. Clifford also worked on several political campaigns following his graduation with honors from the University of Georgia in 2009 with a Bachelor of Arts in International Affairs and a Master of Public Administration.

Mr. Clifford is admitted to practice in the District of Columbia and Maryland.



**MATTHEW W. LANAHAN**  
**ASSOCIATE**

Matthew W. Lanahan graduated cum laude from the University of Michigan Law School in 2014. While in law school, Mr. Lanahan was a contributing editor of the Michigan Law Review. Mr. Lanahan graduated summa cum laude, honors baccalaureate from Virginia Polytechnic Institute and State University with a BA in English and minors in History and Pop Culture. Mr. Lanahan is a member of Phi Beta Kappa.

Mr. Lanahan joined Tycko & Zavareei in 2019. Prior to joining Tycko & Zavareei, Mr. Lanahan practiced law in the Washington, D.C. office of a large international law firm. During his time at that large international law firm, Mr. Lanahan's practice included work on large class actions, products liability matters, securities enforcement, false claims act matters, and complex commercial litigations. Mr. Lanahan also maintained a pro bono practice focused on large civil rights matters and landlord-tenant cases.

During law school, Mr. Lanahan participated in the federal appellate litigation clinic. Mr. Lanahan also interned for the Federal Defender's office in Detroit. Mr. Lanahan is a member of the District of Columbia and Virginia state bars.





**JENNIFER THELUSMA**  
FELLOW

Jennifer Thelusma graduated from Duke University School of Law in 2019 with a J.D. and a certificate in Public Interest and Public Service. During her time as a fellow at Tycko & Zavareei, Jennifer has worked on several putative class actions and has performed integral legal research and writing work.

While at Duke Law, Jennifer gained legal experience through various practical projects. For example, during the Fall of her 2L year, as a legal intern in the Duke Wrongful Convictions Clinic, she worked to move five cases through post-conviction review by conducting legal research, interviewing witnesses, and drafting a motion for appropriate relief. During the Fall of her 3L year, Jennifer externed full time at the U.S. Department of Justice's Special Litigation Section where she worked on cases aimed at enforcing the Constitutional rights of individuals under state hospital and correctional control.

During her time at Duke Law, Jennifer also served as symposium editor of the Duke Environmental Law and Policy Forum, externed in Earthjustice's D.C. office, and served as internal vice president of Duke's Black Law Students Association.

Jennifer received her B.A. in political science and history from the University of Florida.

Jennifer is a member of the Florida State Bar and practices in the District of Columbia under the supervision of Jonathan K. Tycko.

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**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 715 Fremont Avenue, Suite A, South Pasadena, CA 91030.

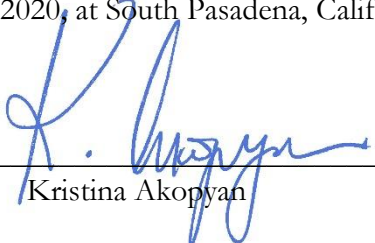
On May 21, 2020, I caused the service of the following document(s) described as:

**DECLARATION OF ANDREA R. GOLD**

to the person(s) listed on the Service List.

  x   **[By E-MAIL or ELECTRONIC TRANSMISSION VIA CASE ANYWHERE]**  
Pursuant to a court order, I electronically transmitted the document(s) listed above via Case Anywhere to the individual(s) listed on the Service List. The Case Anywhere system sends an e-mail notification of the electronic transmission to the parties and counsel of record who are registered with the Case Anywhere system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2020, at South Pasadena, California.

  
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Kristina Akopyan

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**SERVICE LIST**

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