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Co-Lead Counsel for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

Case No. 3:21-md-02992-GPC-MSB

**JOINT DECLARATION OF BRIAN
DANITZ AND MICHAEL RUBIN IN
SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Gonzalo P. Curiel

Ctrm: 2D (2nd Floor)

Date: January 17, 2025

Time: 1:30 pm

This Document Relates to All Actions

1 We, Brian Danitz and Michael Rubin, hereby state, under the penalty of perjury, as
2 follows:

3 1. We, Brian Danitz and Michael Rubin, are partners at the law firms of
4 Cotchett, Pitre & McCarthy, LLP (“CPM”) and Altshuler Berzon LLP (“Altshuler
5 Berzon”), respectively. We have personal knowledge of the matters set forth herein based
6 on our active supervision of and participation in the matters discussed below. If called
7 upon, we could and would testify competently thereto.

8 2. This declaration is filed in support of the accompanying motion for class
9 certification, which seeks class certification and appointment of CPM and Altshuler
10 Berzon as co-lead counsel. On March 29, 2021, the Court in *Yick v. Bank of America*,
11 *N.A.*, 3:21-cv-00376-VC (N.D. January 14, 2021), the initial class action case filed by
12 CPM on behalf of Jennifer Yick and similarly situated individuals, granted Plaintiffs’
13 motion to consolidate nine related cases and appointed CPM and Altshuler Berzon as
14 interim co-lead counsel in that consolidated action. On June 4, 2021, the United States
15 Judicial Panel on Multidistrict Litigation (“MDL”) ordered the consolidated case
16 transferred to the Southern District of California Case No. 21-md-02992-LAB. On July
17 20, 2021, the Court appointed CPM and Altshuler Berzon as Interim Co-Lead Counsel in
18 the MDL case.

19 3. Since before the filing of the complaints in *Yick* and the related cases leading
20 to this consolidated MDL proceeding, CPM and Altshuler Berzon have done extensive
21 work and committed significant resources to identify and investigate potential claims in
22 the action, including: obtaining and analyzing Bank of America’s exclusive contract with
23 EDD, as well as Bank of America’s customer agreements, SEC filings, press releases, and
24 other public statements; submitting public record requests to both EDD and the State
25 Auditor; reviewing relevant legislative hearings and agency reports; and communicating
26 with well over 1,000 potential plaintiffs who reached out to our firms and our co-counsels’
27 firms following the filing of the *Yick* Complaint, including those who retained CPM,
28

1 Altshuler Berzon, and/or our co-counsel and who are now serving as class plaintiffs in this
2 matter.

3 4. Our law firms have continued working with public agencies, non-profit
4 advocacy groups representing low-wage workers, and hundreds of members of the
5 proposed class, to identify and investigate additional facts for the Consolidated Amended
6 Complaint and motion for preliminary injunction.

7 5. We also organized the parties in the *Yick* consolidated action and these MDL
8 proceedings, by bringing motions to relate cases and the motion to consolidate and
9 appoint, and by continuing to meet and confer with the parties regarding scheduling and
10 other procedural matters, and filing stipulations and motions.

11 6. As Interim Co-Lead Counsel in *Yick*, CPM and Altshuler Berzon researched
12 and drafted the Consolidated Class Action Complaint and the Motion for Preliminary
13 Injunction, both of which were filed on April 1, 2021. The Consolidated Class Action
14 Complaint and the Motion for Preliminary Injunction in *Yick* were the products of CPM's
15 and Altshuler Berzon's months-long investigation, and the Motion for Preliminary
16 Injunction was supported by more than three dozen witness declarations detailing the
17 common factual bases for relief in this action.

18 7. On May 17, 2021, the district court in *Yick* granted Plaintiffs' Motion for
19 Preliminary Injunction and provisionally certified a Rule 23(b)(2) class, concluding that
20 Plaintiffs had shown a "strong likelihood of success" on their EFTA and UCL claims
21 because the Bank had "fail[ed] to conduct an adequate, good faith investigation when
22 [EDD] cardholders report[ed] unauthorized charges," and instead relied on "a faulty
23 screening process" (i.e., the CFF) as the sole basis for denying claims and freezing
24 accounts.

25 8. CPM and Altshuler Berzon also represented the Plaintiffs in the *In re Bank*
26 *of America California Unemployment Benefits Litigation*, MDL No. 2992, before the
27 United States Judicial Panel on Multidistrict Litigation, which transferred all of the related
28 actions against Bank of America to this Court pursuant to 28 U.S.C. § 1407.

1 9. CPM and Altshuler Berzon have continued to be actively involved in every
2 aspect of this MDL litigation since its inception including by filing three comprehensive
3 consolidated complaints and successfully opposing Bank of America's motions to dismiss
4 including the most recent order issued on June 25, 2024 granting in part and denying in
5 part Defendant's motion to dismiss and granting plaintiffs' motion for reconsideration.

6 10. CPM and Altshuler Berzon have also engaged in comprehensive discovery
7 including pursuing document requests and interrogatories served on Bank of America and
8 subpoenas served on third parties, extensive search term negotiations and motion practice,
9 and review of documents produced by Bank of America, third parties, and government
10 agencies. CPM and Altshuler Berzon also deposed six of the Bank's 30(b)(6) witnesses
11 and one key Bank of America employee and have spent countless hours reviewing and
12 analyzing documents and discovery responses.

13 11. CPM and Altshuler Berzon have also responded to Bank of America's
14 written discovery, including over 50 document requests served on each of the Class
15 Plaintiffs and Third-Party Subpoenas to Produce Documents, have prepared five Class
16 Representatives for testimony and defended the Class Representative depositions, and
17 held multiple meet and confer calls with Bank of America's counsel regarding discovery
18 disputes including those involving confidentiality designations and privilege log
19 challenges resulting in the production of additional documents. CPM and Altshuler
20 Berzon have further met and consulted with several experts on the issues in this case.

21 12. Collectively, CPM and Altshuler Berzon have devoted more than 18,000
22 hours to litigating this case, and to date, CPM and Altshuler Berzon have incurred
23 approximately \$900,000 in costs.

24 13. A true and correct copy of CPM's Firm Resume is attached as **Exhibit A**.

25 14. Based on the San Francisco Peninsula for over half a century, CPM engages
26 exclusively in litigation and trials. The firm's dedication to prosecuting or defending
27 socially just actions has earned it a national reputation. CPM has offices in Burlingame,
28 California, Santa Monica, California. and Seattle, Washington.

15. CPM is repeatedly named to the *National Law Journal*'s list of top plaintiff litigation firms in the United States and, the *National Law Journal* named CPM to its inaugural list of Elite Trial Lawyers. The *Daily Journal*, California's leading legal publication, has also named CPM as one of the top law firms in Northern California that have extensive actual trial experience in complex cases. As set forth in the Firm Resume attached hereto, CPM has served as Lead or Co-Lead Counsel in numerous class action and complex cases in federal and California state courts. The firm possesses extensive experience in cases based on consumer protection and unfair competition statutes, mass torts, privacy and data breaches, product defects, and antitrust and securities matters, among other practice areas. CPM also has the resources necessary to vigorously prosecute complex actions and protect the interests of class members and, importantly, proven trial experience. CPM has been acknowledged by courts and counsel for trying complex cases efficiently and effectively to courts and juries.

16. While CPM's extensive background is further detailed at its website, www.cpmlegal.com, and in the attached Firm Resume, examples of CPM's experience leading significant complex cases include *In Re Wells Fargo & Company Consolidated Derivative Shareholder Litigation*, 3:22-cv-05173-TLT (N.D. Cal.) (CPM co-lead counsel in derivative suit relating to discriminatory lending and hiring practices); *Pampena v. Musk*, 3:22-CV-05937-CRB (N.D. Cal.) (CPM co-lead counsel in securities class action relating to alleged manipulation of the market for Twitter stock in connection with Elon Musk's acquisition of Twitter); *In re Apple Device Performance Litigation*, No. 5:18-md-02827-EJD (CPM co-lead counsel in consumer class action multi-district litigation relating to throttling of iPhone performance, resulting in a \$310-\$500 million settlement); *In the Matter of The Petition for The Coordination of Maui Fire Cases S.P.* No. 2CSP-23-0000057 (CPM active member of the Plaintiffs Steering Committee instrumental in helping to broker a resolution resulting in a \$4.03 billion settlement); *In re Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, No. 05-md-01699-CRB (N.D. Cal.) (CPM co-lead trial counsel consolidated injury and class action cases

1 related to pain killers Bextra & Celebrex, resulting in \$894 million settlement); *In re Static*
2 *Random Access Memory (SRAM) Antitrust Litigation*, No. 07-md-01819-CW (N.D. Cal.)
3 (CPM lead counsel for direct purchasers of Static Random Access Memory chips,
4 resulting in \$77 million settlement); *Salman, et al. v. Darbee, et al.*, JCCP Action No.
5 4648 (CPM co-lead counsel against Officers and Directors of PG&E arising out of the San
6 Bruno Fire & Explosion, resulting in one of the top 10 largest Shareholder Derivative
7 Settlements in U.S. history).

8 17. CPM's efforts in this case are being led by Joseph Cotchett, Frank Pitre, Brian
9 Danitz, and Karin Swope, as well as the firm's extensive support staff. Joseph Cotchett,
10 CPM's founding partner, is considered one of the foremost trial lawyers in the country
11 and has been named one of the most 100 influential lawyers in the nation for the past 15
12 years. Over his 50-plus-year career, Cotchett has tried more than 100 cases to verdict and
13 settled hundreds more. In the 1980s, Cotchett won mammoth judgments for investors in
14 white-collar fraud cases and was lead trial lawyer for 23,000 plaintiffs in the *In re*
15 *American Continental Corp./Lincoln Savings & Loan Securities Litigation* in 1990
16 involving Charles Keating, attorneys, banks, and accountants. The trial resulted in one of
17 the largest jury verdicts in history, \$3.3 billion. In recent years, Cotchett has taken on
18 major corporations such as Enron, Worldcom, Global Crossing, Qwest, and Lehman
19 Brothers, including being lead co-trial counsel in the now landmark \$1.1 billion toxic lead
20 paint verdict.

21 18. Frank Pitre is a senior partner at CPM and a consummate trial attorney with
22 over 45 years of experience specializing in mass torts, consumer fraud, and commercial
23 torts. Pitre is consistently recognized for his deep experience in litigating complex mass
24 torts with multiple trial phases. His skill as a trial lawyer has earned him recognition
25 among his peers who have elected him a member of the prestigious American College of
26 Trial Lawyers, American Board of Trial Advocates (Advocate), International Academy of
27 Trial Lawyers, International Society of Barristers, and the National Board of Trial
28 Advocacy. He is a member and past President of the Consumer Attorneys of California

(CAOC) and has received accolades for his trial advocacy and results including most recently being selected as One of Northern California's Top 10 Lawyers by Super Lawyers for the tenth consecutive year. Pitre's experience in mass tort cases began in 1987 with the *PSA Air Crash Cases*, representing numerous plaintiffs in wrongful death actions following the crash of PSA Flight 1771; he served as a member of the Plaintiffs Steering Committee, and later as plaintiffs co-lead trial counsel for the six-week jury trial which established the defendants' liability. The success of the *PSA Air Crash Cases* led to his appointment as a member of the Plaintiffs Steering Committee in *Carnahan et al. v. State of California*, which successfully resolved hundreds of claims for personal injuries and damages against more than 100 defendants. Pitre coordinated, prosecuted, and resolved over 200 claims of injury, death, and property destruction against PG&E in *In Re: San Bruno Fire Cases: JCCP Action No. 4648*. Pitre also serves as a member of the Plaintiffs Executive Committee in the prosecution of cases *In Re Ethiopian Airlines Flight ET 302 Crash, 19-cv-02170* against Boeing arising from the Ethiopian Airlines crash of a 737 Max 8 in Addis Ababa on March 10, 2019, which killed 149 passengers and 8 crew members. Since January 2018, he has served as Co-Lead Counsel *In Re: California North Bay Fire Cases, JCCP Action No. 4955* on behalf of the victims of the North Bay Wild Fires to prosecute claims against PG&E for its mismanagement of electrical operations leading to 43 deaths, 100,000 people displaced, over 245,000 acres burned and more than 14,700 homes and structures destroyed. Concurrently, he served as a member of the Plaintiffs Executive Committee in statewide mass tort actions prosecuted against PG&E arising out of the Butte Wildfire. *In Re: Butte Fire Cases, JCCP Action No. 4853*. Since October 2023, Pitre has served as an active member of the Plaintiffs Steering Committee in the prosecution of cases on behalf of over 300 individuals, property owners and small businesses in the *In the Matter of The Petition for The Coordination of Maui Fire Cases S.P. No. 2CSP-23-0000057* seeking justice against Hawaiian Electric, government entities, telecom companies and landowners for their role in causing the August 7 and 8

1 devastating wildfires on the Island of Maui. The *Maui Fire* cases recently settled for \$4.03
2 billion.

3 19. Brian Danitz has served as plaintiffs' counsel in numerous consumer and
4 securities class actions in the country, most in California state and federal courts. Danitz
5 is currently serving as co-lead counsel in *In re Slack Technologies Shareholder Litigation*,
6 No. 19CIV05370 (San Mateo Sup. Ct.), representing tens of thousands of investors who
7 bought stock in the initial public offering of Slack, alleging that the registration statement
8 and prospectus contained misleading information about the company's condition, and was
9 an attorney for Lead Counsel in *In re Apple Inc. Device Performance Litigation*, No. 18-
10 md-02827-EJD, MDL No. 1699 (N.D. Cal.), representing millions of consumer cell phone
11 owners whose phones were throttled by Apple, which concluded with a settlement of \$310
12 million to \$500 million. Other cases include shareholder derivative suits (*e.g.*, *Tribble v.*
13 *Gerrans*, No. CIV1803695 (Marin Sup. Ct.)) and suits brought on behalf of the victims of
14 Ponzi schemes (*Koo v. Happe*, No. 19CIV00270925 (Sacramento Sup. Ct.)). His pro-bono
15 activities range from prosecuting cases on behalf elder abuse victims (*Hatch v. Kantz*, No.
16 18CIV537546 (San Mateo Sup. Ct.)) to representing municipalities in cases challenging
17 the constitutionality of government actions (*City of San Jose v. Trump*, No. 17-cv-05329-
18 WHA (N.D. Cal.); *City of Richmond v. Trump*, No. 17-cv-01535-WHO (N.D. Cal.)). Prior
19 to joining CPM, Danitz litigated numerous class actions and derivative cases as an attorney
20 at Wilson Sonsini Goodrich & Rosati in Palo Alto, including *Bien v. Lifelock Inc.*, No.
21 CV-14-00416-PHX-SRB (D. Ariz.); *Zucker v. Andreessen*, No. 6014-VCP (Del. Ch.);
22 *Mogensen v. Body Cent. Corp.*, No. 3:12-cv-954-J-20-JRK (M.D. Fla.); *In re HP Sec.*
23 *Litig.*, No. 3:12-CV-05980-CRB (N.D. Cal.); *In re HP ERISA Litig.*, No. C-12-6199-CRB
24 (N.D. Cal.); *In re Hewlett-Packard Co. Sec. Litig.*, No. 11-1404-AG-RNB (C.D. Cal.); *In*
25 *re HP Derivative Litig.*, 5:10-cv-3608-EJD (N.D. Cal.); *In re Taleo Corp. Sec. Litig.*, No.
26 C 09-00151-JSW (N.D. Cal.); *City of Roseville Employees' Ret. Sys. v. Sterling Fin. Corp.*,
27 No. 2:09-cv-00368-SAB (E.D. Wash.); and *Pfeifer v. Himax Techs., Inc.*, No. CV 07-
28 05468-DDP-AGR (C.D. Cal.). Danitz is active in the legal community, serving on the

1 California State Bar Judicial Nominees Evaluation Commission, serving on the Board of
2 the U.S. District Court for the Northern District of California Historical Society, and
3 volunteering in local bar activities such as mock trial competitions for high school
4 students.

5 20. Karin Swope has served as lead counsel and on steering committees in
6 national consumer, privacy, and pension fraud class actions. Swope has particular
7 expertise in E-Discovery and Intellectual Property, having been appointed as the ESI and
8 Offensive Discovery Co-Coordinator in the *In re Apple Device Performance Litigation*.
9 Swope has also served as an attorney for Lead Counsel on other consumer, privacy, and
10 pension fraud cases, including cases against Intellius, Wells Fargo, Facebook, and
11 Washington Mutual. Swope is active in community affairs, currently serving as an adjunct
12 professor at Seattle University School of Law where she teaches the Intellectual Property
13 Art Law Clinic and is President of the Intellectual Property Section of the Washington
14 State Bar Association. She has also taught numerous CLEs on E-Discovery and
15 Intellectual Property.

16 21. A true and correct copy of Altshuler Berzon's firm resume is attached hereto
17 as **Exhibit B**.

18 22. Altshuler Berzon specializes in labor and employment, environmental
19 constitutional, campaign and election, consumer, and civil rights law. Since its founding
20 in 1978, the firm has been on the forefront of protecting workers' and consumers' rights.
21 The firm has obtained multi-million dollar judgments and settlements, as well as court-
22 ordered and negotiated injunctive relief on behalf of consumers and workers. The firm
23 also frequently represents consumers and workers on appeal.

24 23. In 2015, Judge Lucy Koh appointed Altshuler Berzon as co-lead counsel in
25 *In Re Anthem, Inc. Data Breach Litigation*, N.D. Cal. No: 15-md-02617-LHK (NC), a
26 massive data breach case encompassing four consolidated class action complaints, which
27 required plaintiffs' counsel to review 3.8 million pages of documents, to depose 18
28 percipient fact witnesses, 62 corporate designees, and six defense experts, and to exchange

1 76 interrogatories, 731 RFAs, and 18 expert reports with Defendants before the case
2 settled for \$115 million.

3 24. In recent years, Altshuler Berzon attorneys have secured multi-million dollar
4 judgments in other class cases as well, including *Blair v. Rent-A-Center*, 2020 WL 408970
5 (N.D. Cal. 2020); *Beaver v. Tarsadia Hotels*, 2020 WL 1139662 (S.D. Cal. 2020); *Sanchez*
6 *v. McDonald's Restaurants of California, Inc.*, Los Angeles Superior Court No.
7 BC488999; *Smiles v. Walgreen Co.*, Alameda County Superior Court No. RG17862495;
8 *Henderson v. JPMorgan Chase Bank*, C.D. Cal. No. 2:11-CV-03428 PSG (PLAx); *Hall*
9 *v. Rite Aid Corp.*, San Diego Superior Court No. 37-2009-00087938-CU-OE-CTL;
10 *Kashmiri v. Regents of the University of California*, 156 Cal.App.4th 809 (2007); and
11 *Luquetta v. Regents of the University of California* (San Francisco Superior Court Case
12 No. CGC-05-443007, among many others. Altshuler Berzon attorneys have also worked
13 on significant appellate issues in dozens of cases.

14 25. Altshuler Berzon is knowledgeable about and has experience litigating the
15 applicable law relevant to this case, including the Due Process Clause of the Fourteenth
16 Amendment, California's Unfair Competition Law, Cal. Bus. & Prof. Code §17200 *et seq.*
17 ("UCL"), the California Consumer Privacy Act, Cal. Civ. Code §1798.80 *et seq.*
18 ("CCPA"), and the various common law claims at issue including negligence, negligent
19 hiring and supervision, breach of the implied covenant of good faith and fair dealing, and
20 breach of fiduciary duty.

21 26. Michael Rubin graduated in 1977 from the Georgetown University Law
22 Center, and joined Altshuler Berzon LLP (then known as Altshuler & Berzon) in
23 November 1981 after having clerked for U.S. District Court Judge Charles B. Renfrew
24 (N. D. Cal.), Ninth Circuit Chief Judge James R. Browning Jr., and Supreme Court
25 Associate Justice William J. Brennan, Jr. For many years, he has specialized in complex
26 civil litigation, including class actions and appeals. Rubin is a seven-time recipient of a
27 "California Lawyer of the Year" award by California Lawyer magazine and has been listed
28 for many years in "The Best Lawyers in America" in the categories of labor and

1 employment law and appellate law, and as a Northern California “Super Lawyer” in the
2 areas of appellate practice, labor and employment, and class actions. He has repeatedly
3 been named one of the “Top 100 California Lawyers,” and one of the “Top 75 Labor and
4 Employment Lawyers” by the Daily Journal. He is an elected Fellow of the College of
5 Labor and Employment Lawyers, and a former member of the Board of Directors of the
6 AFL-CIO’s Lawyers’ Coordinating Committee.

7 27. Among the many class actions in which Rubin and his colleagues at Altshuler
8 Berzon have served as class counsel or co-class counsel are: *Center for Workers’ Rights*
9 *v. EDD*, Alameda County Superior Court No. RG21106525 (co-lead counsel in class
10 action on behalf of unemployment insurance claimants whose access to benefits during
11 COVID-19 pandemic was wrongfully denied by state agency’s policies and practices); *In*
12 *Re Anthem, Inc. Data Breach Litigation*, N.D. Cal. No. 15-md-02617-LHK (NC) (co-lead
13 counsel in a massive data breach case encompassing four consolidated class action
14 complaints that resulted in a \$115 million settlement—the largest data breach settlement
15 in U.S. history at the time); *Ellis v. Google, Inc.*, San Francisco Superior Court No. CGC-
16 17-561299 (co-lead counsel in class action under the California Equal Pay Act alleging
17 that Google paid women employees less than it paid men with similar qualifications
18 performing similar work that settled for \$118 million); *Vaughn v. Tesla*, Alameda County
19 Superior Court No. RG17882082 (appellate counsel in race harassment class action
20 against automobile manufacturer); *Bunn v. Nike, Inc.*, N.D. Cal. No. 20-cv-7403-YGR
21 (co-lead counsel in Americans with Disabilities Act challenge to retailer’s failure to
22 accommodate hearing-disabled customers after implementing COVID-19 protocols);
23 *Schuman v. Microchip Technologies, Inc.*, N.D. Cal. No. 4:16-cv-05544-HSG (ERISA
24 class action challenging acquiring company’s refusal to honor predecessor’s severance
25 plan affecting more than 200 terminated employees); *Ibarra v. Wells Fargo Bank*, N.D.
26 Cal. No. 5:17-cv-06220-BLF (appellate counsel and co-counsel in consolidated class
27 actions challenging bank’s methodology for calculating California rest break wage
28 premiums, resulting in \$90 million settlement); *Ridgeway v. Walmart Inc.*, 946 F.3d 1066

(9th Cir. 2020) (appellate counsel in case affirming \$54 million jury verdict in truck drivers' California minimum wage law claims based on mandatory layover and rest break time); *Hernandez v. VES McDonald's*, Alameda County Superior Ct. No. RG20064825 (obtained TRO and preliminary injunction in public nuisance class action on behalf of employees and community members exposed to COVID 19 as a result of fast-food restaurant that failed to follow required legal protocols); *Nobles v. MBNA Corp.*, No. C06-3723-CRB (N.D. Cal.) (settlement of California consumer class action alleging that a bank misleadingly offered consumer lines of credit without disclosing hidden costs and credit impacts); *Fanning et al. v. HSBC Card Services Inc. et al.*, No. 12-cv-00885-JVS (C.D. Cal.) and *Lindgren v. HSBC Card Services Inc. et al.*, No. 14-cv-05615-JVS (C.D. Cal.) (settlement of statewide class action on behalf of California credit card holders alleging the bank secretly recorded their telephone conversations without their consent); *Kashmiri v. Regents of the University of California*, 156 Cal.App.4th 809 (2007) (\$33.8 million class-action judgment against the University of California for improperly charging fee increases to tens of thousands of undergraduate, graduate, and professional students; preliminary injunction prohibiting University from charging professional students an additional \$15 million in fees).

28. Rubin is currently lead or co-counsel in several trial court class actions, including: *McBurnie v. Acceptance Now, LLC*, , Case No. 3:21-cv-01429-JD (N.D. Cal.) (class action on behalf of low-income consumers against rent-to-own company that allegedly violates price-cap restrictions imposed by California's Karmette Rental Purchase Act and UCL); *Candelore v. Tinder, Inc.*, Los Angeles Superior Court No. BC583162 (240,000 member certified class alleging age-based pricing discrimination in violation of Unruh Act and UCL); *World Association of Ice Hockey Players Unions et al. v. National Hockey League et al.*, S.D. N.Y. No. 1:24-cv-01066 (antitrust class action against NHL and Canadian Hockey Leagues on behalf of teenaged major junior league hockey players subjected to mandatory drafts and reserve clauses without the protection of a collective bargaining agreement) *Council v. Ivey et al.*, M.D. Alabama No. 2:23-cv-00712-ECM-

1 JTA (RICO, Klu Klux Klan Act, Trafficking Victims Protection Act, and constitutional
2 class action against Alabama prison authorities for forced labor and wrongful race-based
3 parole scheme violations); *Schuman v. Microchip Technologies, Inc.*, N.D. Cal. No. N.D.
4 Cal. No. 4:16-cv-05544-HSG (ERISA class action challenging acquiring company's
5 refusal to honor predecessor's severance plan affecting more than 200 terminated
6 employees).

7 29. Stacey M. Leyton graduated first in her class from Stanford Law School in
8 1998. She served as a law clerk to U.S. Supreme Court Justice Stephen Breyer, Ninth
9 Circuit Judge Stephen Reinhardt, and U.S. District Court Judge Susan Illston. She has
10 previously served as both an Appellate Representative to the Ninth Circuit Judicial
11 Conference and a Lawyer Representative to the Northern District of California. She has
12 had an active federal court practice for the past 20 years at Altshuler Berzon, at both the
13 trial and appellate court level, involving a variety of state and federal statutory, common
14 law, and constitutional issues. She has served as lead counsel or co-lead counsel in
15 numerous federal court cases including in those that produced the following published
16 decisions during the past four years: *Polk v. Yee*, 36 F.4th 939 (9th Cir. 2022); *Jimenez v.*
17 *Service Employees Int'l Union Local 775*, 590 F.Supp.3d 1349 (E.D. Wash. 2022); *Trees*
18 *v. Service Employees Int'l Union Local 503*, 574 F.Supp.3d 856 (D. Or. 2021); *Service*
19 *Employees Int'l Union Local 87 v. NLRB*, 995 F.3d 1032 (9th Cir. 2021); *California*
20 *Trucking Ass'n v. Bonta*, 996 F.3d 644 (9th Cir. 2021); *California by and Through Becerra*
21 *v. Azar*, 501 F.Supp.3d 830 (N.D. Cal. 2020); *Polk v. Yee*, 481 F.Supp.3d 1060 (E.D. Cal.
22 2020); *William Morris Endeavor Entertainment, LLC v. Writers Guild of America*, 478
23 F.Supp.3d 932; 432 F.Supp.3d 1127 (C.D. Cal. 2020); *Oakland Bulk & Oversized*
24 *Terminal, LLC v. City of Oakland*, 960 F.3d 603 (9th Cir. 2020) (appellate level only);
25 *Evans Hotels, LLC v. Unite Here Local 30*, 433 F.Supp.3d 1130 (S.D. Cal. 2020); *Quirarte*
26 *v. United Domestic Workers AFSCME Local 3930*, 438 F.Supp.3d 1108 (S.D. Cal. 2020).
27 She served as lead class counsel in *Dominguez v. Schwarzenegger*, N.D. Cal. Case. No.
28 09-02306-CW. In 2011, she was named a "California Lawyer of the Year" by California

1 Lawyer Magazine for her work in a case challenging cutbacks to the California program
2 providing in home care to Medicaid recipients. She has been selected on numerous
3 occasions to the Northern California Super Lawyers, Best Lawyers in America for
4 exceptional work in appellate practice, Lawdragon Leading Civil Rights and Plaintiff
5 Employment Lawyers, and Benchmark Plaintiff California Local Litigation Stars,
6 Benchmark Top Women Attorneys in Northern California, and Benchmark Plaintiff Top
7 Women in Litigation.

8 30. Connie K. Chan is a graduate of Yale College and Yale Law School. She
9 served as a law clerk to Judge Michael Daly Hawkins of the United States Court of
10 Appeals for the Ninth Circuit and to Judge Lucy H. Koh of the United States District Court
11 for the Northern District of California. In 2017, she was named a “California Lawyer of
12 the Year” in Worker Health and Safety. She has been selected to the Northern California
13 Super Lawyers every year since 2022 and has been listed as one of *Lawdragon Magazine’s*
14 500 leading plaintiff employment and civil rights lawyers every year since 2021. She has
15 served as plaintiff’s counsel or class counsel in numerous class actions in both federal and
16 state trial court, including: *Jewett v. Oracle Corp.*, Case No. 17-CIV-02669 (San Mateo
17 Super. Ct.) (class counsel in \$25 million settlement, pending final approval, of statewide
18 class action on behalf of women employees for alleged violations of the California Equal
19 Pay Act and UCL); *Spicher v. Aidells Sausage Co.*, Case No. 3:15-cv-05012-WHO (N.D.
20 Cal.) (class counsel in settlement of statewide class action on behalf of low-wage workers
21 alleging various violations of the Labor Code); and *Cancilla v. Ecolab, Inc.*, Case No. 12-
22 cv-03001-JD (N.D. Cal.); (class counsel in settlement of nationwide class action on behalf
23 of low-wage workers alleging misclassification under the Fair Labor Standards Act and
24 various state wage-and-hour laws). During her time as a deputy city attorney in the
25 Affirmative Litigation Division of the Los Angeles City Attorney’s Office from 2018-
26 2020, she also served as lead counsel in *People of the State of California v. Intuit, Inc.*,
27 Case No. 19STCV15644 (Los Angeles Super. Ct.), the first public enforcement action
28 against Intuit Inc. regarding its allegedly deceptive advertising of “free” online TurboTax

1 products to low-income taxpayers eligible for the Internal Revenue Service Free File
2 Program, which ultimately resolved as part of a nationwide \$141 million settlement.
3

4 We each declare, under penalty of perjury, that the foregoing facts are true and
5 correct. Executed on this 29TH day of August 2024, in the State of California.

6 /s/ Brian Danitz

7 Brian Danitz

/s/ Michael Rubin

Michael Rubin

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I, Brian Danitz, attest that the other signatories listed, and on whose behalf this filing is submitted, concur in the filing content and have authorized this filing.

/s/ Brian Danitz
BRIAN DANITZ