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20 *Counsel for Plaintiff and Proposed Class*

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
22 **FOR THE COUNTY OF SAN DIEGO, HALL OF JUSTICE**

23 ELAINE WARD-HOWIE, on behalf of herself  
24 and all others similarly situated,

25 Plaintiff,

26 vs.

27 FRONTWAVE CREDIT UNION,

28 Defendant.

Case No. 37-2022-00016328-CU-BC-CTL  
Assigned to Hon. Katherine A. Bacal  
Dept.: C-69

**DECLARATION OF SOPHIA GOLD AND  
JEFF OSTROW IN SUPPORT OF  
UNOPPOSED MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT; APPLICATION FOR  
ATTORNEYS' FEES, COSTS, AND  
INCENTIVE AWARD**

**[Notice Motion and of Unopposed Motion;  
Memorandum of Points and Authorities;  
Declaration of Cameron Azari; and  
[Proposed] Order filed concurrently  
herewith]**

**Date: July 12, 2024  
Time: 1:30 p.m.  
Dept: C-69**

**Amended Complaint Filed: January 4, 2023  
Complaint Filed: April 29, 2022  
Trial Date: None Set**

1 We, Sophia G. Gold and Jeff Ostrow declare as follows:

2 1. We are counsel of record for Plaintiffs and the proposed Settlement Class. We submit  
3 this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement and  
4 Application for Attorneys’ Fees, Costs and Incentive Award. Unless otherwise noted, we have  
5 personal knowledge of the facts set forth in this Declaration and could and would testify competently  
6 to them if called upon to do so.

7 **Background and Procedural History**

8 2. On April 29, 2022, Plaintiff filed her initial Class Action Complaint, alleging  
9 breaches of contract and the implied covenant of good faith and fair dealing and UCL violation for  
10 APPSN Fees.

11 3. On June 17, 2022, Defendant removed the Action to federal court, Case No. 3:22-  
12 cv-00890 (S.D. Cal.), under the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1332(d).  
13 On June 24 and 27, 2022, respectively, Defendant filed a motion to dismiss and amended motion to  
14 dismiss.

15 4. On July 7, 2022, Plaintiff moved to remand the case to this Court arguing Defendant  
16 did not plausibly allege CAFA’s \$5,000,000 jurisdictional threshold was met. The Parties fully  
17 briefed that motion, and, on July 26, 2022, the Honorable Cathy Ann Bencivengo ordered the Parties  
18 to show cause why the case should not be remanded because Defendant is a state-chartered credit  
19 union and CAFA’s exceptions mandating or allowing the Court to decline jurisdiction where more  
20 than two-thirds or one-third of class members are citizens of the state in which the action was  
21 originally filed (*see* 28 U.S.C. §§ 1332(d)(4)(B), (d)(3)). On August 5, 2022, the Parties separately  
22 responded, with Plaintiff requesting the court exercise its discretion to decline jurisdiction under  
23 CAFA’s discretionary home state exception. On August 11, 2022, the federal court remanded the  
24 Action.

25 5. On September 16, 2022, Defendant filed a demurrer, arguing its Account agreement  
26 permitted it to charge APPSN Fees and the contract and UCL claims are preempted by federal law.

27 6. On January 4, 2023, Plaintiff filed her First Amended Class Action Complaint, again  
28 alleging APPSN Fee claims and adding the Retry Fee claims. First Am. Compl. ¶ 99; *see also id.*

¶¶ 30-51; 71-94. On February 21, 2023, Defendant filed a demurrer scheduled to be heard on July 21, 2023, challenging the contract and UCL claims.

7. The Parties agreed to mediate, before which Defendant retained an experienced expert with whom Class Counsel had also dealt in numerous similar cases to evaluate Defendant’s account-level transaction data to assess its damages exposure for APPSN Fees and Retry Fees. Defendant shared the results of that detailed analysis before mediation. Defendant also responded to Plaintiff’s document requests and interrogatories, producing over 500 pages, allowing Class Counsel to be sufficiently educated regarding Defendant’s fee practices and damages exposure if Plaintiff prevailed at trial.

8. On June 27, 2023, the Parties attended an all-day mediation with Judge Edward A. Infante (Ret.) of JAMS, reaching an agreement to the material settlement terms. They then negotiated the Agreement, executing it effective September 18, 2023.

9. Thereafter, Class Counsel prepared the Motion for Preliminary Approval, which the Court granted on February 21, 2024. The Parties then proceeded to work with the Settlement Administrator to implement the Notice Program.

**Class Counsel Experience and Expertise**

10. Counsel for both sides have significant experience in consumer class-action litigation involving deceptive practices, including those involving account fees. Class Counsel are highly experienced in consumer class action litigation, as demonstrated by their firm resumes, and have brought that significant experience to bear in litigating and settling this Action.

11. Class Counsel collectively have decades of experience litigating consumer class actions (including those against financial institutions) and have litigated and settled dozens of class actions involving deceptive practices, banking fees, and other types of allegedly wrongful conduct by financial institutions.

12. Class Counsel have emerged as leaders in nationwide litigation against financial institutions over the assessment of improper fees.

**Kaliel Gold PLLC**

13. Kaliel Gold PLLC (“KG”) has extensive experience in consumer protection class

1 actions in both state and federal court and has represented accountholders in hundreds of class  
2 actions against financial institutions. KG's firm resume is attached as *Exhibit 1*.

3 14. Co-lead Counsel Sophia Gold is a graduate of the University of California, Berkeley,  
4 School of Law and a member in good standing of the District of Columbia Bar and the State Bar of  
5 California. She has substantial experience with consumer class actions in both state and federal  
6 court. She has won contested motions for class certification; briefed, argued, and overturned  
7 dispositive lower court rulings at the federal appellate level; and worked extensively with economics  
8 and information technology experts to build damages models. She has also successfully resolved  
9 numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for  
10 millions of class members. Her firm, KanielGold PLLC ("KG"), has extensive class action  
11 experience and has been appointed as class counsel in numerous class actions in which courts have  
12 recognized the firm's expertise in the area of class action litigation in particular. *See, e.g., Hinton*  
13 *v. Atlantic Union Bank*, No. 20-cv-00651 (E.D. Va.) ("Class Counsel's expertise, perseverance, and  
14 skill allowed them to obtain an excellent result for the Settlement Class."); *Kelly v. Community*  
15 *Bank*, No. 18-cv-00919 (N.D.N.Y.) (determining Class Counsel to be "qualified, experienced, and  
16 able to conduct the litigation of this Action"); *Gonzalez v. Banner Bank*, No. 20-cv-05151 (E.D.  
17 Wa.) (Class counsel "were diligent in their representation of the Class"); *Lambert v. Navy Federal*  
18 *Credit Union*, No. 19-cv-00103 (E.D. Va.) (Class Counsel's "tenacity in the face of significant risk  
19 and complexity allowed to achieve an outstanding recovery that provides substantial benefits to  
20 Settlement Class Members."); *Walters v. Target Corporation*, No. 16-cv-01678 (S.D. Cal.) ("It is  
21 undisputed that Class Counsel achieved this result through tenacity and skill in presenting novel and  
22 complex legal issues."); *Figueroa v. Capital One, N.A.*, No. 18-cv-00692 (S.D. Cal.) (praising Class  
23 Counsel for the "very positive result achieved for the class" in a case involving a "novel legal  
24 issue"); *White v. Members 1st Credit Union*, No. 19-cv-00556 (M.D. Pa.) (finding Class Counsel to  
25 be "highly trained in class action law and procedure" and noting their "ability to negotiate the instant  
26 Settlement at the early stages of this litigation demonstrates their high level of skill and efficiency");  
27 *Perks v. Activehouse d/b/a Earnin*, No. 19-cv-05543 (N.D. Cal.) ("Class Counsel have substantial  
28 experience in litigating and settling consumer class actions."). KG's tenacity is frequently reflected

1 in the results it achieves for the classes it represents, especially in cases involving similar bank fees.  
2 See, e.g., *Roberts v. Capital One*, No. 16-cv-04841 (S.D.N.Y.) (\$17 million settlement approved for  
3 the class); *Perks v. TD Bank*, Case No. 18-cv-11176 (S.D.N.Y.) (\$41.5 million settlement approved  
4 for the class); *Morris et al. v. Bank of America, N.A.*, No. 18-cv-00157 (W.D.N.C.) (\$75 million  
5 settlement approved for the class).

6 15. Jeff Kaliel is a graduate of Yale Law School and a founding partner of KG with  
7 nearly twenty years of experience handling class actions in state and federal courts across the  
8 country.

9 16. Brittany Casola is an attorney with nearly ten years of experience.

10 17. Neva Garcia is a certified paralegal and has been a paralegal since 2001.

11 **Kopelowitz Ostrow P.A.**

12 18. Co-Lead Counsel Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A.,  
13 (“KO”) and has extensive experience litigating nationwide and state consumer class actions, having  
14 practiced law since 1997.

15 19. KO handles a variety of consumer class actions, with a major focus of our resources  
16 pursuing financial institutions and other corporations that assess their customers unlawful fees. KO  
17 has been appointed class counsel in dozens of cases throughout the country and have tried several  
18 to verdict. The firm is well positioned to understand the risks of this Action and why settlement at  
19 this stage of the litigation was the best option for the putative class. Based upon our experience as  
20 one of the leading financial services and unlawful fee class action firms for over a decade, KO is  
21 confident the Settlement obtained here is a good result. KO has devoted the time and resources of  
22 its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the  
23 putative class in this litigation. Examples of other class action settlements, including dozens against  
24 other financial institutions for which KO has recovered hundreds of millions of dollars appear in  
25 KO’s firm resume, attached hereto as *Exhibit 2*.

26 20. Jonathan M. Streisfeld is a KO partner since 2008 and has been practicing since 1997.  
27 He devoted significant resources to the prosecution of this Action and the proposed Settlement.

28 21. Jason H. Alperstein is a former KO partner and was admitted to practice law in

1 Florida beginning 2009 and is also admitted to practice in New York and a number of federal courts  
2 around the country.

3 22. Daniel E. Tropin was KO partner until January, 2024, and was admitted to practice  
4 law in Florida beginning in 2012, and is licensed in federal courts around the country.

5 23. Steven P. Sukert is a current KO partner and was admitted in practice law in Florida  
6 beginning in 2020 and is also licensed in New York and a number of federal courts.

7 24. Todd M. Becker is a senior paralegal with KO and has been a paralegal since 2005.

8 **The Settlement**

9 25. The total recovery for the Settlement Class represents approximately 46% of their  
10 total alleged damages in Relevant Fees.

11 26. In addition, Class Counsel requests 33.33% (or \$666,600.00) of the Value of the  
12 Settlement (\$2,000,000.00), and litigation costs totaling \$11,736.19.

13 27. The Settlement was reached only after the Parties negotiated each term of the  
14 Agreement through arm's-length bargaining conducted in good faith and informed by a sufficient  
15 investigation and evaluation of the strengths and weaknesses of the action.

16 28. The Settlement was vigorously negotiated with the assistance of Judge Infante (Ret.),  
17 a well-respected mediator who is well-versed in complex consumer disputes, who presided over a  
18 full-day mediation between capable and experienced class action counsel on both sides.

19 29. The settlement negotiations were driven by the valuable exchange of key  
20 information.

21 30. Defendant informally provided to Plaintiff an expert-informed analysis of estimated  
22 damages incurred by Plaintiff and the Settlement Class under the theories of liability as alleged and  
23 other relevant information that allowed the Parties and will ultimately allow the Court to  
24 independently and objectively analyze the evidence and circumstances before it in order to  
25 determine whether the Settlement is in the best interests of those whose claims will be extinguished.  
26 Once the Parties agreed to settle this Action, Defendant's regularly maintained, account level  
27 transaction data allowed its expert to determine the Relevant Fees that each Accountholder was  
28 assessed from Defendant's alleged improper assessment of APPSN Fees and Retry Fees, and the

1 aggregate damages alleged for the Settlement Class.

2 31. Based on the final analysis of this data, Class Counsel negotiated what they believe  
3 is a fair settlement, which allows the Settlement Class to receive nearly half of their actual damages.

4 32. Experienced Class Counsel have weighed the strengths of the case, examined all of  
5 the issues and risks of litigation, and now fully endorse the proposed Settlement as being fair,  
6 adequate, and reasonable.

7 33. Class Counsel collectively have decades of experience serving as class counsel in  
8 hundreds of complex class actions, including a substantial portion dedicated to account fee cases  
9 challenging Overdraft Fees and Returned Item Fees assessed by financial institutions, and have  
10 recovered hundreds of millions of dollars for those classes.

11 34. This percentage of recovery is fair and reasonable in light of the significant risks and  
12 challenges inherent in the litigation. For instance, Defendant disputed that APPSN Fees and Retry  
13 Fees breached the contract or violated the UCL, and further argued that these claims were federally  
14 preempted.

15 35. To Plaintiff's knowledge, cases pursuing these novel liability theories have not yet  
16 been successfully tried to judgment.

17 36. As such, establishing liability is a complex and challenging undertaking, especially  
18 in light of the novel nature of these claims and the lack of guiding precedent. Indeed, Plaintiff would  
19 still need to survive additional forthcoming motion practice, such as the pending demurrer, summary  
20 judgment, motions challenging experts, class certification, and any possible appeals.

21 37. Further, Class Counsel took this matter on a full contingency basis, for which they  
22 would have recovered nothing if they had not prevailed in the matter. Counsel have litigated this  
23 case for a substantial length of time and have received no payment of their work to date.

24 38. These Class Counsel firms have regularly achieved exceptional results for settlement  
25 classes and have routinely been appointed class counsel in dozens of cases across the country.

26 **The Requested Fee is Reasonable**

27 39. Class Counsel has not been paid for their extensive efforts in securing the Settlement  
28 benefits for the Settlement Class and has not been reimbursed for litigation costs and expenses

1 incurred.

2 40. The total lodestar of all of the law firms that worked on this case is \$248,064.80,  
3 broken down by firm as follows:

4 KalielGold PLLC - \$129,359.70

5 Kopelowitz Ostrow Ferguson Weiselberg Gilbert - \$118,466.10

6 41. Class Counsel expended approximately 313.25 hours performing necessary work on  
7 behalf of the Settlement Class: investigating and gathering evidence supporting the claims resolved  
8 by the Settlement; drafting the complaints; conferring with the Class Representative; regularly  
9 researching critical legal issues; successfully pursuing the motion to remand and analyzing the  
10 arguments in the pending demurrer; preparing for mediation including by drafting a comprehensive  
11 mediation statement; drafting written discovery requests and reviewing document productions;  
12 attending a full-day mediation; negotiating and drafting the Agreement with Defendant's Counsel;  
13 moving for and obtaining Preliminary Approval; overseeing the Settlement Administrator's efforts  
14 to provide Notice to the Settlement Class; and preparing this Motion.

15 42. Additional work will be required prior to and after Final Approval is granted to aid  
16 the Settlement Administrator in implementing the Settlement.

17 43. Plaintiff's Counsel lodestar is \$248,064.80, resulting in a multiplier of 2.69.

18 44. Class Counsel has certified their hours and rates in prosecuting this action.

19 45. Class Counsel's rates for attorneys' fees and costs are derived from the Adjusted  
20 Laffey Matrix, which is published by the D.C. Circuit Court, and which measure prevailing market  
21 rates based on seniority. As the Motion explains, California courts have accepted the use of Laffey  
22 Matrix rates in adjudging class counsel fee awards.

23 **KalielGold PLLC's Lodestar**

24 46. The current hourly rates for the attorneys and support staff at KG who worked on  
25 this case are as follows:

26 a. Jeffrey D. Kaliel (Partner) - \$878.00

27 b. Sophia G. Gold (Partner) - \$777.00

28 c. Brittany Casola (Associate) - \$777.00



1 d. Neva R. Garcia (Paralegal) - \$239.00

2 47. These rates are the standard rates we charge in other contingency and class action  
3 matters.

4 48. The hourly rates for the attorneys and professional support staff of my firm included  
5 above are the same as the regular rates charged for their services in non-contingent matters and/or  
6 which have been accepted in other complex or class action litigation, subject to subsequent annual  
7 increases.

8 49. KG's time, broken out by categories, is set out below. Class Counsel will submit  
9 detailed time records for each attorney should the Court so require.

<b><u>Task</u></b>	<b>Jeffrey Kaliel</b>	<b>Sophia Gold</b>	<b>Brittany Casola</b>	<b>Neva Garcia</b>
<b>Presuit investigation, Factual Development, Client Meetings and Correspondence</b> <i>Reviewed initial client intake and bank statements; researched potential causes of action and appropriate venue; interviewed client and analyzed bank statements; reviewed and analyzed relevant disclosures and compared to other financial institution disclosures.</i>	1.0	3.5		
<b>Strategy, Case Analysis, Class Counsel Conferences</b> <i>Strategy meetings internally at the firm and with co-counsel throughout the case</i>	2.5	2.5	0.5	0.8
<b>Pleadings and Discovery</b> <i>Researched and drafted complaint; application for complex treatment; review demurrers and federal court motion to dismiss; drafting discovery and reviewing discovery responses and production.</i>	0.5	8	2.5	6.0

<b><u>Task</u></b>	<b>Jeffrey Kaliel</b>	<b>Sophia Gold</b>	<b>Brittany Casola</b>	<b>Neva Garcia</b>
<b>Motion Practice</b> <i>Reviewed and analyzed Defendant's notice of removal; research and draft federal court motion to remand and reply in support of motion.</i>	1.0	10.5	4.0	7.5
<b>Settlement</b> <i>Engaged in settlement discussions with opposing counsel; coordinated settlement strategy with co-counsel; researched and prepared mediation brief; attended a full-day in-person mediation; negotiated and finalized settlement agreement and all associated documentation; obtained client approval and signature.</i>	4.5	52.0		3.0
<b>Preliminary Approval</b> <i>Drafted motion for preliminary approval of class action settlement and accompanying declarations.</i>		9.0		7.5
<b>Class Notice</b> <i>Received and reviewed detailed bids from notice administrators; worked with notice administrator to develop notice plan and find cost-efficiencies; drafted notices; oversaw notice program.</i>	0.2	4.0		
<b>Final Approval, Settlement Execution, Distribution of Common Fund (Includes 20 hours of Estimated Time)</b> <i>Prepare motion for final approval and all supporting declarations, respond to objections (if any), respond to class member inquiries, prepare for and attend final approval hearing, work with settlement administrator to ensure proper distribution of funds to class members, prepare any post-final approval motions.</i>		26.5	19.5	8.0
<b>Totals</b>	<b>9.7</b>	<b>116.0</b>	<b>26.5</b>	<b>32.8</b>

1 50. The total hours billed by the attorneys and support staff at KG for this case are  
2 184.55. Applying the above hourly rates, the total lodestar is \$129,359.70.

3 51. This lodestar includes hours of estimated time that will be spent from the date of this  
4 declaration forward, which KG expects will include tasks related to preparing for the Final Approval  
5 Hearing, responding to objections if any, and attending to Settlement Class member inquiries,  
6 preparing for and attending the Final Approval Hearing, working with the Settlement Administrator,  
7 ensuring proper distribution of funds to Settlement Class Members, and any post-Final Approval  
8 motions and hearings. It is estimated that KG will spend approximately 20 hours on these tasks.

9 **Costs of Litigation**

10 52. Class Counsel also respectfully requests an award of \$11,736.19 in reasonable and  
11 necessary litigation costs expended for the Settlement Class.

12 53. The requested costs amount is relatively low for class litigation given its complexity  
13 and lower than the estimated amount in the Notices. The costs and expenses were also an important  
14 factor in bringing this matter to a successful conclusion.

15 54. Additionally, KG's costs in prosecuting this case are set forth below. KG is not  
16 seeking reimbursement for internal overhead expenses that are ordinarily reimbursed to Class  
17 Counsel in class actions. In addition, though KG incurred travel-related expenses for this case, KG  
18 is not seeking any reimbursement for travel costs. Cost receipts will be submitted to the Court should  
19 it likewise so require.

20

<b>Task</b>	<b>KG</b>
Court Fees	\$2,114.25
Mediation	\$5,212.50
<b>Total</b>	<b>\$7,326.75</b>

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24 **Kopelowitz Ostrow P.A. Lodestar**

25 55. KO has devoted the time and resources of its attorneys and staff to ensure the  
26 vigorous prosecution of the claims brought on behalf of the putative class in this litigation.

27 56. The current hourly rates for the attorneys and support staff at KO who worked on  
28 this case are as follows:

- 1 a. Jeff Ostrow (Partner) - \$1,057
- 2 b. Jonathan M. Stresfeld - \$1,057
- 3 c. Jason H. Alperstein - \$878
- 4 d. Daniel E. Tropin - \$878
- 5 e. Steven P. Sukert - \$538
- 6 f. Todd M. Becker - \$239

7 57. These rates are the standard rates we charge in other contingency and class action  
8 matters.

9 58. The hourly rates for the attorneys and professional support staff of my firm included  
10 above are the same as the regular rates charged for their services in non-contingent matters and/or  
11 which have been accepted in other complex or class action litigation, subject to subsequent annual  
12 increases.

13 59. Kopelowitz Ostrow’s time, broken out by categories, is set out below. Class Counsel  
14 will submit detailed time records for each attorney should the Court so require

<b><u>Task</u></b>	<b>Jeff Ostrow</b>	<b>Jonathan Stresfeld</b>	<b>Jason Alperstein</b>	<b>Daniel Tropin</b>	<b>Steven Sukert</b>	<b>Todd Becker</b>
<b>Presuit investigation, Factual Development, Client Meetings and Correspondence</b> <i>Reviewed initial client intake and bank statements; researched potential causes of action and appropriate venue; interviewed client and analyzed bank statements; reviewed and analyzed relevant disclosures and compared to other financial institution disclosures.</i>						
<b>Strategy, Case Analysis, Class Counsel Conferences</b> <i>Strategy meetings internally at the firm and with co-counsel throughout the case</i>		2.0				

<b><u>Task</u></b>	<b>Jeff Ostrow</b>	<b>Jonathan Streisfeld</b>	<b>Jason Alperstein</b>	<b>Daniel Tropin</b>	<b>Steven Sukert</b>	<b>Todd Becker</b>
<b>Pleadings and Discovery</b> <i>Researched and drafted complaint; application for complex treatment; review demurrers and federal court motion to dismiss; drafting discovery and reviewing discovery responses and production.</i>	.1	11.7				8.3
<b>Motion Practice</b> <i>Reviewed and analyzed Defendant's notice of removal; research and draft federal court motion to remand and reply in support of motion.</i>		3.6	11.8			
<b>Settlement</b> <i>Engaged in settlement discussions with opposing counsel; coordinated settlement strategy with co-counsel; researched and prepared mediation brief; attended a full-day in-person mediation; negotiated and finalized settlement agreement and all associated documentation; obtained client approval and signature.</i>	10.8	11.4		3.0		.4
<b>Preliminary Approval</b> <i>Drafted motion for preliminary approval of class action settlement and accompanying declarations.</i>	1.0	13.9			13.0	
<b>Class Notice</b> <i>Received and reviewed detailed bids from notice administrators; worked with notice administrator to develop notice plan and find cost-efficiencies; drafted notices; oversaw notice program.</i>	1.7	3.7				

<b><u>Task</u></b>	<b>Jeff Ostrow</b>	<b>Jonathan Streisfeld</b>	<b>Jason Alperstein</b>	<b>Daniel Tropin</b>	<b>Steven Sukert</b>	<b>Todd Becker</b>
<b>Final Approval, Settlement Execution, Distribution of Common Fund (Includes 20 hours of Estimated Time)</b> <i>Prepare motion for final approval and all supporting declarations, respond to objections (if any), respond to class member inquiries, prepare for and attend final approval hearing, work with settlement administrator to ensure proper distribution of funds to class members, prepare any post-final approval motions.</i>	20.8	10.5				1.0
<b>Totals</b>	<b>34.4</b>	<b>56.8</b>	<b>11.8</b>	<b>3.0</b>	<b>13.0</b>	<b>9.7</b>

60. The total hours billed by the attorneys and support staff at Kopelowitz Ostrow for this case are 127.7. Applying the above hourly rates, the total lodestar is \$118,466.10.

61. This lodestar includes hours of estimated time that will be spent from the date of this declaration forward, which KO expects will include tasks related to preparing the for the Final Approval Hearing, responding to objections, if any, and attending to Settlement Class member inquiries, attending the Final Approval Hearing, working with the Settlement Administrator, ensuring proper distribution of funds to Settlement Class Members, and any post-Final Approval motions and hearings. It is estimated that KO will spend approximately 20 hours on these tasks.

62. Additionally, KO's costs in prosecuting this case are set forth below. KG is not seeking reimbursement for internal overhead expenses that are ordinarily reimbursed to Class Counsel in class actions. Cost receipts will be submitted to the Court should it likewise so require.

<b><u>Task</u></b>	<b><u>KO</u></b>
Court Fees	\$51.25
Mediation	\$4,358.19
<b>Total</b>	<b>\$4,409.44</b>

1 **The Service Award is Justified**

2 63. Class Representative took risks by offering her services when the viability of her  
3 claims was uncertain. Her claims, which publicly disclosed her personal financial information,  
4 created notoriety regardless of her success on the claims. Had she failed, she created risk to her  
5 reputation. She should be commended for taking action to protect the interests of hundreds of  
6 thousands of Defendant’s members who were affected by the credit union’s fee policies, on top of  
7 their own individual claims.

8 64. It cannot be disputed that Plaintiff’s efforts have created extraordinary financial  
9 benefits for the Settlement Class, compensating them for past harm and protecting them from future  
10 harm. Plaintiff expended hours in advancing this litigation against a large and powerful adversary.  
11 She conferred with Class Counsel on a number of occasions. Specifically, Plaintiff provided  
12 assistance that enabled Class Counsel to successfully prosecute the Action and reach the Settlement,  
13 including: (1) submitting to interviews with Class Counsel; (2) locating and forwarding relevant  
14 documents and information; (3) participating in conferences with Class Counsel; and (4) approving  
15 the Settlement terms.

16 65. Plaintiff has taken every necessary action to protect the interests of the Settlement  
17 Class, has undertaken reputational risks, provided substantial, tangible benefits to all Settlement  
18 Class Members, and was essential to the success of the litigation and to securing a favorable  
19 Settlement. Among other things, Plaintiff provided essential information for the prosecution of this  
20 action and in connection with negotiations and settlement, gathered and provided pertinent  
21 documents, took time to participate in phone calls with counsel, and reviewed the Settlement  
22 documents. At no time did Plaintiff ever have a guarantee of any personal benefit as a result of this  
23 Action.

24 I declare under penalty of perjury under the laws of the State of California that the foregoing  
25 is true and correct. Executed this 28th day of May, 2024, at Berkeley, California.

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28 SOPHIA G. GOLD

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 28th day of May, 2024, at Fort Lauderdale, Florida.



\_\_\_\_\_  
JEFF OSTROW



# **EXHIBIT 1**

**KALIELGOLD PLLC**

KalielGold PLLC was founded in 2017 and is a 100% contingency Plaintiff-side law firm. Our attorneys have decades of combined experience and have secured hundreds of millions of dollars for their clients. Our firm's practice focuses on representing consumers in class action litigation and specifically on cases in the consumer financial services sector. In the four years since our firm was founded, our firm has been appointed lead counsel or co-lead counsel in numerous class action and putative class action lawsuits in state and federal courts nationwide including most recently in *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.); *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.); *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.); *Liggio v. Apple Federal Credit Union*, No. 18-cv-01059 (E.D. Va.); *Morris et al. v. Bank of America, N.A.*, No. 3:18-cv-00157-RJC-DSC (W.D.N.C.); *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cnty., Colo.); *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.); *White v. Members 1<sup>st</sup> Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.); *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cnty. Of Bartholomew, Ind.); *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.); *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct., San Francisco Cnty, Cal.); *Martin v. Le<sup>o</sup>N Federal Credit Union*. No. 19-CI-022873 (Jefferson Cir. Ct., Div. One); *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cnty.); *Morris v. Provident Credit Union*, Case No. CGC-19-581616 (Super. Ct., San Francisco Cnty., Cal.).

As shown in the biographies of our attorneys and the list of class counsel appointments, KalielGold PLLC is well versed in class action litigation and zealously advocates for its clients. To learn more about KalielGold PLLC, or any of the firm's attorneys, please visit [www.kalielgold.com](http://www.kalielgold.com).

**JEFFREY D. KALIEL**

Jeffrey Kaliel earned his law degree from Yale Law School in 2005. He graduated from Amherst College summa cum laude in 2000 with a degree in Political Science, and spent one year studying Philosophy at Cambridge University, England.

Over the last 10 years, Jeff has built substantial class action experience. He has received "Washington D.C. Rising Stars Super Lawyers 2015" recognition.

Jeff has been appointed lead Class Counsel in numerous nationwide and state-specific class actions. In those cases, Jeff has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. Jeff has also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for millions of class members.

Currently Jeff is actively litigating several national class action cases, including actions against financial services entities and other entities involved in predatory lending and financial services targeting America's most vulnerable populations.

Jeff's class action successes extend beyond financial services litigation. He seeks to lead cases that serve the public interest. Jeff has worked with nonprofits such as the Humane Society, Compassion Over Killing, and the National Consumers League to fight for truth in the marketplace on food and animal products.

Jeff has over a decade of experience in high-stakes litigation. He was in the Honors Program at the Department of Homeland Security, where he worked on the Department's appellate litigation. Jeff also helped investigate the DHS response to Hurricane Katrina in preparation for a Congressional inquiry. Jeff also served as a Special Assistant US Attorney in the Southern District of California, prosecuting border-related crimes.

Jeff is a former Staff Sergeant in the Army, with Airborne and Mountain Warfare qualifications. He is a veteran of the second Iraq war, having served in Iraq in 2003.

Jeff is admitted to practice in California and Washington, DC, and in appellate and district courts across the country.

Jeff lives in Washington, D.C. with his wife, Debbie, and their three children.

**SOPHIA GOREN GOLD**

Sophia Goren Gold is a third-generation Plaintiff's lawyer. A *summa cum laude* graduate of Wake Forest University and the University of California, Berkeley, School of Law, Sophia has spent her entire career fighting for justice.

A fierce advocate for those in need, Sophia's practice centers around taking on financial institutions, insurance companies, and other large corporate interests. Sophia has participated in hundreds of individual and class cases in both state and federal courts across the country. Collectively, she has helped secure tens of millions of dollars in relief on behalf of the classes she represents.

In addition to providing monetary relief, Sophia's extensive litigation experience has resulted in real-world positive change. For example, she brought litigation which resulted in the elimination of the Tampon Tax in the State of Florida, and she was influential in changing the state of Delaware's Medicaid policy, resulting in greater access to life-saving medication.

Sophia is currently representing consumers in numerous cases involving the assessment of improper fees by banks and credit unions, such as overdraft fees, insufficient funds fees, and out of network ATM fees. She is also currently representing consumers who have been the victims of unfair and deceptive business practices.

Sophia is admitted to practice in California and Washington, D.C. When not working, Sophia enjoys spending time with her husband, daughter, and their goldendoodle.

**BRITTANY CASOLA**

Brittany Casola attended the University of Central Florida in Orlando and graduated in 2012 with a bachelor's degree in Political Science and a minor in Spanish. Brittany earned her Juris Doctorate from California Western School of Law in 2015 and graduated magna cum laude in the top 10% of her class.

Throughout the course of her law school career, she served as a judicial extern to the Honorable Anthony J. Battaglia for the United States District Court, Southern District of California and worked multiple semesters as a certified legal intern for the San Diego County District Attorney's Office. Brittany was awarded Academic Excellence Awards in law school for receiving the highest grade in Trial Practice, Health Law & Policy, and Community Property.

Before joining KalielGold PLLC, Brittany worked as a judicial law clerk for the Honorable Anthony J. Battaglia and as an associate attorney for Carlson Lynch LLP, specializing in consumer complex litigation.

**AMANDA ROSENBERG**

Amanda Rosenberg graduated *cum laude* from the University of California, Hastings College of the Law in 2011 and the University of California, San Diego in 2008, where she earned departmental Honors with Highest Distinction in history.

Before joining KalielGold PLLC, Amanda represented and advised small businesses and financial institutions in litigation matters including employment disputes, merchant disputes, credit and charge card disputes, wrongful foreclosures, and securities. She has successfully litigated cases in California, Illinois, and Michigan.

Amanda is an active volunteer in her community and has helped numerous individuals understand and navigate their rights in the workplace.

In law school, Amanda worked as an extern for the Honorable Judge Vaughn Walker in the United States District Court, Northern District of California. Amanda was awarded academic excellence awards for receiving the highest grades in Trial Advocacy and Litigating Class Action Employment.

When not working, Amanda loves exploring Michigan's outdoors with her husband, kids, and rescue dog.

**CLASS COUNSEL APPOINTMENTS**

- *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.);
- *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.);
- *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.).
- *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.);
- *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cnty., Colo.).
- *Liggio v. Apple Federal Credit Union*, Civil No. 18-cv-01059 (E.D. Va.);
- *Morris et al. v. Bank of America, N.A.*, Civil No. 3:18-cv-00157-RJC-DSC (W.D.N.C.);
- *White v. Members 1<sup>st</sup> Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.);
- *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Bartholomew Cnty., Ind.);
- *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.);
- *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct., San Francisco, Cnty., Cal.);
- *Martin v. Le&N Federal Credit Union*. No. 19-CI-022873 (Jefferson Cir. Ct., Division One);
- *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cnty.);
- *Morris v. Provident Credit Union*, Case No. CGC-19-581616 (Super. Ct. San Francisco Cnty., Cal.).
- *Bodnar v. Bank of America, N.A.*, 5:14-cv-03224 (E.D. Pa.);
- *In re Higher One OneAccount Marketing and Sales Practice Litigation.*, No. 12-md-02407-VLB (D. Conn.).
- *Shannon Schulte, et al. v. Fifth Third Bank.*, No. 1:09-cv-06655 (N.D. Ill.);
- *Kelly Mathena v. Webster Bank*, No. 3:10-cv-01448 (D. Conn.);
- *Nick Allen, et al. v. UMB Bank, N.A., et al.*, No. 1016 Civ. 34791 (Cir. Ct. Jackson Cnty., Mo.);
- *Thomas Casto, et al. v. City National Bank, N.A.*, 10 Civ. 01089 (Cir. Ct. Kanawha Cnty., W. Va.);
- *Eaton v. Bank of Oklahoma, N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.*, No. CJ-2010-5209 (Dist. Ct. for Tulsa Cnty., Okla.);
- *Lodley and Tehani Taulva, et al., v. Bank of Hawaii and Doe Defendants 1-50*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.);
- *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al*, No. 1:10-cv-21080 (S.D. Fla.);
- *Mascaro, et al. v. TD Bank, Inc.*, No. 10-cv-21117 (S.D. Fla.);
- *Theresa Molina, et al., v. Intrust Bank, N.A.*, No. 10-cv-3686 (18th Judicial Dist., Dist. Ct. Sedgwick Cnty., Kan.);
- *Trombley v. National City Bank*, 1:10-cv-00232-JDB (D.D.C.); *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.);
- *Brown et al. v. Transurban USA, Inc. et al.*, No. 1:15-CV-00494 (E.D. Va.);
- *Grayson v. General Electric Co.*, No. 3:13-cv-01799 (D. Conn.);
- *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.).

# **EXHIBIT 2**





# FIRM RESUME

One West Las Olas Boulevard, Suite 500  
Fort Lauderdale, Florida 33301

**Telephone:** 954.525.4100

**Facsimile:** 954.525.4300

**Website:** [www.kolawyers.com](http://www.kolawyers.com)

**Miami – Fort Lauderdale – Boca Raton**

## OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 25 attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

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## WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include Board Certified in their specialty; serving as in-house counsel for major corporations, as city and county attorneys handling government affairs, and as public defenders and prosecutors; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

# CLASS ACTION PLAINTIFF

Since its founding, KO has initiated and served as lead class counsel in dozens of high-profile class actions. Although the actions are diverse by subject area, KO has established itself as one of the leading firms that sue national and regional banks and credit unions related to the unlawful assessment of fees. Their efforts spanning a decade plus have resulted in recoveries in excess of \$500 million and monumental practices changes that have changed the industry and saving clients billions of dollars.

Additionally, other past and current cases have been prosecuted for breaches of insurance policies; data breaches; data privacy; wiretapping; biometric privacy; gambling; false advertising; defective consumer products and vehicles; antitrust violations; and suits on behalf of students against colleges and universities arising out of the COVID-19 pandemic.

The firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other insurance cases include auto insurers failing to pay benefits owed to insureds with total loss vehicle claims. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

## CLASS ACTION DEFENSE

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, advertising conglomerates, aircraft manufacturer and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

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## MASS TORT LITIGATION

The firm also has extensive experience in mass tort litigation, including serving as Lead Counsel in the Zantac Litigation, one of the largest mass torts in history. The firm also has handled cases against 3M related to defective earplugs, several vaginal mesh manufacturers, Bayer in connection with its pesticide Roundup, Bausch & Lomb for its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained tens of millions in recoveries for its clients.

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## OTHER AREAS OF PRACTICE

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

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## FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit [www.kolawyers.com](http://www.kolawyers.com).

# CLASS ACTION AND MASS TORT SETTLEMENTS

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## FINANCIAL INSTITUTIONS

*Devore, et al. v. Dollar Bank*, GD-21-008946 (Ct. Common Pleas Allegheny 2024) - \$7 million

*Nimsey v. Tinker Federal Credit Union*, C1-2019-6084 (Dist. Ct. Oklahoma 2024) - \$5.475 million

*Precision Roofing of N. Fla. Inc., et al. v. CenterState Bank*, 3:20-cv-352 (S.D. Fla. 2023) - \$2.65 million

*Checchia v. Bank of America, N.A.*, 2:21-cv-03585 (E.D. Pa. 2023) - \$8 million

*Quirk v. Liberty Bank*, X03-HHD-CV20-6132741-S (Jud. Dist. Ct. Hartford 2023) - \$1.4 million

*Meier v. Prosperity Bank*, 109569-CV (Dist. Ct. Brazoria 2023) - \$1.6 million

*Abercrombie v. TD Bank, N.A.*, 0:21-cv-61376 (S.D. Fla. 2022) - \$4.35 million

*Perks, et al. v. TD Bank, N.A.*, 1:18-cv-11176 (E.D.N.Y. 2022) - \$41.5 million

*Fallis v. Gate City Bank*, 09-2019-CV-04007 (Dist. Ct., Cty. of Cass, N.D. 2022) - \$1.8 million

*Mayo v. Affinity Plus Fed. Credit Union*, 27-CV-20-11786 (4th Judicial District Minn. 2022) - \$1 million

*Glass, et al. v. Delta Comm. Cred. Union*, 2019CV317322 (Sup. Ct. Fulton Cty., Ga. 2022) - \$2.8 million

*Roy v. ESL Fed. Credit Union*, 19-cv-06122 (W.D.N.Y. 2022) - \$1.9 million

*Wallace v. Wells Fargo*, 17CV317775 (Sup. Ct. Santa Clara 2021) - \$10 million

*Doxey v. Community Bank, N.A.*, 8:19-CV-919 (N.D.N.Y. 2021) - \$3 million

*Coleman v. Alaska USA Federal Credit Union*, 3:19-cv-0229-HRH (Dist. of Alaska 2021) - \$1 million

*Smith v. Fifth Third Bank*, 1:18-cv-00464-DRC-SKB (W.D. Ohio 2021) - \$5.2 million

*Lambert v. Navy Federal Credit Union*, 1:19-cv-00103-LO-MSN (S.D. Va. 2021) - \$16 million

*Roberts v. Capital One, N.A.*, 16 Civ. 4841 (LGS) (S.D.N.Y. 2021) - \$17 million

*Baptiste v. GTE Financial*, 20-CA-002728 (Cir. Ct. Hillsborough 2021) - \$975,000

*Morris v. Provident Credit Union*, CGC-19-581616 (Sup. Ct. San Francisco 2020) - \$1.1 million

*Lloyd v. Navy Federal Credit Union*, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - \$24.5 million

*Farrell v. Bank of America, N.A.*, 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - \$66.6 million

*Bodnar v. Bank of America, N.A.*, 5:14-cv-03224-EGS (E.D. Pa. 2015) - \$27.5 million

*Morton v. Green Bank*, 11-135-IV (20<sup>th</sup> Judicial District Tenn. 2018) - \$1.5 million

*Hawkins v. First Tenn. Bank*, CT-004085-11 (13<sup>th</sup> Jud. Dist. Tenn. 2017) - \$16.75 million

*Payne v. Old National Bank*, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - \$4.75 million

*Swift. v. Bancorpsouth*, 1:10-CV-00090 (N.D. Fla. 2016) - \$24.0 million

*Mello v. Susquehanna Bank*, 1:09-MD-02046 (S.D. Fla. 2014) - \$3.68 million

*Johnson v. Community Bank*, 3:11-CV-01405 (M.D. Pa. 2013) - \$1.5 million

*McKinley v. Great Western Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$2.2 million

*Blabut v. Harris Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$9.4 million

*Wolfgeher v. Commerce Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$18.3 million

*Case v. Bank of Oklahoma*, 09-MD-02036 (S.D. Fla. 2012) - \$19.0 million Settlement

*Hawthorne v. Umpqua Bank*, 3:11-CV-06700 (N.D. Cal. 2012) - \$2.9 million Settlement

*Simpson v. Citizens Bank*, 2:12-CV-10267 (E.D. Mich. 2012) - \$2.0 million

*Harris v. Associated Bank*, 1:09-MD-02036 (S.D. Fla. 2012) - \$13.0 million

*LaCour v. Whitney Bank*, 8:11-CV-1896 (M.D. Fla. 2012) - \$6.8 million

*Orallo v. Bank of the West*, 1:09-MD-202036 (S.D. Fla. 2012) - \$18.0 million

*Taulava v. Bank of Hawaii*, 11-1-0337-02 (1st Cir. Hawaii 2011) - \$9.0 million

**FALSE  
PRICING**

*Gattinella v. Michael Kors* (USA), 14-Civ-5731 (WHP) (S.D. NY 2015) - \$4.875 million

*Stathakos v. Columbia Sportswear*, 4:15-cv-04543-YGR (N.D. Ca. 2018) - Injunctive relief prohibiting deceptive pricing practices

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**CONSUMER  
PROTECTION**

*Lopez, et al. v. Volusion, LLC*, 1:20-cv-00761 (W.D. Tex. 2022) - \$4.3 million

*Gupta v. Aeries Software, Inc.*, 8:20-cv-00995 (C.D. Ca. 2022) - \$1.75 million

*In Re: CaptureRx Data Breach*, 5:21-cv-00523 (W.D. Tex. 2022) - \$4.75 million

*Ostendorf v. Grange Indemnity Ins. Co.*, 2:19-cv-01147-ALM-KAJ (E.D. Ohio 2020) – \$12.6 million

*Walters v. Target Corp.*, 3:16-cv-1678-L-MDD (S.D. Cal. 2020) – \$8.2 million

*Papa v. Grieco Ford Fort Lauderdale, LLC*, 18-cv-21897-JEM (S.D. Fla. 2019) - \$4.9 million

*Bloom v. Jenny Craig, Inc.*, 18-cv-21820-KMM (S.D. Fla. 2019) - \$3 million

*Masson v. Tallahassee Dodge Chrysler Jeep, LLC*, 1:17-cv-22967-FAM (S.D. Fla. 2018) - \$850,000

*DiPuglia v. US Coachways, Inc.*, 1:17-cv-23006-MGC (S.D. Fla. 2018) - \$2.6 million

*In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.) - \$88 million

*In re: 21st Century Oncology Customer Data Sec. Breach Litig.*, 8:16-md-2737-MSS-AEP (M.D. Fla. 2021) - \$21.8 million

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**MASS  
TORT**

*In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.) - MDL No. 2924 – Co-Lead Counsel

*In re: Stryker Rejuvenate and ABG II Products Liability Litigation*, 13-MD-2411 (17th Jud. Cir. Fla. Complex Litigation Division)

*In re: National Prescription Opiate Litigation*, 1:17-md-02804-DAP (N.D. Ohio) - MDL 2804

*In re: Smith and Nephew BHR Hip Implant Products Liability Litigation*, MDL-17-md-2775

*Yasmin and YAZ Marketing, Sales Practices and Products Liability Litigation*, 3:09-md-02100-DRH-PMF (S.D. Ill.) – MDL 2100

*In re: Prempro Products Liab. Litigation*, MDL 507, No. 03-cv-1507 (E.D. Ark.)

*In Re: 3M Combat Arms Earplug Products Liability Litigation* (N.D. Fla.) - MDL 2885



# JEFF OSTROW

Managing Partner

## *Bar Admissions*

The Florida Bar

District of Columbia Bar

## *Court Admissions*

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

U.S. District Court, Western District of Kentucky

U.S. District Court, Northern District of New York

U.S. District Court, District of Colorado

U.S. District Court, Eastern District of Texas

## *Education*

Nova Southeastern University, J.D. - 1997

University of Florida, B.S. – 1994

*ostrow@kolawyers.com*

Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice in 1997 immediately upon graduation from law school and has since grown the firm to 25 attorneys in 3 offices throughout south Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the areas of consumer class actions, sports and business law. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, which is the highest possible rating by the most widely recognized attorney rating organization in the world.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, Fox, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic swimming, professional boxing, the NFL, NBA and MLB.

Mr. Ostrow is an accomplished trial attorney who has experience representing both Plaintiffs and Defendants. He has successfully tried many cases to verdict involving multi-million-dollar damage claims in state and federal courts. He is currently court-appointed lead counsel and sits on plaintiffs' executive committees in multiple high profile nationwide multi-district litigation actions involving cybersecurity breaches and related privacy issues. He has spent the past decade serving as lead counsel in dozens of nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$1 billion for tens of millions of bank and credit union customers, as well

as monumental changes in the way they assess fees. Those changes have forever revolutionized an industry, resulting in billions of dollars of savings. In addition, Mr. Ostrow has served as lead class counsel in many consumer class actions against some of the world's largest airlines, pharmaceutical companies, clothing retailers, health and auto insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies.

In addition to the law practice, he is the founder and president of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic Gold Medalist Swimmers, World Champion Boxers, and select NFL athletes, and is licensed by both the NFL Players Association as a certified Contract Advisor. At the agency, Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing and NIL engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating, and arbitrating a wide range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the World Anti-Doping Agency. He has been an invited sports law guest speaker at New York University and Nova Southeastern University and has also served as a panelist at many industry-related conferences.

Mr. Ostrow received a Bachelor of Science in Business Administration from the University of Florida in 1994 and Juris Doctorate from Nova Southeastern University in 1997. He is a licensed member of The Florida Bar and the District of Columbia Bar, is fully admitted to practice before the U.S. Supreme Court, the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, Eastern District of Michigan, Northern District of Illinois, Western District of Tennessee, Western District of Wisconsin, and the U.S. Court of Appeals for the Eleventh Circuit. Mr. Ostrow is also member of several Bar Associations.

He is a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have had multi-million dollar jury verdicts. Additionally, he is consistently named as one of the top lawyers in Florida by Super Lawyers®, a publication that recognizes the best lawyers in each state. Mr. Ostrow is an inaugural recipient of the University of Florida's Warrington College of Business Administration Gator 100 award for the fastest growing University of Florida alumni- owned law firm in the world.

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is a Member of the Broward County Courthouse Advisory Task Force. He is also the Managing Member of One West LOA LLC, a commercial real estate development company with holdings in downtown Fort Lauderdale. He has previously sat on the boards of a national banking institution and a national healthcare marketing company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. Mr. Ostrow resides in Fort Lauderdale, Florida, and has 3 sons, 2 of which currently attend the University of Florida.





# DAVID FERGUSON

Partner

## *Bar Admissions*

The Florida Bar

## *Court Admissions*

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

## *Education*

Nova Southeastern University, J.D. - 1993

Nova Southeastern University, B.S. – 1990

*Email: [ferguson@kolawyers.com](mailto:ferguson@kolawyers.com)*

David L. Ferguson is an accomplished trial attorney and chairs the firm's litigation department. He routinely leads high stakes litigation across a wide array of practice areas, including, but not limited to, employment law, complex business litigation, class actions, product liability, catastrophic personal injury, civil rights, and regulatory enforcement actions.

Mr. Ferguson is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, a testament to the fact that his peers (lawyers and judges in the community) have ranked him at the highest level of professional excellence. Mr. Ferguson is well regarded as a formidable advocate in court and for providing creative and insightful strategic advice, particularly in emergency and extremely complex situations.

While in law school, Mr. Ferguson served as a Staff Member of the Nova Law Review. He was also a member of the Moot Court Society and the winner of the Moot Court Intramural Competition.

## **Representation of the Broward Sheriff's Office**

Since 2013, Mr. Ferguson has had the privilege of representing the Broward Sheriff's Office ("BSO") in over 150 matters involving many different types of disputes and issues, including: defense of civil rights lawsuits in state and federal court; negotiating collective bargaining agreements with unions; and arbitrations brought by unions or employees subjected to termination or other significant discipline. Mr. Ferguson has had many arbitration final hearings and state and federal jury trials for BSO representing the agency as well as the Sheriff and numerous Deputies individually.

## **Class/Mass Actions**

Mr. Ferguson has experience in class actions against large banks and some of the world's largest companies, including technology companies and oil conglomerates.

Additionally, during his career Mr. Ferguson has defended many large companies in MDL's, and mass and class actions, including medical equipment manufacturers, pharmaceutical companies, an aircraft parts and engine manufacturer and defense contractor, nationwide retailers, and a massive sugar manufacturer.

## **Large Fraud and Ponzi Cases**

Mr. Ferguson has a great deal of experience litigating cases involving massive fraud claims, most often for victims, but also for select defendants. Mr. Ferguson's clients have included individual victims who have lost multiple millions of dollars in fraud schemes to large businesses with tremendous damages, including one international lending institution with damages in excess of \$150 million. Additionally, Mr. Ferguson successfully represented several individuals and entities subjected to significant claims by a receiver and the United States Marshals Service in a massive billion-dollar Ponzi scheme involving a notorious Ft. Lauderdale lawyer and his law firm.

## **Regulatory Agency Enforcement Actions**

Mr. Ferguson has extensive experience defending individuals and entities in significant enforcement actions brought by regulatory agencies, including the CFTC, FTC, and SEC.

## **Employment, Human Resources, and Related Matters**

Mr. Ferguson has represented numerous business and individuals in employment and human resource related matters. Mr. Ferguson has represented several Fortune 50 companies, including Pratt & Whitney/UTC, Home Depot, and Office Depot in all phases of employment related matters. Mr. Ferguson has litigated virtually every type of discrimination and employment related claim, including claims based upon race, pregnancy, disability, national origin, religion, age, sexual preference, sexual harassment, worker's compensation, unemployment, FMLA leave, FLSA overtime, unpaid wages, whistleblower, and retaliation.

Mr. Ferguson primarily represents companies, but also represents select individuals who have claims against their present or former employers. In addition to the wide variety of employment claims discussed above, as plaintiff's counsel Mr. Ferguson has also handled federal False Claims Act (Qui Tam) and the Foreign Corrupt Practices Act claims brought by individuals.

## **Business Disputes**

Throughout his legal career, as counsel for plaintiffs and defendants, Mr. Ferguson has handled a myriad of commercial cases involving all types of business disputes, including claims for breach of partnership agreements, breach of shareholder or limited liability company operating agreements; dissolution of corporations and limited liability companies; appointment of receivers; breaches of fiduciary duty; conversion; constructive trust; theft; negligent or intentional misrepresentation or omissions; fraudulent inducement; tortious interference; professional negligence or malpractice; derivative actions, breach of contract, real estate disputes, and construction disputes.

## **Noncompetition and Trade Secret Litigation**

Mr. Ferguson routinely represents companies and individuals in commercial disputes involving unfair and deceptive trade practices, unfair competition and/or tortious interference with contracts or valuable business relationships. Often these cases involve the enforcement of noncompetition agreements and protection of valuable trade secrets. Mr. Ferguson has extensive experience representing businesses seeking to enforce their noncompetition agreements and/or protect trade secrets through suits for injunctive relief and damages and representing subsequent employers and individuals defending against such claims. He has obtained numerous injunctions for his clients and has also successfully defended against them numerous times, including getting injunctions dissolved that were entered against his clients without notice or prior to his representation. Mr. Ferguson has also obtained contempt sanctions and entitlement to punitive damages against individuals and entities who have stolen trade secrets from his clients.



# ROBERT C. GILBERT

Partner

## Bar Admissions

The Florida Bar  
District of Columbia Bar

## Court Admissions

Supreme Court of the United States  
U.S. Court of Appeals for the 11th Circuit  
U.S. District Court, Southern District of Florida  
U.S. District Court, Middle District of Florida

## Education

University of Miami School of Law, J.D. - 1985  
Florida International University, B.S. - 1982

**Email:** [gilbert@kolawyers.com](mailto:gilbert@kolawyers.com)

Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Breach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



# JONATHAN M. STREISFELD

Partner

## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

Supreme Court of the United States

U.S. Court of Appeals for the First, Second, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, Western District of New York

U.S. District Court, Western District of Tennessee

## ***Education***

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

***Email: [streisfeld@kolawyers.com](mailto:streisfeld@kolawyers.com)***

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast and successful experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$500,000,000 for tens of millions of bank and credit union customers, as well as profound changes in the way banks assess fees. Additionally, he has and continues to serve as lead and class counsel for consumers in many class actions involving false advertising and pricing, defective products, data breach and privacy, automobile defects, airlines, mortgages, and payday lending. Mr. Streisfeld has also litigated class actions against some of the largest health and automobile insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships and resolving disputes. Mr. Streisfeld has also provided legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters. As a member of The Florida Bar, Mr. Streisfeld served for many years on the Executive Council of the Appellate Practice Section and is a past Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.



# KEN GRUNFELD

Partner

## *Bar Admissions*

The Pennsylvania Bar

The New Jersey Bar

## *Court Admissions*

U.S. Court of Appeals for the Third, Fourth, Fifth, Ninth, Tenth and Eleventh Circuits

U.S. District Ct, Eastern District of Pennsylvania

U.S. District Ct, Middle District of Pennsylvania

U.S. District Ct, Western District of Pennsylvania

U.S. District Ct, District of New Jersey

U.S. District Ct, Eastern District of Michigan

U.S. District Ct, Western District of Wisconsin

## *Education*

Villanova University School of Law, J.D., 1999

University of Michigan, 1996

*Email: [grunfeld@kolawyers.com](mailto:grunfeld@kolawyers.com)*

Ken Grunfeld is one of the newest KO partners, having just started working at the firm in 2023. Having worked at one of Philadelphia's largest and most prestigious defense firms for nearly a decade defending pharmaceutical manufacturers, national railroads, asbestos companies and corporate clients in consumer protection, products liability, insurance coverage and other complex commercial disputes while working, Mr. Grunfeld "switched sides" about 15 years ago.

Since then, he has become one of the city's most prolific and well-known Philadelphia class action lawyers. His cases have resulted in the recovery of hundreds of millions of dollars for injured individuals.

Mr. Grunfeld brings with him a wealth of pre-trial, trial, and appellate work experience in both state and federal courts. He has successfully taken many cases to verdict. Currently, he serves as lead counsel in a number of nationwide class actions. Whether by settlement or judgment, Mr. Grunfeld makes sure the offending companies' wrongful practices have been addressed. He believes the most important part of bringing a wrongdoer to justice is to ensure that it never happens again; class actions can be a true instrument for change if done well.

Mr. Grunfeld has been named a Super Lawyer numerous times throughout his career. He has been a member of the Philadelphia, Pennsylvania, and American Bar Associations, as well as a member of the American Association for Justice (AAJ). He was a Finalist for AAJ's prestigious Trial Lawyer of the Year Award in 2012 and currently serves as AAJ's Vice Chair of the Class Action Law Group. To his strong view that attorneys should act ethically, he volunteers his time as a Hearing Committee Member for the Disciplinary Board of the Supreme Court of Pennsylvania.

Mr. Grunfeld received his undergraduate degree from the University of Michigan. He is an active member of the Michigan Alumni Association, Philadelphia chapter and serves as a Michigan Alumni Student recruiter for local high schools. He received his Juris Doctor from the Villanova University School of Law. He was a member of the Villanova Law Review and graduated Order of the Coif.

Ken is a life-long Philadelphian. He makes his home in Bala Cynwyd, Pennsylvania, where he resides with his wife, Jennifer, and his year-old twins.

# KRISTEN LAKE CARDOSO

Partner



## ***Bar Admissions***

The Florida Bar  
The State Bar of California

## ***Court Admissions***

U.S. District Court, Southern District of Florida  
U.S. District Court, Middle District of Florida  
U.S. District Court, Central District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Northern District of Illinois  
U.S. District Court, Eastern District of Michigan

## ***Education***

Nova Southeastern University, J.D., 2007  
University of Florida, B.A., 2004

***Email: [cardoso@kolawyers.com](mailto:cardoso@kolawyers.com)***

Kristen Lake Cardoso is a litigation attorney focusing on consumer class actions and complex commercial litigation. She has gained valuable experience representing individuals and businesses in state and federal courts at both the trial and appellate levels in a variety of litigation matters, including contractual claims, violations of consumer protection statutes, fraud, breach of fiduciary duty, negligence, professional liability, real estate claims, enforcement of non-compete agreements, trade secret infringement, shareholder disputes, deceptive trade practices, and other business torts.

Currently, Ms. Cardoso serves as counsel in nationwide and statewide class action lawsuits concerning violations of state consumer protection statutes, false advertising, defective products, data breaches, and breaches of contract. Ms. Cardoso is actively litigating cases against major U.S. airlines for their failure to refund fares following flight cancellations and schedule changes, as well as cases against manufacturers for their sale and misleading marketing of products, including defective cosmetics and nutritional supplements. Ms. Cardoso has also represented students seeking reimbursements of tuition, room and board, and other fees paid to their colleges and universities for in-person education, housing, meals, and other services not provided when campuses closed during the COVID-19 pandemic. Additionally, Ms. Cardoso has represented consumers seeking recovery of gambling losses from tech companies that profit from illegal gambling games offered, sold, and distributed on their platforms.

Ms. Cardoso is admitted to practice law throughout the states of Florida and California, as well as in the United States District Courts for the Southern District of Florida, Middle District of Florida, Central District of California, Eastern District of California Northern District of Illinois, and Eastern District of Michigan.

Ms. Cardoso attended the University of Florida, where she received her Bachelor's degree in Political Science, cum laude, and was inducted as a member of Phi Beta Kappa honor society. She received her law degree from Nova Southeastern University, magna cum laude. While in law school, Ms. Cardoso served as an Articles Editor for the Nova Law Review, was on the Dean's List, and was the recipient of a scholarship granted by the Broward County Hispanic Bar Association for her academic achievements. When not practicing law, Ms. Cardoso serves as a volunteer at Saint David Catholic School, including as a member of the school Advisory Board and an executive member of the Faculty Student Association. She has also served on various committees with the Junior League of Greater Fort Lauderdale geared towards improving the local community through leadership and volunteering.





# STEVEN SUKERT

Partner

## ***Bar Admissions***

The Florida Bar  
The New York Bar

## ***Court Admissions***

United States District Court, Southern District of Florida  
United States District Court, Middle District of Florida  
United States District Court, Southern District of New York  
United States District Court, Eastern District of New York  
United States District Court, Northern District of Illinois  
United States District Court, Central District of Illinois

## ***Education***

Georgetown University Law Center, J.D., 2018  
Northwestern University, B.S., 2010

***Email: [sukert@kolawyers.com](mailto:sukert@kolawyers.com)***

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Steven Sukert has experience in all aspects of complex litigation in federal and state court, including drafting successful dispositive motions and appeals, handling discovery, and arguing court hearings. Steven focuses his practice at KO on complex class actions and multi-district litigations in courts around the country, including in data privacy, bank overdraft fee, and other consumer protection cases.

Before joining KO, Steven gained experience at Gunster, Yoakley & Stewart, P.A. in Miami in high-stakes commercial cases often involving trade secret and intellectual property claims, consumer contract claims, and legal malpractice claims, as well as in international arbitrations. Steven co-authored an amicus brief in the Florida Supreme Court case *Airbnb, Inc. v. Doe* (Case No. SC20-1167), and helped organize the American Bar Association's inaugural International Arbitration Masterclass, in 2021.

Steven was born and raised in Miami. He returned to his home city after law school to clerk for the Honorable James Lawrence King in the U.S. District Court for the Southern District of Florida.

In 2018, Steven earned his J.D. from Georgetown University Law Center. While living in the nation's capital, he worked at the U.S. Department of Labor, Office of the Solicitor, where he won the Gary S. Tell ERISA Litigation Award; the Civil Fraud Section of the U.S. Department of Justice, where he worked on large Medicare fraud cases and pioneered the use of the False Claims Act in the context of pharmaceutical manufacturers who engaged in price fixing; and the Lawyers' Committee for Civil Rights Under Law, where his proposal for writing an amicus brief in the *Janus v. AFSCME* U.S. Supreme Court case was adopted by the organization's board of directors.

Steven has a degree in Molecular Biology from Northwestern University. Prior to his legal career, he worked as a biomedical laboratory researcher at the Diabetes Research Institute in Miami.

# CAROLINE HERTER

Associate



## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

U.S. District Court, Middle District of Florida

U.S. District Court, Southern District of Florida

U.S. Bankruptcy Court, Southern District of Florida

## ***Education***

University of Miami School of Law, J.D. - 2020

University of Miami, B.S. – 2016

***Email: [Herter@kolawyers.com](mailto:Herter@kolawyers.com)***

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Caroline Herter is a litigation attorney at the firm's Fort Lauderdale office. Caroline focuses her practice on consumer class actions, mass torts, and white-collar commercial litigation in state and federal courts nationwide. She has gained valuable experience representing individuals and businesses to hold wrongdoers accountable through claims involving personal injury, wrongful death, consumer fraud, products liability, breach of fiduciary duty, civil theft/conversion, corporate veil-piercing, fraudulent transfer, tortious interference, False Claims Act violations, and the like.

Before joining KO, Caroline worked at a boutique law firm in Miami where she represented plaintiffs in matters involving creditor's rights, insolvency, and asset recovery. She now applies this experience throughout her practice at KO, often combining equitable remedies with legal claims to ensure the best chance of recovery for her clients.

Notable cases that Caroline has been involved in include *In Re: Champlain Towers South Collapse Litigation*, where she was a member of the team serving as lead counsel for the families of the 98 individuals who lost their lives in the tragic condominium collapse. The case resulted in over \$1 billion recovered for class members, the second-largest settlement in Florida history. She also co-authored a successful petition for certiorari to the United States Supreme Court in *Olhausen v. Arriva Medical, LLC et al.*, a False Claims Act case involving the standard for determining a defendant's scienter, which led the high Court to reverse the Eleventh Circuit Court of Appeal's earlier ruling against her client.

Caroline earned her law degree from the University of Miami School of Law, summa cum laude, where she received awards for the highest grade in multiple courses. During law school Caroline was an editor of the University of Miami Law Review and a member of the Moot Court Board.

Outside of her law practice, Caroline serves on the Board of Directors of the non-profit organization Americans for Immigrant Justice.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am  
4 employed in the District of Columbia. My business address is 950 Gilman Avenue, Suite 200,  
Berkeley, California 94710.

5 On May 28, 2024, I served true copies of the following document(s) described as:

6 **DECLARATION OF SOPHIA GOLD AND JEFF OSTROW IN SUPPORT OF**  
7 **UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION**  
8 **SETTLEMENT; APPLICATION FOR ATTORNEYS' FEES, COSTS AND**  
9 **INCENTIVE AWARD**

9 on the interested parties in this action as follows:

10 Stuart M. Richter Attorneys for Defendant  
11 Camille A. Brooks FRONTWAVE CREDIT UNION  
12 Ashley T. Brines  
13 KATTEN MUCHIN ROSENMAN LLP  
2029 Century Park East, Suite 2600  
Los Angeles, CA 90067-3012

14  **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the  
15 persons at the addresses listed in the Service List and placed the envelope for collection and mailing,  
16 following our ordinary business practices. I am readily familiar with KalielGold PLLC's practice  
17 for collecting and processing correspondence for mailing. On the same day that the correspondence  
is placed for collection and mailing, it is deposited in the ordinary course of business with the United  
States Postal Service, in a sealed envelope with postage fully prepaid.

18  **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s)  
19 to be sent from e-mail address ngarcia@kalielpllc.com to the persons at the e-mail addresses listed  
20 in the Service List. I did not receive, within a reasonable time after the transmission, any electronic  
message or other indication that the transmission was unsuccessful.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.

23 Executed on May 28, 2024, at Los Angeles, California.

24   
25 \_\_\_\_\_  
NEVA GARCIA