

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DUANE E. NORMAN, SR.,
on behalf of himself and all others similarly
situated,

Plaintiff,

v.

TRANS UNION, LLC,

Defendant.

Case No. 2:18-cv-05225-GAM

**PLAINTIFF'S MOTION FOR A SERVICE AWARD TO PLAINTIFF AND FOR AN
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION COSTS
AND EXPENSES TO CLASS COUNSEL**

NOW COMES Plaintiff and Class Representative Duane Norman, Sr., by his undersigned counsel, and moves this Honorable Court to enter the proposed Order for a service award and for an award of attorneys' fees and reimbursement of litigation costs in accordance with the parties' settlement agreement. In support whereof, Plaintiff relies upon the contemporaneously filed memorandum of law and its exhibits.

Dated: June 10, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 10, 2025, he electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ James A. Francis
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**UNITED STATES DISTRICT COURT
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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR A SERVICE AWARD TO PLAINTIFF
AND FOR AN AWARD OF ATTORNEYS' FEES AND
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I. INTRODUCTION

Plaintiff Duane E. Norman, Sr. (“Plaintiff” or “Class Representative”) respectfully requests that the Court enter an order approving an individual settlement and service award, and awarding Class Counsel their reasonable attorneys’ fees and litigation costs and expenses consistent with the parties’ class action settlement in this matter. *See* ECF 55-2 at ¶ 10.

In February 2025, the Court preliminarily approved the parties’ class action settlement and ordered that notice of the settlement be directed to Settlement Class Members, and set a final approval hearing for July 21, 2025. ECF 156, 158. In advance of the final approval hearing, and pursuant to the parties’ agreement, Plaintiff will on July 7, 2025 file a separate motion in support of final approval of the settlement, setting forth the reasons why this Court should find the settlement here to be fair, reasonable, and adequate. Plaintiff files this motion now, fourteen days before the deadline for Settlement Class Members to submit objections and requests for exclusion, and will post this motion to the Settlement Website to permit Settlement Class Members to have a complete understanding of the bases for the proposed individual settlement and service award and award of attorneys’ fees and costs.

Plaintiff’s request here for an individual settlement and service award is reasonable and appropriate in light of the Class Representative’s substantial investment of time and effort during the seven-year course of this litigation and the broader release he provides.

Class Counsel now also move for an award of attorneys’ fees and reimbursement of litigation costs and expenses as provided by the Settlement Agreement. ECF 55-2 at ¶ 10. The case has been hard-fought for nearly seven years, including numerous motions briefed and resolved by the Court, over a dozen depositions taken, two attempts by interlocutory appeal by Defendant (each of which the Third Circuit declined to take), substantial expert discovery, and

extensive trial preparation leading to a settlement reached only a few weeks before the trial in this matter was set to begin. ¹ Class Counsel are seeking fees pursuant to the common fund doctrine, in the amount of 33% of the Settlement Fund achieved as a result of their work, consistent with this Circuit's precedents.

In support of this motion, Class Counsel rely upon the declarations of Class Counsel summarizing their experience as well as their time and expenses incurred in connection with the litigation. Class Counsel also submit the expert reports of Abraham Reich of the Fox Rothchild law firm and Thomas Wilkinson of Cozen O'Connor, whose reports provide support for Class Counsel's hourly rates and the fee award sought here for purposes of an abbreviated lodestar cross check. *See In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 306-07 (3d. Cir. 2005).

This motion should be granted in its entirety at the July 21, 2025 final approval hearing.

II. NATURE AND HISTORY OF THE LITIGATION

This class action involves the practice by Defendant Trans Union, LLC ("Trans Union") of responding to certain consumer disputes of inquiries by sending them a form letter instead of conducting a reinvestigation. Plaintiff contends on behalf of the Class that for a certain type of disputed "information" – namely hard "inquiry" data – Trans Union failed to reinvestigate in any way or to delete the errors and that this violates 15 U.S.C. § 1681i(a). Plaintiff filed his Class Action Complaint on December 5, 2018 (ECF 1), and the Parties conducted extensive discovery targeted at Rule 23 issues, including depositions of thirteen witnesses and exchange and review of

¹ To date, there have been only three (3) objections docketed that have referenced the proposed fee award out of nearly five hundred thousand class members, a remarkably small figure which supports the reasonableness of the requested fee. The substance of these objections, and any other objections referencing either the request for attorneys' fees and costs or the requested individual settlement and service award to Plaintiff will be addressed in detail in connection with the motion for final approval.

thousands of pages of documents, before briefing Plaintiff's Motion for Class Certification. On August 14, 2020, the Court granted the motion and certified the following class:

For the period beginning two years prior to the filing of the Complaint and through the time of judgment, all persons residing in the United States and its Territories to whom Trans Union sent its "502 Letter" in response to a written dispute of an inquiry.

ECF 47-48. Trans Union's petition for permission to appeal the class certification decision was denied. *Norman v. Trans Union, LLC*, U.S.C.A. 3d Cir. No. 20-8033.

After an unsuccessful attempt to resolve the case, the parties returned to active litigation in 2022 including merits discovery and experts. All in all, over two million pages of documents were produced by Trans Union and meticulously reviewed and catalogued by Plaintiff's counsel and their experts. At least fourteen different witnesses, including experts, were deposed (some twice).

Following the conclusion of discovery, Trans Union moved for summary judgment (ECF 75) and to decertify the class (ECF 83). The Court denied both motions, and the Third Circuit again declined to permit Trans Union to appeal the (de)certification decision. ECF 118; *Norman v. Trans Union, LLC*, U.S.C.A. 3d Cir. No. 23-8021.

The case was set for a jury trial to commence on January 21, 2025. ECF 125. In addition to trial preparation, the parties briefed Trans Union's Motion for Clarification (ECF 131; ECF 133), submitted proposed trial plans (ECF 126, 137), and filed motions *in limine* (ECF (142-152)).

The parties returned to substantive settlement discussions in mid-December 2024 and reached a settlement in principle on a class-wide basis on December 31, 2024. The parties documented the Settlement through the formal Settlement Agreement filed with the Court (ECF 55-2), and preliminary approval was granted on February 24, 2025.

The Settlement Agreement requires Trans Union to institute changes to its practices for handling consumer disputes and/or challenges of hard inquiries, including monitoring the volume

of consumer hard inquiry disputes and/or challenges for patterns, and triggering further action by Trans Union when it receives an excessive volume of such disputes and/or challenges related to a particular end user (or “subscriber”). ECF 52-2 at ¶ 3. Further action may include requiring the subscriber to recredential or terminating the subscriber’s contract with Trans Union. *Id.*

The Settlement also requires Trans Union to create a Settlement Fund of Twenty-three Million Dollars (\$23,000,000.00) to provide monetary relief to Settlement Class Members, to pay the costs of notice and administration of the settlement, and to pay attorneys’ fees, costs, and litigation costs as well as an individual settlement and service award to Plaintiff as approved by the Court. ECF 55-2 at ¶ 4(a)-(b). If the Court grants the present motion in full, Class Counsel estimate based upon the current claims rate that each Settlement Class Member who makes a claim for an enhanced payment will receive \$190 or more. Non-claimants will receive an automatic payment of \$20.00.²

If sufficient funds remain in the Settlement Fund to provide all Settlement Class Members (regardless of whether they made a claim) who cashed their previous check with a second distribution of at least \$10.00, there will be a second distribution. If funds still remain at the conclusion of these distributions, they will be split equally between two *cy pres* recipients, one proposed by each party in connection with final approval, which must be non-profit charitable organizations whose goals are aligned with consumer interests, and the funds shall be used for purposes of consumer credit education, counseling, advocacy, or financial literacy.

In addition to these payments, the Settlement provides for the costs of notice and administration of the settlement projected to be \$698,000.00 (ECF 55-2 at ¶ 4(a)(i)), and the

² The fairness of the settlement, including the sufficiency of class member recovery, will be addressed in further detail in connection with the motion for final approval, but Class Counsel note that even the automatic payment provides consumers with a recovery at the higher end of the \$5-\$30 range identified by Plaintiff’s expert as the cost to consumers of the time spent on a futile dispute. ECF 95-2 at p. 3.

payments addressed in the present motion: \$7,666,667.00 in attorneys' fees, litigation costs and expenses of up to \$300,000.00, and an individual settlement and service award of \$50,000.00. ECF 55-2 at ¶¶ 10(a), 10(b). Class Counsel have confirmed that their litigation costs and expenses in this matter total \$221,150.10 for both law firms, and they therefore seek a total award of \$7,887,817.10. Francis Decl. at ¶ 20.

III. ARGUMENT

A. Class Counsel's Fee Request Is Reasonable

Rule 23(h) of the Federal Rules of Civil Procedure provides, in relevant part, that “[i]n a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” FED. R. CIV. P. 23(h). The FCRA authorizes the award of attorneys’ fees and costs. *See* 15 U.S.C. §§ 1681n(c), 1681o(b). Also, the parties’ agreement provides for an award of attorneys’ fees incurred by Class Counsel in conjunction with its representation of the class. ECF 55-2 at ¶ 10(a).

“A thorough judicial review of fee applications is required for all class action settlements.” *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 333 (3d Cir. 1998) (quoting *In re General Motors Corp. Pick-Up Truck Fuel Tank Prod. Liab. Litig.*, 55 F.3d 768, 782 (3d Cir. 1995)); *see also In re Comcast Corp. Set-Top Cable Television Box Antitrust Litig.*, 333 F.R.D. 364, 385 (E.D. Pa. 2019) (same).

1. *Percentage of Recovery*

“Common fund cases [like the one at bar] are generally evaluated using a ‘percentage-of-recovery’ approach, followed by a lodestar cross-check. The percentage-of-recovery approach compares the amount of attorneys’ fees sought to the total size of the fund.” *Halley v. Honeywell Int’l, Inc.*, 861 F.3d 481, 496 (3d Cir. 2017) (citation omitted); *Rite Aid Corp. Secs. Litig.*, 396 F.3d 294, 300 (3d Cir. 2005); *see also Moore v. GMAC Mortg.*, No. 07-4296, 2014 WL 12538188,

at *1 (E.D. Pa. Sept. 19, 2014) (“In common fund cases, the Third Circuit favors the percentage-of-recovery method over the lodestar approach.”); *Mylan Pharm., Inc. v. Warner Chilcott Pub. Ltd. Co.*, No. 12-3824, 2014 WL 12778314, at *7 (E.D. Pa. Sept. 15, 2014) (“The ‘percentage-of-the-fund’ method is an appropriate method for calculating attorneys’ fees in complex, common-fund class actions”).

The Third Circuit has “identified several factors to consider in determining whether attorneys’ fees are reasonable under the percentage-of-recovery approach,” including:

(1) the size of the fund created and the number of persons benefitted; (2) the presence or absence of substantial objections by members of the class to the settlement terms and/or fees requested by counsel; (3) the skill and efficiency of the attorneys involved; (4) the complexity and duration of the litigation; (5) the risk of nonpayment; (6) the amount of time devoted to the case by plaintiffs’ counsel; and (7) the awards in similar cases, and (8) the value of benefits attributable to the efforts of class counsel relative to the efforts of other groups, such as government agencies conducting investigations, (9) the percentage fee that would have been negotiated had the case been subject to a private contingent fee arrangement at the time counsel was retained, and (10) any innovative terms of settlement.

Halley, 861 F.3d at 496 (quotations and citations omitted); *Pfeifer v. Wawa, Inc.*, CV 16-497, 2018 WL 4203880, at *13 (E.D. Pa. Aug. 31, 2018) (quoting *In re Diet Drugs*, 582 F.3d 524, 541 (3d Cir. 2009) (same factors)).

Here, the case settled for a common fund of \$23,000,000.00. Class Counsel requests a fee award of \$7,666,667.00, or one-third (1/3) of the common fund created by the parties’ settlement, for their representation of the Class. *See* ECF 55-2 at ¶ 10(a). Defendant does not oppose this request.

“[A] percentage award of 33.3% falls squarely within the range of awards found to be reasonable by the courts.” *Rossini v. PNC Fin. Servs. Grp., Inc.*, No. 2:18-CV-1370, 2020 WL 3481458, at *19 (W.D. Pa. June 26, 2020); *In re Ravisent Techs., Inc. Sec. Litig.*, No. 00-CV-1014, 2005 WL 906361, at *11 (E.D. Pa. Apr. 18, 2005) (“[C]ourts within this Circuit have typically

awarded attorneys' fees of 30% to 35% of the recovery, plus expenses."); *McIntyre v. RealPage, Inc.*, 2023 WL 2643201, at *3 & fn. 5 (E.D. Pa. Mar. 24, 2023) (approving attorney fee award of one-third of settlement fund in FCRA class settlement); *Smith v. Dominion Bridge Corp.*, No. 96-cv-7580, 2007 WL 1101272, at *9 (E.D. Pa. Apr. 11, 2007) (awarding one-third of common fund); *see also Flores v. Express Services Inc.*, 2017 WL 1177098 (E.D. Pa. Mar. 29, 2017) (Bartle, J.) (granting fee equal to 32.96% of the total common fund in FCRA class settlement).³

Evaluating the factors outlined by the Third Circuit, *see, e.g., Halley*, 861 F.3d at 496, Class Counsel's requested fee award is reasonable in light of the result obtained for the class and the risks of nonpayment assumed by Class Counsel when they initiated this litigation nearly seven years ago. First, and most importantly, the Settlement here creates a substantial fund of \$23 million, guarantees monetary payments to approximately 450,000 Settlement Class Members,⁴ and provides for practice changes that will continue to benefit thousands of consumers going into the future.

Second, to date there have been only eight objections filed to the settlement, and only three mention the fee award. ECF 159, 165, 172.⁵ Standing alone, this extremely small number of objections indicates the reasonableness of the request. The Third Circuit has found that two objections out of 300,000 class members represents a "rare phenomenon" and supports approval of the requested fee. *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305 (3d Cir. 2005). Here, the

³ The 1/3 standard is also accepted in other circuits. *See Chesemore v. All. Holdings, Inc.*, No. 09-CV-413, 2014 WL 4415919, at *7 (W.D. Wis. Sept. 5, 2014) (awarding 35% of common fund), *aff'd sub nom. Chesemore v. Fenkell*, 829 F.3d 803 (7th Cir. 2016).

⁴ The Parties' originally estimated that the Settlement Class included 485,000 members. ECF 55-1. Following final production of the Class List and deduplication by the Settlement Administrator, the class size is confirmed to be approximately 450,000 members.

⁵ Three Settlement Class Members filed multiple submissions with the Court concerning the settlement. ECF 159, 162 (William Pickett); ECF 160, 164 (Karen Turner); ECF 166, 167 (LaToshia Thompson).

rate of objections to the fee request is even smaller, with only three out of approximately 450,000 Settlement Class Members.

Furthermore, none of the objections addressing the proposed fee award provides any substantive reason to depart from the typical range of awards in common fund cases. Each of the objectors mentioning the proposed fee award base their opposition on a comparison between the amount of the award to the anticipated awards provided to individual class members, without acknowledging that the appropriate comparison in common fund cases is to the size of the fund rather than any individual class member's recovery. ECF 159, 164, 172. Furthermore, the Butera Objection's baseless assertion that Class Counsel have improperly prioritized their own interests is without citation and contradicted by Class Counsel's zealous advocacy in this case over the course of more than six years on a contingency basis. ECF 165. Each of these objections should be overruled with respect to their vague and unsupported statements regarding the proposed fee award.⁶

Third, Class Counsel are experienced and have successfully prosecuted this case and others similar to it. *See* Francis Decl. at Ex. A; Milz Cert. at pp. 27-29. Fourth, the case lasted for nearly seven years and involved a high level of complexity typical of FCRA class actions, including multiple appeals and trial preparation. Fifth, Class Counsel worked on a contingency fee basis and ran a high risk of nonpayment. Sixth, this risk was substantial given that Class Counsel devoted over 5,300 attorney and paralegal hours to this case. *See* Francis Decl. at ¶ 20. Seventh, the class member recovery is within the range of class member recovery in FCRA class cases, which are

⁶ All objections submitted by the June 24, 2025 deadline will be addressed in full in connection with the motion for final approval.

typically prosecuted for a statutory damages recovery that caps at \$1,000 per consumer.⁷ Eighth, the Settlement was solely attributable to the work of Class Counsel rather than any government or regulatory action. Ninth, a one-third contingency fee is standard in Pennsylvania. And finally, the settlement includes meaningful practice changes, although whether private parties may obtain an injunction in FCRA litigation is less than well-established. In sum, an analysis of the *Halley* factors established that the fee sought by Class Counsel here is reasonable.

2. *Lodestar Cross Check*

Where the litigation creates a common fund, such as this case, the lodestar (a reasonable hourly billing rate times the number of hours worked) is a “cross-check of the court’s primary fee calculation using the percentage-of-recovery methodology.” *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 343 (3d Cir. 1998).

Because the lodestar cross check calculation serves only as a verification of the primary calculation, it “need entail neither mathematical precision nor bean-counting.” *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305-06 (3d Cir. 2005) (approving as “proper” an “abridged lodestar analysis” as cross-check for percentage-of-recovery calculation); *see also Stevens v. SEI Investments Co.*, No. CV 18-4205, 2020 WL 996418, at *12 (E.D. Pa. Feb. 28, 2020) (“The Court need not receive or review actual billing records when conducting [a lodestar cross-check] analysis”); *O’Keefe v. Mercedes-Benz USA, LLC*, 214 F.R.D. 266, 310 (E.D. Pa. 2003) (lodestar crosscheck “only meant to be a cursory overview”). The lodestar cross-check is “suggested,” but not mandatory. *In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 735 (3d Cir. 2001); *Moore v.*

⁷ *See, e.g., Flores v. Express Services Inc.*, 2017 WL 1177098 (E.D. Pa. Mar. 29, 2017) (Bartle, J.) (\$50 automatic award for class members not filing an actual damages claim); *Leo v. AppFolio, Inc.*, No. 3:17-cv-05771-RJB (W.D. Wash.) at ECF 62 p. 7 (\$425 for successful claimants); *Giddiens v. Infinity Staffing Sols., Inc.*, 2:13-cv-07115-LDD, ECF 37 (E.D. Pa. Aug. 21, 2015) (granting final approval of settlement providing \$110 for each member of an FCRA section 1681b(b)(2) class); *Crosby v. Core-Mark Distributors, Inc.*, No. 1:15-cv-04198-SCJ-JFK, ECF 47 (N.D. Ga. Apr. 16, 2018) (\$300 to each class members with claims under both FCRA section 1681b(b)(2), and 1681b(b)(3)).

GMAC Mortg., No. 07-4296, 2014 WL 12538188, at *2 (E.D. Pa. Sept. 19, 2014) (same). “The lodestar cross-check, while useful, should not displace a district court’s primary reliance on the percentage-of-recovery method.” *In re AT&T Corp.*, 455 F.3d 160, 164 (3d Cir. 2006).

Here, the lodestar cross-check confirms that Class Counsel’s fee request is reasonable. As discussed in detail below, the total lodestar here is \$3,343,563.25, accounting for over 5,300 attorney and paralegal hours. The lodestar cross check, therefore, yields a multiplier of 2.29, well within the acceptable range within the Third Circuit as discussed below.

a. Hourly rates.

The hourly rates for the firms of Class Counsel are well within the range of what is reasonable and appropriate in this market. *See* Francis Decl., Ex. B (expert report of Abraham C. Reich, Esquire, Co-Chair and Partner for the law firm of Fox Rothschild, LP); Flitter Milz Atty. Certs.; and Cert. of Thomas G. Wilkinson, Jr., Ex. A to the Milz Cert. The hourly rates for the attorneys are the same as the regular current rates charged for their services in their standard non-class matters, including both contingent and non-contingent matters. There has not been any alteration or deviation from counsel’s hourly rates to account for the added complexity or increased risk factor of this action. The attorneys concentrate their practice in the area of consumer protection litigation.

Class Counsel’s hourly rates set in this manner have been repeatedly approved. *See Flores v. Express Servs., Inc.*, No. CV 14-3298, 2017 WL 1177098, at *3 (E.D. Pa. Mar. 30, 2017); *Sapp v. Experian Info. Sols., Inc.*, No. Civ. 10-4312, 2013 WL 2130956 (E.D. Pa. May 15, 2013) (awarding fee request in full); *Chakejian v. Equifax Info. Servs., LLC*, 275 F.R.D. 201, 216-20 (E.D. Pa. 2011) (awarding request in full); *Barel v. Bank of Am.*, 255 F.R.D. 393, 403-04 (E.D. Pa. 2009) (awarding 1.35 multiplier of lodestar). *See also Giddiens v. LexisNexis Risk Solutions, Inc.*,

No. 2:12-cv-2624 (ECF 56) (E.D. Pa. Jan. 20, 2015) (order granting fee request in full based upon same analysis proposed here); *Robinson v. General Info. Servs., Inc.*, No. 2:11-cv-07782-PBT (ECF 57) (E.D. Pa. Nov. 4, 2014) (order granting fee request in full, approving hourly rates based on same analysis proposed here); *King v. General Info. Servs., Inc.*, No. 2:10-cv-06850-PBT, ECF 126 (E.D. Pa. Nov. 4, 2014) (same and including 1.38 multiplier of lodestar). The history and biography of Class Counsel are attached as Exhibit A to the Francis Declaration, and detailed in the Flitter Milz Atty. Certs.

b. Hours expended.

Class Counsel attorneys, paralegals, and staff who worked on this case all kept detailed, time records of tasks completed, the date the work was completed, and specifying the nature of the work. Francis Decl. at ¶ 13; Milz Cert. at ¶ 48. Class Counsel also submit detailed charts summarizing the work conducted and each timekeeper's hourly rate. *Id.* Included in these records are reasonable, albeit conservative, estimates of the time expected to be spent on the case after the date of this Motion, including time answering Class Members' questions and supervising the continuing work of the Settlement Administrator.

This submission readily meets this Circuit's requirement of the degree of specificity required. Counsel's submission also meets the requirements for a statutory fee-shifting award. *See Rode v. Dellarciprete*, 892 F.2d 1177, 1190 (3d Cir. 1990) (specificity required to extent necessary to determine if the hours claimed are unreasonable for the work performed); *McIntyre*, 2023 WL 2643201, at *3 & fn. 5 (approving fees of 1/3 of settlement fund in FCRA case based upon summary charts of hours expended, noting that the submissions provided sufficient detail to determine that "the hours billed were reasonable in light of the duration and nature of this litigation"); *Stevens v. SEI Investments Co.*, No. CV 18-4205, 2020 WL 996418, at *12 (E.D. Pa.

Feb. 28, 2020) (“The Court need not receive or review actual billing records when conducting [a lodestar cross-check] analysis”). There was no time for which compensation is now requested in this case that was “excessive, redundant, or otherwise unnecessary.” *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The declarations of counsel also set forth the basis for the division of labor among the attorneys and paralegals in an efficient manner. *See* Francis Decl. at ¶¶ 12-15; Milz Cert. at ¶ 45-48. All the time submitted was reasonably necessary to achieve the successful outcome for the Plaintiff and the Settlement Class.

Class Counsel expended at a total of over 5,300 hours in prosecuting this action to a successful completion. Francis Decl. at ¶ 20. This amount is reasonable given the length and complexity of this litigation. The fact that Class Counsel seek to recover a lodestar multiplier of 2.29 in their fee request further demonstrates that the request is reasonable. *See Pfeifer*, 2018 WL 4203880, at *14 (finding a lodestar multiplier of 2.7 to be “well within the range of reasonableness”); *Martin v. Foster Wheeler Energy Corp.*, No. 3:06-CV-0878, 2008 WL 906472, at *8 (M.D. Pa. Mar. 31, 2008) (“Lodestar multiples of less than four (4) are well within the range awarded by district courts in the Third Circuit”); *Meijer, Inc. v. 3M*, No. CIV.A. 04-5871, 2006 WL 2382718, at *24 (E.D. Pa. Aug. 14, 2006) (finding “the requested lodestar multiplier of 4.77 is acceptable”); *In re Aetna Inc.*, No. CIV. A. MDL 1219, 2001 WL 20928, at *15 (E.D. Pa. Jan. 4, 2001) (awarding 3.6 multiplier); *In re Cendant*, 243 F.3d at 742 (acceptable multipliers “range from 1.35 to 2.99”). FCRA common fund cases are no different. *See Flores v. Express Services Inc.*, 2017 WL 1177098, at *3 (E.D. Pa. Mar. 29, 2017) (Bartle, J.) (noting that cross-check yielded a 4.6 multiplier, which was found to be reasonable); *see also Barel v. Bank of Am.*, 255 F.R.D. 393, 403-04 (E.D. Pa. 2009) (awarding 1.35 multiplier of lodestar).

Accordingly, this Court should approve an award of \$7,666,667.00 in attorneys’ fees for

Class Counsel's representation of the class.

B. Class Counsel's Expenses Are Reasonable and Should Be Reimbursed

Class Counsel's efforts achieved substantial results for the class. In so doing, Class Counsel incurred out-of-pocket expenses for which they have not been reimbursed, to wit: \$221,150.10 in litigation expenses, for filing, service of process, electronic discovery, travel, expert expenses, mediator expenses, the costs of notice to the class on contest, and other related expenses. *See* Francis Decl. at ¶¶ 17-18, Ex. C; Milz Cert. at ¶ 50. Here, Class Counsel seek reimbursement of these expenses in accordance with the parties' settlement agreement. *See* ECF 55-2 at ¶ 10(a). Class Counsel's costs are reasonable in light of the nature of this action and the tasks that needed to be performed. *See Grove v. Wells Fargo Fin. California, Inc.*, 606 F.3d 577, 583 (9th Cir. 2010) (courts may award non-taxable costs as part of the attorney's fee award in an FCRA case). *Bradburn Parent Tchr. Store, Inc. v. 3M (Minnesota Mining & Mfg. Co.)*, 513 F. Supp. 2d 322, 335–36 (E.D. Pa. 2007)(Padova, J.).

C. Approval of a Service Award for Plaintiff Is Appropriate

This Court should approve an individual settlement and service award of \$50,000 for Class Representative Duane E. Norman in recognition of his extensive and dedicated service to the class. Service awards to class representatives are routinely awarded within this Circuit, including in FCRA class actions. *See Stechert v. Travelers Home and Marine Ins. Co.*, 2022 WL 2304036, at *15 (E.D. Pa. June 27, 2022); *Sapp v. Experian Info. Sols., Inc.*, No. 10-cv-4312, 2013 WL 2130956, at *3 (E.D. Pa. May 15, 2013)). Factors relevant to a service award include “the actions the plaintiff has taken to protect the interests of the class, the degree to which the class has benefitted from those actions, and the amount of time and effort the plaintiff expended in pursuing the litigation.” *See Cook v. Niedert*, 142 F.3d 1004, 1016 (7th Cir. 1998).

Here, an award of \$50,000.00 to Mr. Norman is entirely justified by four factors: his substantial investment and service to the class which resulted in an excellent result for Settlement Class Members without the risks of a trial and prolonged appellate proceedings; the minimal portion of the Settlement Fund the proposed award represents; the much broader general release he provides; and precedent in other cases.

Mr. Norman filed this case in December 2018 and has been integrally involved from the case's inception. *See* Declaration of Duane E. Norman ("Plaintiff Decl.") at ¶¶ 5, 7-15, 23. He worked closely with Class Counsel to respond to Trans Union's written discovery requests and to gather documents for production. *Id.* Mr. Norman took time off from work to prepare and sit for his deposition in August 2019. *Id.* at ¶ 13. He also took a day off work to attend the class certification hearing in March 2020, and reserved three-weeks of vacation time off work for the trial in January 2025 (before it was adjourned). *Id.* at ¶¶ 14-15. He was heavily invested in the case and the success of the class at the expense of his own interests. *Id.* at ¶¶ 7-15, 23, 26. Without Mr. Norman's involvement, this lawsuit would not have happened, Settlement Class Members would not have received any recovery, and Trans Union may not have updated its practices to benefit consumers. *Stechert v. Travelers Home and Marine Ins. Co.*, 2022 WL 2304036, at *15 (E.D. Pa. June 27, 2022) (awarding \$40,000 to married couple serving as class representatives).

Second, the service award represents only a tiny fraction of the \$23 million Settlement Fund achieved as a result of Mr. Norman's willingness to put his name to this lawsuit – **only 0.2%**. Courts in this district have repeatedly approved service awards in excess of 1% of the total monetary payment provided by the settlement. *Stechert*, 2022 WL 2304036, at *16 (approving service award of 1.1% of fund). Indeed, awards of 3.1 to 3.5 percent of the monetary value of the settlement have been approved as proportional. *Sweda v. Univ. of Pa.*, 2021 WL 5907947, at *8

(E.D. Pa. Dec. 14, 2021) (granting service awards representing only 1.15% of the total monetary payment) (citing *Johnson v. Free State Mgmt. Grp.*, 2021 WL 2711528, at *7 (E.D. Pa. July 1, 2021)).

Third, the amount of the award is further justified by the much broader release that Mr. Norman provides. The release provided by Settlement Class Members is limited to only claims under 15 U.S.C. §§ 1681i(a)(1) and (2) relating to the dispute of an inquiry. ECF 55-2 at ¶¶ 1(hh); 12(a). Their right to seek relief under the FCRA for other claims such as inaccurate reporting, failure to provide mandated disclosures, or even related to disputes not involving an inquiry, are all preserved. *Id.* By contrast, Mr. Norman has agreed to a general release of all claims. *Id.* at ¶ 12(b). Mr. Norman also made the strategic decision to dismiss a related action he had instituted against Safe Home Security in the Court of Common Pleas for the County of Philadelphia for impermissibly accessing his Trans Union credit report, rather than risk the possibility that the other action would interfere with his ability to serve as class representative in this matter. *Norman v. Safe Home Security, Inc.*, Feb. Term 2020, No. 000333 (Phila. CCP). Mr. Norman gave up this valuable claim at his personal expense in order to steward this class to a successful resolution, further demonstrating his commitment to the class and the appropriateness of the requested service award. Plaintiff Decl. at ¶¶ 25-26. Mr. Norman could have pursued potential recovery for his individual claims, but chose to give those claims up for the sake of this class action. *Id.*; Milz Cert. at ¶ 44. Courts across the country have taken into account the presence of such broader releases by class representatives when determining an appropriate service award, including in FCRA class actions. *See Fernandez v. CoreLogic Credco, LLC*, 2024 WL 3209391, at *23 (S.D. Cal. June 24, 2024) (considering broader release signed by class representative when approving service award in FCRA class settlement); *Magallon v. Robert Half Int'l Inc.*, 2025 WL 1324248,

at *5 (D. Or. May 7, 2025) (same); *Michael v. Indiana Packers Corp.*, 2010 WL 11681242, at *4 (N.D. Ind. 2010); *Jones v. DHL Express (USA) Inc.*, 2021 WL 6752271, at *1 (W.D. Tenn. Mar. 16, 2021); *Henry v. Little Mint, Inc.*, 2014 WL 2199427, at *11 (S.D.N.Y. May 23, 2014).

Fourth, the award is in line with others granted in large class action settlements of substantial duration, which similarly resulted in substantial settlements. *See Vista Healthplan, Inc. v. Cephalon, Inc.*, 2020 WL 1922902, at *33 (E.D. Pa. Apr. 21, 2020) (granting \$50,000 service awards to each of four named plaintiffs); *King Drug Co. of Florence, Inc. v. Cephalon, Inc.*, 2015 WL 12843830, at *6 (E.D. Pa. Oct. 15, 2015) (approving \$100,000 incentive award for four class representatives, and \$50,000 incentive awards for two other class representatives); *Marchbanks Truck Serv. v. Comdata Network, Inc.*, 2014 WL 12738907, at *3–4 (E.D. Pa. July 14, 2014) (awarding incentives in the amount of \$150,000 to one class representative, \$75,000 each to two others, and \$15,000 to the fourth).

In particular, the parties looked to the \$75,000 service award approved to the named plaintiff in *Ramirez v. Trans Union, LLC*, No. 12-cv-632 (N.D. Cal.) as a benchmark, as that was another FCRA class action involving multiple appeals and substantial trial preparation. Although a reduction from the *Ramirez* award is appropriate to reflect the fact that this case resolved before trial, Mr. Norman's commitment to this case and time expended up to the pretrial stage was similar to that of Mr. Ramirez. *Ramirez v. Trans Union, LLC*, 2022 WL 17722395, at *11-12 (N.D. Cal. Dec. 15, 2022).

In light of the above, an individual settlement and service award of \$50,000 to Class Representative Norman is eminently appropriate here.

IV. CONCLUSION

Plaintiff and Class Representative Duane E. Norman, Sr., respectfully requests that this Honorable Court grant the instant Motion and approve the requested awards in connection with final approval of the Settlement.

Dated: June 10, 2025

Respectfully submitted,

DUANE E. NORMAN, SR.

By: /s/ James A. Francis

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DUANE E. NORMAN, SR., on behalf of himself
and all others similarly situated,

Plaintiff,

v.

TRANS UNION, LLC,

Defendant.

No. 2:18-cv-05225-GAM

**DECLARATION OF AMES A. FRANCIS IN
SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES, COSTS, AND
LITIGATION EXPENSES**

I, James A. Francis, declare as follows:

INTRODUCTION

1. I am a shareholder and attorney at Francis Mailman Soumilas, P.C. ("FMS"), and one of the attorneys representing Plaintiff Duane E. Norman, Sr. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees and litigation expenses incurred in connection with services rendered in this matter.

2. This declaration describes the history and experience of FMS and the work undertaken by the firm in connection with this litigation. It also summarizes the work done by each attorney and paralegal who was involved in the litigation as well as the firm's costs and expenses.

3. Along with the attorneys working on this case, I oversaw staffing the case with appropriate support staff and supervised their work. Consistent with the firm's usual practice, tasks and assignments were apportioned to avoid the expenditure of duplicative time and redundant staffing. Time expended that has been considered duplicative or redundant has been eliminated. Time expended in preparing this application for fees and reimbursement of expenses has been included in this request.

FIRM HISTORY AND EXPERIENCE

4. FMS was founded in 1998 as Francis & Mailman, P.C., and has concentrated its practice in consumer protection litigation ever since. Within that more general practice area, we have a particular emphasis in Fair Credit Reporting Act (“FCRA”) litigation and consumer class actions. FMS has been recognized for its expertise in FCRA litigation and the high caliber of its work for the classes it represents by federal courts all over the country, including by many judges in this District. *See McIntyre v. RealPage, Inc.*, 2023 WL 2643201, at *3 n.5 (E.D. Pa. Mar. 23, 2023) (Kenney, J.)(referencing FMS’s “significant experience litigating FCRA class actions” and “particular skill and efficiency” in prosecuting FCRA section 1681e(b) class action, as well as “counsel’s overwhelming experience in consumer litigation and class actions”); *Brooks v. Trans Union LLC*, 743 F.Supp.3d 622 (E.D. Pa. 2024) (Marston, J.) (FMS “highly qualified, experienced and capable”); *Barel v. Bank of America*, 255 F.R.D. 393, 398-99 (E.D. Pa. 2009) (Surrick, J.)(finding firm “competent, experienced and well-qualified to prosecute class actions” and noting that class counsel “have done an excellent job in representing the class in the instant litigation.”); *Kelly v. Business Information Group*, C.A. 15-6668, 2019 WL 414915 (E.D. Pa. 2019)(Strawbridge, J.)(firm “qualified and experienced attorneys” Francis & Mailman, P.C., of Philadelphia who have substantial experience in class action and FCRA consumer litigation and who are qualified to conduct the litigation.”); *Flores v. Express Services, Inc.*, C.A. No.14-3298, 2017 WL 1177098, at *3 (E.D. Pa. March 30, 2017) (firm “has extensive experience in consumer class action litigation)(Bartle, J.); *see also White v. Equifax Info. Solutions*, No. 05-01070, 2014 WL 1716154, at *13, 19, 22 (C.D. Cal. May 1, 2014), *aff’d sub nom. Radcliffe v. Equifax Info. Sol’ns., Inc.*, 818 F.3d 537, 548 (9th Cir. 2016) (appointing firm and its team as interim class counsel over objections from a competing national law firm (Boies Schiller) because

firm’s team’s “credentials and experience [we]re significantly stronger in class action and FCRA litigation.”); *Ramirez v. Trans Union, LLC*, 2022 WL 17722395 (N.D. Cal. Dec. 15, 2022) (“Courts have consistently recognized Francis Mailman Soumilas ‘for its expertise in FCRA litigation and the high caliber of its work for the classes it represents.’”); *Martinez v. Avantus, LLC*, 343 F.R.D. 254, 266 (D. Conn. 2023) (firm “has substantial experience in class action litigation, including FCRA class actions [and] demonstrated proficiency at all stages of suit”); *Der Hacopian v. SentryLink*, C.A. 18-3001 (D. Md. Nov. 23, 2020) (firm “many, many times in the past has been found to be not just qualified or competent, but extremely well-qualified and competent to represent consumer classes in many, many other jurisdictions, not only this particular jurisdiction”); *Patel v. Trans Union, LLC*, 308 F.R.D. 292, 307 (N.D. Cal. 2015) (noting counsel have “extensive experience in litigating [FCRA cases] have represented consumer classes in many cases in many districts [and] have shown their proficiency in this case[.]”).

5. A biography of FMS is attached hereto as **Exhibit A**.

6. FMS is in the small minority of class action law firms that has actual experience in trying consumer class actions. We have brought several actions to trial and obtained several noteworthy verdicts and settlements. *See, e.g., Samuel-Bassett v. Kia Motors America, Inc.*, 34 A.3d 1 (Pa. 2011) (upholding \$5.6 million verdict for class of Pennsylvania car purchasers plus award of attorney’s fees); *Little v. Kia Motors America, Inc.*, 2003 WL 25568765 (N.J. Super. L. 2003) (approximately \$6 million verdict for a class of New Jersey consumers); *Chakejian v. Equifax Information Services, LLC*, 275 F.R.D. 201 (E.D. Pa. 2011) (favorable FCRA disclosure claim class settlement following opening statements to the jury); *Ramirez v. Trans Union LLC*, 951 F.3d 1008 (9th Cir. 2020) (affirming liability in \$60 million FCRA jury verdict but reducing

punitive damages award to 4:1 ratio of statutory damages), *rev'd in part, Trans Union LLC v. Ramirez*, 141 S.Ct. 2190 (2021) (announcing new standard for Article III standing).

7. FMS and I have been certified to serve as class counsel (and/or is currently serving) on over 80 occasions by courts throughout the country, including some of the largest FCRA class settlements in this area of litigation. *See generally* Exhibit A; *see also Ryals, et al. v. Hireright Solutions, Inc.*, C.A. No. 3:09-cv-625 (E.D. Va. Dec. 22, 2011) (\$28.3 million); *Henderson v. Axiom Risk Mitigation, Inc.*, C.A. No. 12-589 (E.D. Va. Aug. 7, 2015) (\$20.8 million); *Thomas v. BackgroundChecks.com*, C.A. No. 13-029 (E.D. Va. Aug. 11, 2015) (\$18 million); *Berry v. LexisNexis Risk & Info. Analytics Group, Inc.*, No. 3:11-cv-754, 2014 WL 4403524, at *11 (E.D. Va. Sept. 5, 2014) (\$13.5 million plus national injunctive relief).

8. Other recent instances in which FMS has been appointed to serve as class counsel include *Brauer v. ExamOne World Wide Inc. et al*, No. 2:22-cv-07760-MEMF-JC (C.D. Cal.) at ECF 126 (Jan. 14, 2015 Order); *Brooks v. Trans Union, LLC*, 743 F. Supp. 3d 622, 644-45 (E.D. Pa. 2024); *Samson v. United Healthcare Servs. Inc.*, 2023 WL 6793973, at *8 (W.D. Wash. Oct. 13, 2023); *Martinez v. Avantus, LLC*, 343 F.R.D. 254, 266 (D. Conn. 2023); *Healy v. Milliman, Inc.*, No. 2:20-cv-01473-JCC (W.D. Wash.) at ECF 126 (Apr. 29, 2022 order granting class certification); *Kang v. Credit Bureau Connection*, 2022 WL 658105, at *5 (E.D. Cal. Mar. 4, 2022); *McIntyre v. RealPage, Inc.*, 336 F.R.D. 422, 436 (E.D. Pa. 2020); *Norman v. Trans Union, LLC*, 479 F. Supp. 3d 98, 137 (E.D. Pa. 2020); *Stokes v. RealPage, Inc.*, C.A. No. 15-1520, ECF 63 (E.D. Pa. Feb. 6, 2018); *Flores v. Express Services Inc.*, 2017 WL 1177098 (E.D. Pa. March 29, 2017); *Miller v. Trans Union, LLC*, 2017 WL 412641 (M.D. Pa. Jan. 18, 2017); *Larson v. Trans Union, LLC*, 2016 WL 4367253 (N.D. Ca. Aug. 11, 2016); *Magallon v. Robert Half International, Inc.*, 2015 WL 8778398 (D. Or. Nov. 10, 2015); *Patel*, 308 F.R.D. 292; *Ramirez v.*

Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014); *Sapp v. Experian Info. Solutions, Inc.*, 2013 WL 2130956 (E.D. Pa. May 15, 2013); *LaRocque v. TRS Recovery Services, Inc.*, 285 F.R.D. 139 (D. Me. 2012); *Giddiens v. First Advantage LNS Screening Solutions, Inc.*, No. 2:12-cv-2624, ECF 55 (E.D. Pa. Jan. 20, 2015); *Serrano v. Sterling Testing Systems, Inc.*, 711 F. Supp. 2d 402, 412 (E.D. Pa. 2010); *Summerfield v. Equifax Info. Services, LLC*, 264 F.R.D. 133 (D.N.J. 2009); *Chakejian v. Equifax Info. Services, LLC*, 256 F.R.D. 492 (E.D. Pa. 2009).

9. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania, and admitted to practice in the following additional jurisdictions:

- a. United States Supreme Court;
- b. New Jersey state court;
- c. United States Courts of Appeal for the First, Second, Third, Fourth, Sixth, Seventh, Ninth and Eleventh Circuits;
- d. United States District Courts for the Eastern District of Pennsylvania, Middle District of Pennsylvania, District of New Jersey, Eastern District of Michigan, Northern District of Oklahoma, and Central District of Illinois; and

10. I have been practicing consumer litigation, with an emphasis on Fair Credit Reporting litigation and consumer class actions, for the past 25 years. I have been recognized by my peers for my advocacy and work throughout my career, including being ranked as a Top 100 Superlawyer for Pennsylvania and Philadelphia on many occasions including just last month, being profiled in Law360's *Titans of the Plaintiff's Bar* in 2014, being awarded the Equal Justice Award by Community Legal Services of Philadelphia in 2014, and being inducted into the American College of Consumer Financial Services Lawyers in 2023.

THE INSTANT LITIGATION

11. FMS acted as co-lead class counsel in this matter, which was filed on December 5, 2018. I personally handled or was directly involved in virtually all attorney aspects of this litigation, along with my partner John Soumilas and other FMS attorneys, principally Lauren KW Brennan and Jordan Sartell. We were also assisted in select respects by FMS paralegals. The tasks FMS performed in this litigation were substantial and are summarized below:

a. Pre-suit investigation of the claims and defenses in this matter and venue considerations;

b. Conferring with Plaintiff Norman, who provided detailed information about the facts of his case and relevant documents, and assisted with other aspects of this litigation, the mediation sessions, and the settlement drafting process;

c. Drafting a class action Complaint;

d. Reviewing Defendant's Answer;

e. Drafting, editing, and revising the joint report of the parties' FED. R. CIV. P. 26(f) conference and Joint Case Management Statement filed February 28, 2019; meeting and conferring with Defendant's counsel regarding same;

f. Engaging in extensive disclosures and discovery, including drafting and editing Plaintiff's discovery requests; reviewing thousands of pages of documents produced in this matter, reviewing data and documents concerning class members, and meeting and conferring with counsel for Defendant regarding discovery and data-exchange;

g. Drafting deposition notices;

h. Preparing for and taking the depositions of Tracy L. DeMarco, David B. Lasater, Keith McCawley, Laura Migalski (twice), Richard Orlowski, Ahunya Tilghman, Michael Turner, and Donald Wagner.

i. Preparing for and defending the depositions of Plaintiff's expert Jonathan Jaffe;

j. Conferring with co-counsel and attending depositions of Plaintiff's expert Evan Hendricks, and Defendant's experts Rebecca Kuehn and John Ulzheimer.

k. Drafting motion and associated papers for the class certification motion, plus a reply brief on class certification;

l. Analysis of Defendant's petitions to appeal this Court's order certifying the class, and writing and filing Plaintiff's opposition to the same;

m. Opposing Defendant's Motion to Decertify Class and participating in oral argument on the motion;

n. Opposing Defendant's Motion for Summary Judgment and participating in oral argument on the motion;

o. Opposing Defendant's Motion to bar the opinions of Plaintiff's experts;

p. Drafting motion and associated papers for Plaintiff's Motion to Strike and Preclude the opinions of certain of Defendant's proposed experts

q. Participating in settlement discussions, including mediation sessions, and participating in follow-up conferences with counsel for Defendant;

r. Drafting, editing, and revising the settlement agreement and attachments including the notices and claim form;

s. Conferring with counsel for Defendant regarding same, notice and settlement administration, and the settlement website.

t. Revising and conferring with co-counsel regarding the motion for preliminary approval and to direct notice to the class;

u. Taking a leadership role with class administration; preparing the instant motion for attorney's fees and a service award; consulting with co-counsel and conducting revisions to the anticipated motion for final approval.

12. Based upon my experience as class counsel in other class action settlements, including settlements of a similar size and structure, I expect that the attorneys and paralegals of FMS will expend additional time going forward in order to bring this settlement to a successful conclusion. I expect tasks going forward to include:

a. Responding to inquiries from settlement class members concerning the notices and their rights to opt out, object, or submit a claim;

b. Supervising the work of the settlement administrator including reviewing and approving invoices;

c. Preparing any necessary supplemental submissions regarding the number of exclusion requests, claims, and objections in advance of the final approval hearing;

d. Preparation for and attendance at the final approval hearing;

e. Supervision of the distribution of payments after final approval including further class member inquiries.

FMS' TIME INVESTED IN THIS LITIGATION

13. Along with me, the attorneys in my firm who submitted billable time in this litigation are John Soumilas, Lauren KW Brennan, and Jordan Sartell. Additionally, my firm seeks billable time for the experienced paralegals who also worked on this case. A detailed summary of the time expended by my firm in this matter, by activity categories maintained within our firm's

billing software and by timekeeper, is set forth in the following table. The time entries upon which the table is based were generated from the time records regularly prepared and maintained by my firm within our firm's billing software.¹ Time expended that has been considered duplicative or redundant has been eliminated from this lodestar. Consistent with our firm's usual practice, tasks and assignments were apportioned to avoid the expenditure of duplicative time and redundant staffing.

Pre-Suit Investigation	40.40
Pleadings & Service	32.40
Class Notice, Administration	218.90
Depositions	409.80
Pre Trial	356.80
Settlement Conferences	154.40
Motion Practice / Appeals	1243.90
Written Discovery	615.90
Disclosures, Court Conferences	45.30
Total Hours	. 0

FMS'S HOURLY RATES

14. The hourly rates charged by the attorneys and paralegals at my firm are not self-determined but have been independently set for many years based upon the opinions of outside counsel at the law firm of Fox Rothschild, LLP. Our rates are based upon the expert opinion of Abraham C. Reich of Fox Rothschild, LLP, which is attached as **Exhibit B**. The Reich report has

¹ Should the Court wish to review the individual time entry records themselves, they can be exported from our computer systems and made available for an *in camera* review, but they have not been attached hereto in order to protect the attorney-client and work-product privileges as the individual records themselves are unredacted and unreviewed for privilege.

also been adopted to various markets where my firm has offices and/or practices along with local counsel or co-counsel.

15. The total lodestar for FMS professionals in this matter, based upon the hours expended and expected to be expended at the hourly rates set forth above, is as follows:

Time keeper	Rate	Hours	Subtotal
James A. Francis	\$890/hr	903.10	\$803,759.00
John Soumilas	\$785/hr	821.10	\$644,563.50
Lauren KW Brennan	\$470/hr	139.70	\$65,659.00
Jordan M. Sartell	\$450/hr	673.10	\$302,895.00
Paralegals	\$345/hr	580.80	\$200,376.00
Total FMS Lodestar 2,012,252.00			

16. The lodestar figure above does not include out of pocket expenses and the costs.

EXPENSES COSTS

17. As detailed in **Exhibit C** hereto, my firm has incurred a total of \$137,527.10 in unreimbursed expenses in connection with the prosecution of this litigation. Each of the expenses described therein would typically be billed to paying clients.

18. The expenses incurred in this action are reflected on the records of my firm. These records are prepared from expense vouchers, check records, software, and other source materials and are an accurate record of the expenses.

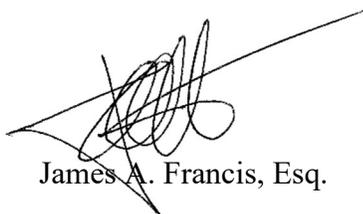
19. In summary, the total attorney time devoted and expected to be devoted going forward by FMS in this litigation amounts to \$2,017,252.50 in fees and \$137,527.10 in costs and expenses.

20. Together with the lodestar and expenses set forth in the contemporaneously filed declaration of my co-counsel Cary L. Flitter, the total attorney time devoted and expected to be

devoted by all Class Counsel in this matter is 5,371.10 hours of attorney and paralegal time, \$3,343,563.25 in attorneys' fees, and \$221,150.10 in costs and expenses.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2025



James A. Francis, Esq.

EXHIBIT A

**Exhibit A to James A. Francis Declaration in Support of
Plaintiff's Motion for A Service Award to Plaintiff and For an Award of Attorneys' Fees and
Reimbursement of Litigation Costs and Expenses to Class Counsel
Norman v. Trans Union, LLC; No. 2:18-cv-05225-GAM**



FRANCIS MAILMAN SOUMILAS, P.C. (FMS) is a law firm that concentrates in consumer protection litigation. While principally based in center-city Philadelphia, the firm also maintains offices in New York, Chicago, and San Francisco. FMS represents consumers in both individual and class actions. Founded in 1998 as Francis & Mailman, P.C., the firm’s goal is to provide exceptional advocacy to consumers subjected to unfair business, industry, and trade practices.

FMS is one of the nation’s preeminent consumer protection litigation firms. The firm has obtained numerous ground-breaking legal decisions, record jury verdicts and large consumer settlements. In 2017, FMS obtained a record \$60 million dollar class action verdict for a case tried under the Fair Credit Reporting Act. The case ultimately went to the United States Supreme Court, which resulted in a 5-4 remand decision that has become a landmark case in civil litigation concerning the issue of constitutional standing. The firm has been certified to serve as class counsel in over 80 consumer class actions nationwide.

Due to its litigation proficiency, expertise and the high caliber of its work-product, FMS has been repeatedly recognized and commended by federal courts throughout the country over many years. *Barel v. Bank of America*, 255 F.R.D. 393, 398-99 (E.D. Pa. 2009) (finding firm “competent, experienced and well-qualified to prosecute class actions” and noting that class counsel “have done an excellent job in representing the class in the instant litigation.”); *Brooks v. Trans Union LLC*, 743 F.Supp.3d 622 (E.D. Pa. 2024) (Marston, J.)(FMS “highly qualified, experienced and capable”); *McIntyre v. RealPage*, No. 18-cv-03934. 2023 WL 2643201 (E.D. Pa. Mar. 24, 2023)(Kenney, J.)(noting FMS’ “significant experience” in litigating class actions and its “particular skill and efficiency” in representing class); *Martinez v. Avantus, LLC*, 343 F.R.D. 254 2023 WL 112807, *9 (D. Conn. Jan. 5, 2023)(firm “has substantial experience in class action litigation, including FCRA class actions....[and] demonstrated proficiency at all stages of suit”); *Ramirez v. Trans Union, LLC*, 2022 WL 17722395 (N.D. Cal. Dec. 15, 2022)(“Courts have consistently recognized Francis Mailman Soumilas ‘for its expertise in FCRA litigation and the high caliber of its work for the classes it represents.’”); *Der Hacopian v. SentryLink*, C.A. 18-3001 (D. Md., Nov. 23, 2020)(firm “many, many times in the past has been found to be not just qualified or competent, but extremely well-qualified and competent to represent consumer classes in many, many other jurisdictions, not only this particular jurisdiction”); *Flores v. Express Services, Inc.*, C.A. No.14-3298, 2017 WL 1177098, at *3 (E.D. Pa. March 30, 2017) (firm “has extensive experience in consumer class action litigation”); *White v. Equifax Info. Solutions*, No. 05-01070, 2014 WL 1716154, at *13, 19, 22 (C.D. Cal. May 1, 2014), *aff’d sub nom. Radcliffe v. Equifax Info. Sol’ns., Inc.*, 818 F.3d 537, 548 (9th Cir. 2016) (appointing firm and its team as interim class counsel over objections from a competing national law firm (Boies Schiller) because firm’s team’s “credentials and experience [we]re significantly stronger in class action and FCRA litigation.”); *Patel v. Trans Union, LLC*, 308 F.R.D. 292, 307 (N.D. Cal. 2015) (FMS “have represented consumer classes in many cases in many districts . . . [and] have shown their proficiency in this case[.]”); *Kelly v. Business Information Group*, C.A. 15-6668, 2019 WL 414915 (E.D. Pa. 2019) (firm “qualified and experienced attorneys” ... Francis & Mailman, P.C., of Philadelphia...who have substantial experience in class action and FCRA consumer litigation and who are qualified to conduct the litigation.”); *Larson v. Trans Union, LLC*, C.A. 12-cv-05726, 2015 WL 3945052, at *12 (N.D. Cal. June 26, 2015) (appointing firm as class counsel on contested motion).

JAMES A. FRANCIS

JIM FRANCIS co-founded FMS in 1998 with the goal of creating a law firm dedicated exclusively to consumer rights litigation. Since then, he and the firm have consistently achieved ground-breaking results and cutting-edge legal rulings. He was trial and appellate counsel in *Ramirez v. Trans Union, LLC*, a case that obtained a record \$60 million dollar verdict for a case brought under the Fair Credit Reporting Act. In 2009, Jim argued the seminal FCRA case of *Cortez v. Trans Union, LLC* before the Third Circuit Court of Appeals. He has been appointed to serve as class counsel by federal courts all over the country in over 70 cases.

In 2004, Jim was the youngest lawyer to be ranked a Top 100 Super Lawyer in Pennsylvania in *Philadelphia Magazine* and *Pennsylvania Super Lawyers* magazine. He has been ranked a Top 100 Superlawyer for Pennsylvania and Philadelphia many times since, including in 2024. In 2014, Jim was selected as one of a small group of national plaintiffs' lawyers to be profiled in Law 360's *Titans of the Plaintiff's Bar* series. In the same year, he was awarded the *Equal Justice Award* by Community Legal Services of Philadelphia.

In 2023, Jim was elected as a Fellow of the American College of Consumer Financial Services Lawyers.

Jim regularly lectures for continuing legal education programs, law schools and community groups throughout the country, and has been a regular speaker for the National Association of Consumer Advocates (NACA) and National Consumer Law Center (NCLC) for over 20 years. He has appeared on various news programs including the *Today Show* and *PBS NewsHour* to discuss consumer-related issues. He was featured in *The Philadelphia Inquirer's* biographical "Question & Answer" segment in February of 2009.

Prior to forming FMS and after graduating from law school, Jim was an associate with Kolsby, Gordon, Robin, Shore & Rothweiler in Philadelphia.

EDUCATION

Temple University Beasley School of Law, J.D. 1995, President-Student Bar Association, 1995 Wapner, Newman & Wigrizer, P.C. award for excellence in civil trial advocacy; award for outstanding Oral Advocacy;

Muhlenberg College, B.A., *cum laude*, 1992

ADMISSIONS

United States Supreme Court

Pennsylvania and New Jersey state courts

United States Courts of Appeal for the First, Second, Third, Fourth, Sixth, Seventh, Ninth and Eleventh Circuits

United States District Courts for the Eastern District of Pennsylvania, Middle District of Pennsylvania, District of New Jersey, Eastern District of Michigan, Northern District of Oklahoma, Central District of Illinois

HONORS/AWARD/DISTINCTIONS

Top 100 Superlawyer for Pennsylvania-2004, 2005, 2007, 2008, 2012, 2014, 2015, 2021, 2022, 2023, 2024

Top 100 Superlawyer for Philadelphia-2006, 2007, 2008, 2011, 2012, 2014, 2015, 2016, 2018, 2019, 2021, 2022, 2023, 2024

Law 360's *Titan of the Plaintiff's Bar*-2014

Equal Justice Award by Community Legal Services of Philadelphia-2014

Elected as a Fellow into the American College of Consumer Financial Services—April 29th, 2023

Selected as a Member of the Nation's Top One Percent by The National Association of Distinguished Counsel

NOTABLE CASES

Teran v. Navient Solutions, LLC et al., __B.R. __, 2023 WL 2721904 (Bankr. N.D. Cal. Mar. 30, 2023)/*Woodard v. Navient Solutions, LLC et al.*, 8:23-cv-301 (D. Neb., Jan. 9, 2024, DOC. 38). Appointed Class Counsel to represent national injunctive relief class for student loan bankruptcy violations; later settled for \$82 million in class-wide relief.

Ramirez v. Trans Union, LLC, 951 F.3d 1008 (9th Cir. 2020), 141 S.Ct. 2190 (2021); 2022 WL 17740302 (N.D. Cal. Dec. 22, 2022); . Served as trial and appellate counsel in record \$60 million jury verdict for a case brought under the Fair Credit Reporting Act; argued appeal against former Solicitor General of the United States affirming verdict (with remittitur), upon certiorari, remanded by US Supreme; later settled for \$9 million

In re TransUnion Rental Screening Sols., Inc., Fair Credit Reporting Act Litig., 437 F. Supp. 3d 1377, 1378 (U.S. Jud. Pan. Mult. Lit. 2020). Served as Co-Lead counsel in national consumer class action settlement in excess of \$11M to compensate victims of inaccurate data on tenant screening reports.

Robinson v. National Student Clearinghouse, No. 1-19-cv-10749, 2020 WL 4873728 (D. Mass. July 8, 2020) *aff'd* 14 F.4th 56 (1st Cir. 2021). In first challenging the defendant as a consumer reporting agency, obtained \$2 million dollar settlement for consumers who were overcharged for college verifications and brought company into FCRA compliance.

Patel v. Trans Union, LLC, 2018 WL 1258194 (N.D. Cal. March 11, 2018). Served as lead Class Counsel in case which obtained an \$8 million dollar settlement for class of consumers who were falsely being reported as terrorists.

Freckleton v. Target Corporation, C.A. No. 14—CV-00807 (D. Md. Dec. 12, 2017). Served as Co-Lead Class Counsel in securing \$8.3 million dollar class action settlement on behalf of nationwide class of Target job applicants.

Thomas v. Equifax Info. Services, LLC, No. 18-cv-684 (E.D. Va.). National Class Counsel in FCRA class action, alleging violations by credit bureau for misreporting public records, providing nationwide resolution of class action claims asserted across multiple jurisdictions, including injunctive relief, and an uncapped mediation program for millions of consumers.

Clark v. Experian Info. Sols., Inc., No. 16-cv-32 (E.D. Va.). National Class Counsel in FCRA class action, alleging violations by credit bureau for misreporting public records, providing a nationwide resolution of class action claims asserted by 32 plaintiffs in 16 jurisdictions, including injunctive relief and an uncapped mediation program, for millions of consumers.

Clark/Anderson v. Trans Union, LLC, No. 15-cv-391 & No. 16-cv-558 (E.D. Va.). National Class Counsel in FCRA consolidated class action, alleging violations by credit bureau for misreporting public records, providing groundbreaking injunctive relief, and an opportunity to recover monetary relief, for millions of consumers.

In Re: TRS Recovery Services, Inc. and Telecheck Services, Inc., Fair Debt Collection Practices Act (FDCPA Litigation)- Served as Class Counsel in a national FDCPA class action and obtained a 3.4-million-dollar settlement against one of the nation's largest check history consumer reporting agencies.

Berry v. LexisNexis Risk & Info. Analytics Group, Inc., No. 3:11-cv-754, 2014 WL 4403524, at *11 (E.D. Va. Sept. 5, 2014) -- Appointed class counsel in national FCRA class action that obtained a \$13.5-million-dollar settlement against Lexis/Nexis, one of the largest information providers in the world, along with a groundbreaking injunctive relief settlement on behalf of 200 million Americans in which LexisNexis agreed to bring its Accurint product into FCRA compliance.

Thomas v. BackgroundChecks.com, C.A. No. 13-029 (E.D. Va. Aug. 11, 2015) –Appointed class counsel in an FCRA national class action which obtained \$18 million against another of the largest background screening companies in the world, and also obtained significant injunctive and remedial relief.

Henderson v. Axiom Risk Mitigation, Inc., C.A. No. 12-589 (E.D. Va., Aug. 7, 2015)- Appointed class counsel in a national FCRA class action which obtained a \$20.8 million settlement against one of the largest data sellers and background screening companies in the world.

Ryals et al. v. Hireright Solutions, Inc., C.A. No. 3:09cv625 (E.D. Va. Dec. 22, 2011) – \$28.3 million national settlement achieved for class of consumers subjected to employment background checks in case brought under Fair Credit Reporting Act (FCRA); believed to be the third largest FCRA settlement in history.

Cortez v. Trans Union, LLC, 617 F.3d 688 (3d. Cir. 2010) – argued precedential case of first impression before the U.S. Court of Appeals for the Third Circuit which outlines the liability, causation and damages standards for FCRA cases against credit reporting agencies; \$800,000 jury verdict against Trans Union in fair credit reporting case (remitted to \$150,000).

Little v. Kia Motors America, Inc., 2003 WL 25568765 (N.J. Super. L. 2003) – \$6 million (approximate) verdict for class of New Jersey car purchasers.

Samuel-Bassett v. Kia Motors America, Inc., __ A.3d __, 2011 WL 60559098 (Pa. 2011), C.P. Phila. County, January Term, 2001, No. 2199 – \$5.6 million verdict for class of Pennsylvania car purchasers, plus award of attorney’s fees.

Serrano v. Sterling Testing Systems, Inc., __ F. Supp. 2d __, 2008 WL 2223007 (E.D. Pa. May 30, 2008) – federal court finding as a matter of first impression what defines a record of arrest under the FCRA.

Ziegenfuse v. Apex Asset Management, LLC, 239 F.R.D. 400 (E.D. Pa. 2006) – obtained court decision holding that offers of judgment under Rule 68 of the Federal Rules of Civil Procedure cannot be used in class actions.

Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005) – obtained \$772,500 settlement for class of consumers who disputed errors in their credit reports.

Richburg v. Palisades Collection, LLC, 247 F.R.D. 457 (E.D. Pa. 2008); federal court ruled that actions to collect delinquent credit card debt in Pennsylvania subject to 4 year statute of limitations (not 6 as the defendant collection agency had argued).

Perry v. FleetBoston Financial Corp., 2004 WL 1508518 (E.D. Pa. 2004) – defeated motion to compel arbitration in class action brought under Fair Credit Reporting Act.

Crane v. Trans Union, LLC, 282 F. Supp. 2d 311 (E.D. Pa. 2003) – federal court held that credit reporting agencies that merely parrot information from credit furnishers and fail to forward dispute documentation face claims for punitive damages under the Fair Credit Reporting Act; violation of the Fair Credit Reporting Act presents a violation of Pennsylvania’s Consumer Protection Law).

Lawrence v. Trans Union, LLC, 296 F. Supp. 2d 582 (E.D. Pa. 2003) (same).

Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004) – obtained class certification in Fair Debt Collection Practices action in which a Pennsylvania federal court held for the first time that statutory net worth limitation is not limited to balance sheet net worth, and includes equity, capital stock and goodwill.

Evantash v. G.E. Capital Mortgage Services, Inc., 2003 WL 22844198 (E.D. Pa. 2003) – federal court held that technical accuracy defense was not available to defendants under the Fair Credit Reporting Act.

Sheffer v. Experian Information Solutions, Inc., 2003 WL 21710573 (E.D. Pa. 2003) – federal court held that Fair Credit Reporting Act permits as recoverable damage emotional distress in trying to correct errors in a consumer’s credit file, even where no pecuniary or out-of-pocket losses.

Sheffer v. Experian Information Solutions Inc., 249 F. Supp. 2d 560 (E.D. Pa. 2003) – federal court held that FCRA provides a private right of action against furnishers of information.

Sullivan v. Equifax, Inc. et al., 2002 U.S. Dist. LEXIS 7884 (E.D. Pa. 2002) – federal court held that reporting a debt to a credit reporting agency is a communication covered by the Fair Debt Collection Practices Act.

Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. 2000) – federal court held that FDCPA provides protection for all persons, not just consumers.

Jaramillo v. Experian Information Solutions, Inc., 155 F. Supp. 2d 356 (E.D. Pa. 2001) – federal court held that single publication rule does not apply to actions brought for violation of the Fair Credit Reporting Act.

CLASS COUNSEL CERTIFICATIONS

Brauer v. ExamOne World Wide Inc. et al, No. 2:22-cv-07760-MEMF-JC (C.D. Cal.) at ECF 126 (Jan. 14, 2015 Order)

Hines v. Equifax Information Services, LLC, 2024 WL 4132333 (E.D.N.Y. Sept. 10, 2024)

Hasson v. Comcast Cable Communications LLC, C.A. No. 23-cv-05039 (E.D. Pa. 2023) (appointed and currently serving as Co-Liason Counsel)

Brooks Trans Union LLC, __F.Supp.3d __, 2024 WL 3625142 (E.D. Pa., Aug 1, 2024)

Woodard v. Navient Solutions, LLC et al., No. 8:23-cv-00301-RFR (D. Neb. 2024)

Samson v. United Healthcare Services Inc., 2:19-cv-00175, 2023 WL 6793973 (W.D. Wa. Oct. 13, 2023)

Botts v. The Johns Hopkins University, No. 1:20-cv-01335-JRR, ECF 96 (D. Md. April 20, 2023)

Teran v. Navient Solutions, LLC et al., No. 20-03075-DM, 2023 WL 2721904 (Bankr. N.D. Cal. Mar. 30, 2023)

Martinez v. Avantus, LLC, No. 3:20-CV-1772 (JCH), 2023 WL 112807 (D. Conn. Jan. 5, 2023)

Stewart et al v. LexisNexis Risk Data Retrieval Services, LLC et al., No. 3:20-cv-00903-JAG (E.D. Va. July 27, 2022)

Healy v. Milliman, Inc., No. 2:20-cv-01473-JCC (W.D. Wash. 2022);

Rivera v. Equifax Information Services, LLC, 341 F.R.D. 328 (N.D. Ga. 2022)

Kang v. Credit Bureau Connection, Inc., No. 18-01359, 2022 WL 658105 (E.D. Cal. Mar. 4, 2022)

Watson v. Checkr, Inc., No. 3:19-cv-03396-EMC (N.D. Cal. 2021)

Deaton v. Trans Union, LLC, No. 2:20-cv-01380-AB (E.D. Pa. 2021)

Sanders v. Makespace Labs, Inc., No: 1:18-cv-10016 (S.D.N.Y. Mar. 29, 2021)

Der-Hacopian v. Darktrace, Inc., No: 18-cv-06726-HSG (N.D. Cal. Dec. 10, 2020)

Der-Hacopian v. Sentrylink, LLC, No. 8:18-cv-03001-PWG (N.D. Cal. Nov. 23,2020)

McIntyre v. RealPage, Inc., No: 2:18-cv-03934, WL 5017612 (E.D. Pa. Aug. 25, 2020)

Norman v. Trans Union, LLC, No: 18-5225, 2020 WL 4735538 (E.D. Pa. Aug. 14, 2020)

In re TransUnion Rental Screening Sols., Inc., Fair Credit Reporting Act Litig., 437 F. Supp. 3d 1377, 1378 (U.S. Jud. Pan. Mult. Lit. 2020).

Robinson v. National Student Clearinghouse, No. 1-19-cv-10749, 2020 WL 4873728 (D. Mass. July 8, 2020) *aff'd* 14 F.4th 56 (1st Cir. 2021)

Leo v. Appfolio, Inc., No.3:17-cv-05771-RJB (W.D. Wash. 2019)

Thomas v. Equifax Info. Services, LLC, No. 18-cv-684 (E.D. Va. 2020)

Clark v. Experian Info. Sols., Inc., No. 16-cv-32 (E.D. Va. 2019)

Clark/Anderson v. Trans Union, LLC, No. 15-cv-391 & No. 16-cv-558 (E.D. Va. 2018)

Gibbons v. Weltman, Weinberg & Reis Co., LPA, 2018 WL 5720749 (E.D. Pa. Oct. 31, 2018)

Kelly v. Business Information Group, C.A. 15-6668, 2019 WL 414915 (E.D. Pa. 2019)

Freckleton v. Target Corporation, C.A. No. 14—CV-00807 (D. Md. Dec. 12, 2017).

Ridenour v. Multi-Color Corporation, C.A. No. 2:15-cv-00041, (E.D. Va., Jan. 13, 2017)

Flores v. Express Personnel, C.A. No. 14-cv-03298, (E.D. Pa. Oct. 21, 2016)

Larson v. Trans Union, LLC, C.A. No. 12-cv-05726, (N.D. CA, Aug. 11, 2016)

Miller v. Trans Union, LLC, C.A. No. 12-cv-1715, (M.D. PA, Dec. 26, 2016)

Henderson v. Trans Union, LLC, C.A. No. 14-cv-00679, E.D. Va., May 3, 2016)

Pawlowski v. United Tranzactions, LLC, C.A. no. 15-cv-2330, (E.D. PA, April 18, 2016)

Rodriguez v. Calvin Klein, Inc., C.A. 1:15-cv-02590 (S.D. N.Y. 2015)

Giddiens v. Infinity Staffing, C.A. No. 13-cv-07115, (E.D. Pa., Jan. 12, 2016)

Giddiens v. First Advantage, C.A. No. 14-cv-5105, (E.D. Pa., July 11, 2015)

Jones v. Halstead Management Corporation, C.A. No. 14-cv-03125 (S.D. N.Y., May 5, 2016)

Berry v. LexisNexis Risk & Info. Analytics Group, Inc., No. 3:11-cv-754, 2014 WL 4403524 (E.D. Va. Sept. 5, 2014)

Thomas v. BackgroundChecks.com, C.A. No. 13-029 2015 WL 11004870 (E.D. Va. Aug. 5, 2015)

Henderson v. Acxiom Risk Mitigation, Inc., C.A. No. 12-589 (E.D. Va., Aug. 7, 2015)

Magallon v. Robert Half International, Inc. WL 8778398 (D. Or. Nov. 10, 2015)

Carter v. McDonald's Restaurants, 15-01531-MWF (March 15, 2015)

Patel v. Trans Union, LLC, 308 F.R.D. 292 (N.D. Cal. 2014)

Goode v. First Advantage LNS Screening Sols., Inc., No. 11-cv-02950 (E.D. Pa. Dec. 29, 2014)

Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014)

King v. General Information Services, Inc., C.A. No. 11-06850 (E.D. Pa. Nov. 4, 2014)

Robinson v. General Information Services, Inc., C.A. No. 11-07782 (E.D. Pa. Nov. 4, 2014)

Ramirez v. Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014)

White v. Experian Information Solutions, 993 F. Supp. 2d 1154, 1172 (C.D. Ca. 2014)

Sapp v. Experian Information Solutions, Inc., 2:10-04312 (E.D. Pa. Jan. 29, 2013)

LaRocque v. TRS Recovery Services, Inc., 2012 WL 291191 (D. Me. July 17, 2012)

Ryals et al. v. Hireright Solutions, Inc., C.A. No. 3:09-625 (E.D. Va. July 7, 2011)

Serrano v. Sterling Testing Systems, Inc., 711 F. Supp. 2d 402 (E.D. Pa. 2010)

Summerfield v. Equifax Information Services, LCC, 264 F.R.D. 133 (D. N.J. 2009)

Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492 (E.D. Pa. 2009)

Jones v. Midland Funding, LLC, C.A. No. 3:08-802 (RNC) (D. Conn. October 13, 2009)

Barel v. Bank of America, 255 F.R.D. 393 (E.D. Pa. 2009)
Mann v. Verizon, C.A. No. 06-5370 (E.D. Pa. Sept. 26, 2008)
Smith v. Grayling Corp., 2008 WL 3861286, C.A. No. 07-1905 (E.D. Pa. 2008)
Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa. March 28, 2008)
Nienaber v. Citibank (South Dakota), N.A., 2007 WL 2003761 (D.S.D. July 5, 2007)
Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132, (E.D. Pa. 2006)
Marino v. UDR, 2006 WL 1687026, C.A. No. 05-2268 (E.D. Pa. June 14, 2006)
Seawell v. Universal Fidelity Corp., 235 F.R.D. 64 (E.D. Pa. 2006)
Perry v. FleetBoston Financial Corp., 229 F.R.D.105 (E.D. Pa. 2005)
Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. 2005)
Beck v. Maximus, 457 F. 3d 291, 2006 WL 2193603 (3d Cir. Aug. 4, 2006)
Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)
Bittner v. Trans Union, LLC, C.A. No. 04-2562 (E.D. Pa. January 4, 2005)
Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)
Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004)
Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa 2004)
Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003)
Gaumer v. The Bon-Ton Stores, C.A. No. 02-8611 (E.D. Pa. Dec. 30, 2003)
Street v. Portfolio Recovery Associates, C.A. No. 01-3684 (E.D. Pa. July 30, 2003)
Samuel-Bassett v. Kia Motors America, Inc., 212 F.R.D. 271 (E.D. Pa. 2000)
Oslan v. Law Offices of Mitchell N. Kay, 232 F. Supp. 2d 436 (E.D. Pa. 2002)
Oslan v. Collection Bureau of Hudson Valley, 206 F.R.D. 109 (E.D. Pa. 2002)
Saunders v. Berks Credit & Collections, 2002 WL 1497374 (E.D. Pa. 2002)
Schilling v. Let's Talk Cellular and Wireless, 2002 U.S. Dist. LEXIS 3352 (E.D. Pa. 2002)
Fry v. Hayt, Hayt and Landau, 198 F.R.D. 461 (E.D. Pa. 2000)
Smith v. First Union Mortgage Corporation, 1999 WL 509967 (E.D. Pa. 1999)
Miller v. Inovision, December Term, 1999, No. 3504 (C.P. Phila. County).

LECTURES/PRESENTATIONS BY INVITATION

Speaker, *Rule 23(c)(5) Subclasses: Certification, Due Process, Adequate Representation, and Settlement*, Strafford Webinars, February 23, 2023

Speaker, *Data Protection at the Federal Level*, Nevada Bar Association, January 17, 2023

Speaker, *27th Annual Consumer Financial Services Institute*, Practising Law Institute, *Debt Collection and Credit Reporting Update*, December 7, 2022, San Francisco, CA

Speaker, *Tenant Screening Litigation: FCRA and Civil Rights Claims*, National Consumer Law Center, Consumer Rights Litigation Conference, November 10, 2022, Seattle, WA

Speaker “Lightning Round-Ascertainability”, Consumer Class Action Symposium, National Consumer Law Center, November 13, 2022, Seattle, WA

Speaker, *27th Annual Consumer Financial Services Institute*, Practising Law Institute, *Debt Collection and Credit Reporting Update*, September 20, 2022, Chicago, IL

Speaker, *Representing the Pro Bono Client: Consumer Law Basics*, Practising Law Institute, August 12, 2022

Speaker, *Perrin Conferences Class Action Litigation Virtual Conference*, April 26, 2022

Speaker, Introduction to Standing in Federal FDCPA Litigation, 2022 Fair Debt Conference, National Consumer Law Center, April 25th, 2022, Orlando, FL

Speaker, *27th Annual Consumer Financial Services Institute- Debt Collection and Credit Reporting Update*, Practising Law Institute, March 18, 2022, New York, NY

Speaker, *Consumer Finance Class Actions: FDCPA, FCRA & TCPA Webinar*, Strafford, September 16, 2020

Faculty, *Introduction to the Fair Credit Reporting Act, Representing the Pro Bono Client: Consumer Law Basics 2020*, Practising Law Institute, August 14, 2020, San Francisco, CA

Faculty, *Representing the Pro Bono Client: Consumer Law Basics 2019*, Practising Law Institute;

Faculty, *Consumer Financial Services & Banking Law Update*, Pennsylvania Bar Institute, October 29, 2019;

Faculty, *Consumer Finance Class Actions*, The Canadian Institute, July 24, 2019;

Faculty, *Representing the Pro Bono Client: Consumer Law Basics 2019*, Practising Law Institute;

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Long Beach, CA, May 1–4, 2019;

Faculty, *Judicial Scrutiny of Class Action Settlements: New Standards and Ensuring Timely Release of Attorneys’ Fees*, Strafford Webinars and Publications, Tuesday, October 9, 2018;

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Baltimore, MD, April 22-29, 2017;

Faculty, 21st Annual Consumer Financial Services Litigation Institute (CLE-accredited), "Fair Credit Reporting and Debt Collection Litigation", March and April 2016, NYC and Chicago;

Speaker, The Conference on Consumer Finance Law, Annual Consumer Financial Services Conference, Loyola University School of Law, Chicago, Illinois, September 16, 2016;

Speaker, "New Frontiers: FCRA Litigation Against Lesser Known CRAs", Consumer Rights Litigation Conference, National Consumer Law Center, Anaheim, California, October 2016;

Faculty, "Pursuing and Defending FDCPA, FCRA and TCPA Claims", Consumer Finance Class Actions, Strafford Publications, June 2, 2016;

Speaker, "Stump the Champs", Consumer Rights Litigation Conference, National Consumer Law Center, San Antonio, Texas, October 2015;

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Las Vegas, NV May 1–3, 2015;

Co-Chair and Speaker, NACA 2013 FCRA Conference, National Association of Consumer Advocates, May 29 – June 1, 2013;

Presenter, *Beyond E-Oscar: Litigating “Non-Credit” FCRA Cases*, Webinar, National Association of Consumer Advocates, February 27, 2013;

Faculty, *FDCPA Class Actions: Latest Litigation Developments*, Strafford Webinars and Publications, November 8, 2012;

Speaker, Consumer Finance Class Actions: *FCRA and FACTA: Leveraging New Developments in Certification, Damages and Preemption*, Strafford Webinars and Publications, March 21, 2012;

Speaker, *FCRA Developments*, Consumer Rights Litigation Conference, National Consumer Law Center, Seattle, Washington, October 2012;

Speaker, *11th Consumer Class Action Symposium*, National Consumer Law Center, Chicago, Illinois, November 6, 2011;

Speaker, *Tenant, Employment and Chexsystems Reports*, Consumer Rights Litigation Conference, National Consumer Law Center, Chicago, Illinois, November 3 – 6, 2011;

Speaker, *Specialty Consumer Reports and the FCRA*, FCRA Conference on Consumer Credit, National Association of Consumer Advocates, Memphis, Tennessee, May 20 – 22, 2011;

Panelist, *Taking on the Challenges Facing Workers with Criminal Records: Advancing the Legal and Policy Advocacy Agenda*, National Employment Law Project, Washington, D.C., April 5, 2011;

Faculty, 16th Annual Consumer Financial Services Litigation Institute (CLE-accredited), *Collection Issues Including The TCPA & Hot Topics*, Practicing Law Institute, New York, NY and Chicago, IL, March 2011;

Speaker, *ABCs of Fair Credit Reporting, Tips on FCRA Depositions, Evolution of Credit Reporting Industries*, Consumer Rights Litigation Conference, National Consumer Law Center, Boston, Massachusetts, November 11 – 14, 2010;

Faculty, Banking and Consumer Financial Services Law Update, *Litigation and Arbitration Update*, Pennsylvania Bar Institute, April 14, 2010;

Faculty, *Deposit-Side Litigation Developments & Credit Card Developments*, 14th Annual Consumer Financial Services Litigation Institute, New York, NY and Chicago, IL, March and April 2009;

Faculty, 13th Annual Consumer Financial Services Litigation Institute (CLE-accredited), Practicing Law Institute, New York, NY and Chicago, IL, January 2008, March 2008;

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Chicago, IL May 8 – 10, 2009;

Faculty, 12th Annual Consumer Financial Services Litigation Institute (CLE-accredited), Practicing Law Institute, New York, NY, March 2007;

Faculty, *Fair Credit Reporting Litigation*, Consumer Protection Law (CLE-accredited), Pennsylvania Bar Institute, Philadelphia, PA and Mechanicsburg, PA, December 2004, March 2007;

Speaker, *Litigating Accuracy Issues with Furnishers of Credit Data*, National Association of Consumer Advocates, New Orleans, LA, June 2 – 5, 2005;

Speaker, Philadelphia Housing Expo, Homeownership Counseling Association of the Delaware Valley, 2005 and 2006;

Speaker, *Understanding Credit Scoring*, Consumer Rights Litigation Conference, National Consumer Law Center, Boston, MA, November 7, 2004;

Speaker, *Litigating Accuracy Issues With Credit Reporting Agencies*, National Association of Consumer Advocates, Chicago, Ill., May 14 – 16, 2004;

Speaker, *Protecting Privacy, Ensuring Accuracy*, National Association of Consumer Advocates, Albuquerque, NM, June 1, 2002;

Faculty/Speaker, *Credit Reporting and Debt Collection Litigation*, Municipal Court Judicial Conference (CLE), Pennsylvania, PA, May 6, 1999;

Speaker, The People's Law School, Philadelphia Bar Association, Philadelphia, PA, October 2004;

Guest Lecturer, Consumer Protection Law, Temple Law School, 2003 – 2012;

Guest Lecturer, Consumer Protection Law, Widener Law School, 2004 – 2009.

PUBLICATIONS

Fourth Circuit Rules Consumers Can Bring FDCPA Claims on Mortgage Liens After Bankruptcy, The Legal Intelligencer (June, 2025)

CFPB's Last Big Swing Under Biden Takes on Data Brokers, The Legal Intelligencer (February, 2025)

California Implements New Law Banning Medical Debt from Credit Reports, The Legal Intelligencer (November 2024)

CFPB Proposes Ban on Medical Debt Credit Reporting, The Legal Intelligence, (July, 2024)

Supreme Court Upholds Consumers Right to Sue Federal Agencies Under the FCRA, The Legal Intelligencer (March, 2024)

U.S. Supreme Court Hears Oral Argument Regarding Federal Governments Liability for FCRA Violations, The Legal Intelligencer (January, 2024)

Recent Circuit Decisions Tackle Fraud Investigations and Accuracy Standard Under the FCRA. The Legal Intelligencer (September, 2023)

Recent CFPB Reports Confirm Widespread Problems with Tenant Background Checks, The Legal Intelligencer (January, 2023)

CFPB's Recent Interpretive Rule Encourages States to Enact Fair Credit Reporting Laws, The Legal Intelligencer (October, 2022)

CFPB Reminds Agencies That Name Only Matching Procedures Violate the FCRA, The Legal Intelligencer (February, 2022)

The FCRA: A Double-Edged Sword for Consumer Data Sellers,

GP SOLO Magazine, American Bar Association, Volume 29, Number 6,
November/December 2012

Credit Rating Damage: Compensable, Yet Overlooked Damage in Tort Cases,

The Verdict, Philadelphia Trial Lawyers Association, Volume 2008-2009, Issue 6 (2009).

APPOINTMENTS, POSITIONS & MEMBERSHIPS

Editorial Board of the Consumer Financial Services Law Report

Philadelphia Bar Association's Lawyer Referral and Information Service Committee (chair or co-chair for 3 years)

Philadelphia Bar Association's Federal Court's Committee.

Arbitrator for the Court of Common Pleas of Philadelphia County

Court of Common Pleas of Philadelphia County, Judge Pro Tem panel.

PERSONAL

Born: June 17, 1970, Philadelphia, Pennsylvania

Family: Two Children, Shayna and Noah

MARK D. MAILMAN

MARK D. MAILMAN, is the managing partner of FMS and one of the firm's founders. He is a tenacious and passionate consumer litigator who has for more than 27 years helped secure over \$350 million dollars in verdicts and settlements on behalf of more than 10,000 victimized consumers across the nation. Mark concentrates his practice primarily in federal courts, in the areas of Fair Debt Collection, Fair Credit Reporting, False Employment/Background Checks, Identity Theft, Unwanted Auto Calls and Texts, and Consumer Class Actions.

In October 2018, Mark was awarded the 2018 Consumer Attorney of the Year award from the National Association of Consumer Advocates (NACA). NACA is a nationwide organization of more than 1,500 consumer attorneys and advocates who represent the victims of abusive and fraudulent business practices. He has been consistently voted and named one of Pennsylvania's Super Lawyers by Law and Politics published by Philadelphia Magazine and Pennsylvania Super Lawyer Magazine from 2004 to the Present. Mark has repeatedly lectured before judges, lawyers and various professional organizations on the topics of Fair Debt Collection and Fair Credit Reporting litigation and has also appeared on various news programs to discuss trending consumer issues

Mark is a graduate of Muhlenberg College (B.A. magna cum laude, 1991), where he was also inducted into Phi Beta Kappa. He received his law degree from the Temple University School of Law (J.D., 1995). While at Temple Law School, he achieved the highest grade in his Trial Advocacy clinic.

Mark is admitted to practice before the United States for the Eastern District of Pennsylvania, Middle District of Pennsylvania, Eastern District of Arkansas, District of North Dakota, and District of New Jersey as well as the state courts of Pennsylvania and New Jersey. He has also successfully litigated cases across the country on a pro hac basis. Mark has been certified to serve as class counsel by state and federal courts in both contested and settlement class actions.

CLASS COUNSEL CERTIFICATIONS

Martinez v. Avantus, LLC, No. 3:20-CV-1772 (JCH), 2023 WL 112807 (D. Conn. Jan. 5, 2023)
Stewart et al v. LexisNexis Risk Data Retrieval Services, LLC et al., No. 3:20-cv-00903-JAG (E.D. Va. July 27, 2022)
Healy v. Milliman, Inc., No. 2:20-cv-01473-JCC (W.D. Wash. 2022)
Kang v. Credit Bureau Connection, Inc., No. 18-01359, 2022 WL 658105 (E.D. Cal. Mar. 4, 2022)
Watson v. Checkr, Inc., No. 3:19-cv-03396-EMC (N.D. Cal. 2021)
Deaton v. Trans Union, LLC, No. 2:20-cv-01380-AB (E.D. Pa. 2021)
Sanders v. Makespace Labs, Inc., No: 1:18-cv-10016 (S.D.N.Y. Mar. 29, 2021)
Der-Hacopian v. Darktrace, Inc., No: 18-cv-06726-HSG (N.D. Cal. Dec. 10, 2020)
Der-Hacopian v. Sentrylink, LLC, No. 8:18-cv-03001-PWG (N.D. Cal. Nov. 23, 2020)
McIntyre v. RealPage, Inc., No: 2:18-cv-03934, WL 5017612 (E.D. Pa. Aug. 25, 2020)
Norman v. Trans Union, LLC, No: 18-5225, 2020 WL 4735538 (E.D. Pa. Aug. 14, 2020)
Robinson v. National Student Clearinghouse, No. 1-19-cv-10749, 2020 WL 4873728 (D. Mass. July 8, 2020) *aff'd* 14 F.4th 56 (1st Cir. 2021)
Leo v. Appfolio, Inc., No.3:17-cv-05771-RJB (W.D. Wash. 2019)
Thomas v. Equifax Info. Services, LLC, No. 18-cv-684 (E.D. Va. 2020)
Clark v. Experian Info. Sols., Inc., No. 16-cv-32 (E.D. Va. 2019)
Clark/Anderson v. Trans Union, LLC, No. 15-cv-391 & No. 16-cv-558 (E.D. Va. 2018)
Gibbons v. Weltman, Weinberg & Reis Co., LPA, 2018 WL 5720749 (E.D. Pa. Oct. 31, 2018)
Kelly v. Business Information Group, C.A. 15-6668, 2019 WL 414915 (E.D. Pa. 2019)
Ridenour v. Multi-Color Corporation, C.A. No. 2:15-cv-00041, (E.D. Va., Jan. 13, 2017)
Flores v. Express Personnel, C.A. No. 14-cv-03298, (E.D. Pa. Oct. 21, 2016)
Larson v. Trans Union, LLC, C.A. No. 12-cv-05726, (N.D. CA, Aug. 11, 2016)
Miller v. Trans Union, LLC, C.A. No. 12-cv-1715, (M.D. PA, Dec. 26, 2016)
Henderson v. Trans Union, LLC, C.A. No. 14-cv-00679, E.D. Va., May 3, 2016)

Pawlowski v. United Tranzactions, LLC, C.A. no. 15-cv-2330, (E.D. PA, April 18, 2016)

Rodriguez v. Calvin Klein, Inc., C.A. 1:15-cv-02590 (S.D. N.Y. 2015)

Giddiens v. Infinity Staffing, C.A. No. 13-cv-07115, (E.D. Pa., Jan. 12, 2016)

Giddiens v. First Advantage, C.A. No. 14-cv-5105, (E.D. Pa., July 11, 2015)

Jones v. Halstead Management Corporation, C.A. No. 14-cv-03125 (S.D. N.Y., May 5, 2016)

Berry v. LexisNexis Risk & Info. Analytics Group, Inc., No. 3:11-cv-754, 2014 WL 4403524 (E.D. Va. Sept. 5, 2014)

Thomas v. BackgroundChecks.com, C.A. No. 13-029 2015 WL 11004870 (E.D. Va. Aug. 5, 2015)

Henderson v. Acxiom Risk Mitigation, Inc., C.A. No. 12-589 (E.D. Va., Aug. 7, 2015)

Magallon v. Robert Half International, Inc. WL 8778398 (D. Or. Nov. 10, 2015)

Carter v. McDonald's Restaurants, 15-01531-MWF (March 15, 2015)

Patel v. Trans Union, LLC, 308 F.R.D. 292 (N.D. Cal. 2014)

Goode v. First Advantage LNS Screening Sols., Inc., No. 11-cv-02950 (E.D. Pa. Dec. 29, 2014)

Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014)

King v. General Information Services, Inc., C.A. No. 11-06850 (E.D. Pa. Nov. 4, 2014)

Robinson v. General Information Services, Inc., C.A. No. 11-07782 (E.D. Pa. Nov. 4, 2014)

Ramirez v. Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014)

White v. Experian Information Solutions, 993 F. Supp. 2d 1154, 1172 (C.D. Ca. 2014)

Sapp v. Experian Information Solutions, Inc., 2:10-04312 (E.D. Pa. Jan. 29, 2013)

LaRocque v. TRS Recovery Services, Inc., 2012 WL 291191 (D. Me. July 17, 2012)

Ryals et al. v. Hireright Solutions, Inc., C.A. No. 3:09-625 (E.D. Va. July 7, 2011)

Serrano v. Sterling Testing Systems, Inc., 711 F. Supp. 2d 402 (E.D. Pa. 2010)

Summerfield v. Equifax Info. Services, LCC, 2009 WL 3234191 (D. N.J. Sept. 30, 2009)

Chakejian v. Equifax Info. Services, LLC, 256 F.R.D. 492, 2009 WL 764656 (E.D. Pa. 2009)

Barel v. Bank of America, ___F.R.D. ___, 2009 WL 122805 (E.D. Pa. 2009)

Mann v. Verizon, C.A. No. 06-5370 (E.D. Pa. Sept. 26, 2008)

Smith v. Grayling Corp., 2008 WL 3861286, C.A. No. 07-1905 (E.D. Pa. 2008)

Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa., March 28, 2008)

Nienaber v. Citibank (South Dakota), N.A., 2007 WL 2003761 (D.S.D., July 5, 2007)

Jordan v. Commonwealth Financial Sys., Inc., 237 F.R.D. 132, 2006 WL 2294855 (E.D. Pa. 2006)

Seawell v. Universal Fidelity Corp., 235 F.R.D. 64 (E.D. Pa. 2006)

Perry v. FleetBoston Financial Corp., 299 F.R.D. 105, 2005 WL 1527694 (E.D. Pa. 2005)

Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. 2005); *vacated on other grounds, Beck v. Maximus*, 457 F. 3d 291, 2006 WL 2193603 (3d. Cir. Aug. 4, 2006)

Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)

Bittner v. Trans Union, LLC, C.A. No. 04-2562 (E.D. Pa. January 4, 2005)
Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)
Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004)
Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa 2004)
Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003)
Gaumer v. The Bon-Ton Stores, C.A. No. 02-8611 (E.D. Pa. Dec. 30, 2003)
Street v. Portfolio Recovery Associates, C.A. No. 01-3684 (E.D. Pa. July 30, 2003)
Samuel-Bassett v. Kia Motors America, Inc., 212 F.R.D. 271 (E.D. Pa. 2000), *vacated on other grounds*
Oslan v. Law Offices of Mitchell N. Kay, 232 F. Supp. 2d 436 (E.D. Pa. 2002)
Oslan v. Collection Bureau of Hudson Valley, 206 F.R.D. 109 (E.D. Pa. 2002)
Saunders v. Berks Credit & Collections, 2002 WL 1497374 (E.D. Pa. 2002)
Schilling v. Let's Talk Cellular and Wireless, 2002 U.S. Dist. LEXIS 3352 (E.D. Pa. 2002)
Fry v. Hayt, Hayt and Landau, 198 F.R.D. 461 (E.D. Pa. 2000)
Smith v. First Union Mortgage Corporation, 1999 WL 509967 (E.D. Pa. 1999)
Miller v. Inovision, C.P. Phila. County, December Term, 1999, No. 3504

NOTABLE CASES

Schwartz v. Aracor Search & Abstract, Inc., 2014 WL 4493662 (E.D. Pa. Sept. 11, 2014) (upholding compensatory and punitive damages judgment against title company that misappropriated certain funds at real estate closing)
Ferguson v. Wells Fargo Bank, NA, 538 Fed. Appx. 782 (9th Cir. 2013) (reversing summary judgment for bank that failed to properly remove bankruptcy notation)
King v. General Info. Servs., Inc., 903 F. Supp. 2d 303 (E.D. Pa. 2012) (first court to uphold constitutionality of FCRA's obsolescence provision)
Seamans v. Temple University, Civil No. 11-6774(E.D. Pa., Oct. 28, 2011) — precedential case of first impression before U.S. Court of Appeals for the Third Circuit addressing duties of furnishers and interplay between the FCRA and HCA.
Adams v. LexisNexis Risk & Info. Analytics Group, Inc., 2010 WL 1931135 (D.N.J. May 12, 2010) (first court to find that consumers may sue under FRCA over information in specialty Accurint report used by debt collectors)
Dixon-Rollins v. Trans Union, LLC, Civil No. 09-646 (E.D. Pa., April 10, 2010) – \$530,000 jury verdict against a credit reporting agency that falsely reported an old landlord collection claim for rent (remitted to \$300,000)
Shames-Yeakel v. Citizens Financial Bank, 677 F. Supp. 2d 994 (N.D. Ill. 2009) (first court to rule that consumer may proceed to jury trial on claim that bank breached its duty to sufficiently secure its online banking system).

Cortez v. Trans Union, LLC, Civil No. 05-5684 (E.D. Pa., April 26, 2007)—\$800,000 jury verdict against Trans Union in fair credit reporting case (remitted to \$150,000)

Samuel-Bassett v. Kia Motors America, Inc., C.P. Phila. County, January Term, 2001, No. 2199—5.6 million dollar verdict for class of Pennsylvania car purchasers

Little v. Kia Motors America, Inc., 2003 WL 25568765 (N.J.Super.L. 2003)—6 million dollar (approximate) verdict for class of New Jersey car purchasers, damages later decertified

Serrano v. Sterling Testing Systems, Inc., —F.Supp.2d—, 2008 WL 2223007 (E.D. Pa. May 30, 2008)—federal court finding as a matter of first impression what defines a record of arrest under the FCRA

Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)—obtained \$772,500 settlement for class of consumers who disputed errors in their credit reports

Perry v. FleetBoston Financial Corp., 2004 WL 1508518 (E.D. Pa. 2004)—defeated motion to compel arbitration in class action brought under Fair Credit Reporting Act

Crane v. Trans Union, LLC, 282 F. Supp. 2d 311 (E.D. Pa. 2003)—federal court held that credit reporting agencies that merely parrot information from credit furnishers and fail to forward dispute documentation face claims for punitive damages under the Fair Credit Reporting Act; violation of the Fair Credit Reporting Act presents a violation of Pennsylvania's Consumer Protection Law); *Lawrence v. Trans Union, LLC*, 296 F. Supp. 2d 582 (E.D. Pa. 2003)—same

Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)—in fair debt class action, Pennsylvania federal court held for the first time that statutory net worth limitation is not limited to balance sheet net worth, and includes equity, capital stock and goodwill

Evantash v. G.E. Capital Mortgage Services, Inc., 2003 WL 22844198 (E.D. Pa. 2003)—in fair credit reporting case, court held that technical accuracy is not a defense

Sheffer v. Experian Information Solutions, Inc., 2003 WL 21710573 (E.D. Pa. 2003)—federal court held that Fair Credit Reporting Act permits as recoverable damage emotional distress in trying to correct errors in a consumer's credit file, even where no pecuniary or out-of-pocket losses

Sheffer v. Experian Information Solutions Inc., 249 F. Supp. 2d 560 (E.D. Pa. 2003)—federal court held that FCRA provides a private right of action against furnishers of information

Sullivan v. Equifax, Inc. et al., 2002 U.S. Dist. LEXIS 7884 (E.D. Pa. 2002)—federal court held that reporting a debt to a credit reporting agency is a communication covered by the Fair Debt Collection Practices Act

Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. 2000)—federal court held that FDCPA provides protection for all persons, not just consumers

Jaramillo v. Experian Information Solutions, Inc., 155 F. Supp. 2d 356 (E.D. Pa. 2001); 2001 U.S. Dist. LEXIS 10221 (E.D. Pa. 2001)—federal court held that single publication rule does not apply to actions brought for violation of the Fair Credit Reporting Act

PRESENTATIONS/LECTURES BY INVITATION

Speaker, *Spring Training 2023 (FCRA)*, National Association of Consumer Advocates, New Orleans, LA, May 3-5, 2023

Speaker, *Spring Training 2022 (FCRA)*, National Association of Consumer Advocates, Phoenix, AZ, May 11-14, 2022

Speaker, *Consumer Rights Litigation Conference*, National Consumer Law Center's Office Hours with the FCRA Stars, December 6-17, 2021

Speaker, *Spring Training 2020 (FCRA)*, National Association of Consumer Advocates, Online Webinars, May 1-June 30, 2020

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Long Beach, CA, May 1-4, 2019

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Baltimore, MD, April 22-29, 2017

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Las Vegas, NV, May 1-3, 2015

Speaker, *Fair Debt Collection Experienced Training Conference*, National Association of Consumer Advocates, Baltimore, MD, March 7-8, 2013

Speaker, *Fair Debt Collection Experienced Training Conference*, National Association of Consumer Advocates, New Orleans, LA, February 23-24, 2012

Speaker, *Negotiating 101*, National Association of Consumer Advocates, Memphis, TN, May 20-22, 2011

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Chicago, IL, May 8-10, 2009

Speaker, *Fair Debt Collection Experienced Training Conference*, National Association of Consumer Advocates, Nashville, TN, March 27-29, 2008

Speaker, *Litigation Trends: "Getting to Know the Other Team"*, 11th Annual DBA International World Championship of Debt Buying, Las Vegas, NV, February 5-7, 2008

Speaker, *Protecting Vulnerable Consumers and Promoting Marketplace Justice*, Consumer Rights Litigation Conference, National Consumer Law Center, Miami, FL, November 10-13, 2006

Speaker, *FCRA: Playing to Win*, National Association of Consumer Advocates, Las Vegas, NV, May 5-7, 2006

Speaker, *Litigating Accuracy Issues With Furnishers of Credit Data*, National Association of Consumer Advocates, New Orleans, LA, June 2-5, 2005

Speaker, *Understanding Credit Scoring*, Consumer Rights Litigation Conference, National Consumer Law Center, Boston, MA, November 7, 2004

Speaker, *Litigating Accuracy Issues With Credit Reporting Agencies*, National Association of Consumer Advocates, Chicago, Ill., May 14-16, 2004

Speaker, *FCRA/Building On Our Success*, National Association of Consumer Advocates, Orlando, FL, March 7-9, 2003

Speaker, *Protecting Privacy, Ensuring Accuracy*, National Association of Consumer Advocates, Albuquerque, NM, June 1, 2002

Faculty/Speaker, *Credit Reporting and Debt Collection Litigation*, Municipal Court Judicial Conference (CLE), Pennsylvania, PA, May 6, 1999

PUBLICATIONS *Fourth Circuit Rules on the Duty to Investigate Legal Disputes Under the FCRA, The Legal Intelligencer (April, 2025)*

CFPB Clarifies Employers' Obligations When Using Background Dossiers and Algorithmic Scores in Employment Decisions, The Legal Intelligencer (January, 2025)

Sixth Circuit: Consumer's FCRA Complaint Regarding Inaccurate Spousal Support Obligation Passes Muster, The Legal Intelligencer (October, 2024)

PA High Court Holds Consumers Can Receive Both Punitive and Statutory Treble Damages Under the CPL, The Legal Intelligencer (June, 2024)

CFPB Issues New Guidance Regarding Inaccurate Background Check Reports and Credit File Sharing Practices, The Legal Intelligencer (April, 2024)

CFPB Details Student Loan Servicers' Struggles in Wake of Borrowers Resuming Payments, The Legal Intelligencer, (February, 2024)

Third Circ. Clarifies Furnishers' Duties Under the FCRA to Probe Indirect Disputes, 268 The Legal Intelligencer, 5, 8 (2023)

CFPB Explores AI's Impact on Consumers' Relationships With Financial Institutions, 268 The Legal Intelligencer, 5, 8 (2023)

CFPB Reminds Consumer Reporting Agencies to Toss 'Junk Data' in the Trash, 266 The Legal Intelligencer, 5, 8 (2022)

Your Clients' Consumer Rights Legal Issues May Be Hiding in Plain Sight, 264 The Legal Intelligencer, 7-8 (2021)

COMMITTEE APPOINTMENTS AND POSITIONS

Mark regularly lectures for continuing legal education programs, law schools and community groups throughout the country, and has been a regular speaker for the National Association of Consumer Advocates (NACA) and National Consumer Law Center (NCLC) for over 20 years. He is a certified arbitration panelist with the Federal Arbitration Panel and serves on the Editorial Board of the Consumer Financial Services Law Report. Additionally, Mark is a member of the Pennsylvania Trial Lawyers Association, Philadelphia Trial Lawyers Association, Philadelphia Bar Association, and National Association of Consumer Advocates, and regularly serves on the Philadelphia Bar Association's Federal Courts Committee.

JOHN SOUMILAS

JOHN SOUMILAS is a partner of the firm. His primary office is located in Philadelphia. A seasoned litigator, John has represented thousands of consumers in individual cases and class actions, with career settlements and verdicts valued at more than \$180M. He currently represents persons defamed and otherwise harmed by credit reporting, employment background and tenant screening errors, victims of identity theft, students and student loan borrowers, individuals harassed and deceived by collectors and other businesses, as well as consumers who are subjected to unwelcome invasions of their privacy, overcharging, and other deceptive trade practices.

John has been repeatedly recognized by Philadelphia Magazine as a “SuperLawyer,” a recognition received by only 5% of attorneys in Pennsylvania. He has been nationally recognized for his work in protecting consumer rights under the federal Fair Credit Reporting Act (FCRA). Throughout his career, John has obtained some of the highest consumer jury verdicts, including the highest known FCRA verdicts in Pennsylvania, California, and Michigan, and had been appointed by federal judges as class counsel in some of the largest FCRA class cases and settlements.

John lives in Philadelphia with his wife and has four adult children. John is a 1994 *cum laude* graduate of Rutgers University, where he was inducted into Phi Beta Kappa. He also holds a master’s degree in American history from Stony Brook University, obtained in 1996. John received his law degree *cum laude* from the Temple University Beasley School of Law in 1999, where he was a member of the Temple Law Review. He began his legal career by clerking for Justice Russell M. Nigro of the Supreme Court of Pennsylvania.

ADMISSIONS

John has been admitted to practice before the United States Supreme Court, United States Courts of Appeals for the First, Second, Third, Fourth, Sixth, Seventh, Ninth and Eleventh Circuits, the United States District Courts for the District of Colorado, Eastern District of Michigan, Eastern District of Pennsylvania, and the District of New Jersey, as well as the state courts of Pennsylvania and New Jersey. He has also successfully litigated cases on a *pro hac vice* basis throughout the country.

RECENT WORK

John is known for his ability to tackle a wide array of novel and complex legal problems. A sampling of his work in recent years is set forth below:

False Terrorist Alerts on Credit Reports

Martinez v. Avantus, LLC, 343 F.R.D. 254 (D. Conn. 2023) (certified class of mortgage applicants in case involving the reporting of inaccurate OFAC “terrorist” alerts appearing on the credit reports of innocent American consumers); later settled for \$6.7M; *Kang v. Credit Bureau Connection, Inc.*, No. 18-01359, 2022 WL 658105 (E.D. Cal. Mar. 4, 2022) (certified class of car buyers in case involving the reporting of inaccurate OFAC alerts) (also appointed class counsel and represented classes of similar consumers for false OFAC alert claims in *Patel v. Trans Union, LLC*, 308 F.R.D. 292 (N.D. Cal. 2015); later settled for \$8M; and

Ramirez v. Trans Union, LLC, 301 F.R.D. 408 (N.D. Cal. 2014); *see also Ramirez v. Trans Union LLC*, 951 F.3d 1008 (9th Cir. 2020) (upholding certification of entire class, but reversed for portion of class that lacked Article III standing per *Trans Union LLC v. Ramirez*, 141 S. Ct. 2190 (2021); later settled for over \$9M).

Unlawful College Charges and Student Loan Collections

Teran v. Navient Sols. (In re Teran), No. 10-31718, 2022 Bankr. LEXIS 381 (Bankr. N.D. Cal. Feb. 15, 2022) (summary judgment ruling siding with class of student debtors who had collection efforts taken against them even though certain of their student loans were discharged in their bankruptcies); later certified and settled as part of nationwide \$28M damages and \$54M debt forgiveness deal, *Woodard v. Navient Sols.*, No. 8:23-cv-301, 2024 WL 94468 (D. Neb. Jan. 9, 2024);

Botts v. Johns Hopkins Univ., No. 20-1335, 2021 WL 1561520 (D. Md. Apr. 21, 2021) (leading decision in litigation against universities for class of undergraduate and graduate students claiming overcharging during the Covid-19 pandemic, upholding breach of contract and unjust enrichment claims) later settled for over \$10M;

Seamans v. Temple University, 744 F.3d 853 (3d Cir. 2014) (reversing summary judgment for credit furnisher concerning improperly reported old student loan debt, and setting standard for certain delinquent student debt that cannot be reported to the credit agencies after seven-and-a-half years).

Credit Reporting Errors and Problems

Norman v. Trans Union, LLC, 669 F. Supp. 3d 351 (E.D. Pa. 2023) (finding that credit reporting agency must reinvestigate consumers' disputes of contested "hard inquiries" (credit applications) and refusing agency's request to de-certify class); *Norman v. Trans Union, LLC*, 479 F.Supp.3d 98 (E.D. Pa. Aug. 14, 2020) (first court to certify class action for credit report agency's failure to investigate hundreds of thousands of consumer disputes of certain inquiries disputed as unauthorized); followed by *Rivera v. Equifax Info. Servs., LLC*, 341 F.R.D. 328 (N.D. Ga. 2022) (certifying even larger class of over 300,000 consumers for same claim);

Adams v. LexisNexis Risk & Info. Analytics Group, Inc., No. 08-4708, 2010 WL 1931135 (D.N.J. May 12, 2010) (first court to find that consumers may sue under FRCA over personal information in specialty Accurint credit report used by debt collectors and others) (leading to *Berry v. LexisNexis Risk & Info. Analytics Group, Inc.*, No. 11-754, 2014 WL 4403524 (E.D. Va. Sept. 5, 2014) and resulting in \$13.5M class action settlements with LexisNexis);

Ferguson v. Wells Fargo Bank, NA, 538 Fed. Appx. 782 (9th Cir. 2013) (reversing summary judgment for bank that failed to remove bankruptcy notation from consumer's credit report).

Tenant and Employment Screening Violations

In re TransUnion Rental Screening Sols., Inc., Fair Credit Reporting Act Litig., 437 F. Supp. 3d 1377, 1378 (U.S. Jud. Pan. Mult. Lit. 2020) (later settled in 2023 for over \$11M to compensate victims of inaccurate data on tenant screening reports);

McIntyre v. RealPage, Inc., 336 F.R.D. 422 (E.D. Pa. Aug. 25, 2020) (certifying claim on behalf of tenant applicants for improper reporting of stale eviction records against them in largest tenant screening class to date); later settled for over \$6.3M;

Kelly v. Business Information Group, No. 15-6668, 2019 WL 414915 (E.D. Pa. Feb. 1, 2019) (as part of approval of over \$3.1M class settlement requiring employment background screener to provide important “same time” notice to job candidates of any adverse information being included in their background reports);

Leo v. AppFolio, Inc., No. 17-5771, 2018 WL 623647 (W.D. Wash. Jan. 30, 2018) (upholding class action claims against start-up tenant screening company); later settled for \$4.5M;

Flores v. Express Personnel, No. 14-03298, 2017 WL 1177098 (E.D. Pa. Mar. 30, 2017) (certifying settlement class regarding improper background screening practices by a job placement agency); later settled for over \$6M;

Magallon v. Robert Half International, Inc., 311 F.R.D. 626 (D. Or. Nov. 10, 2015) (one of few cases certifying a 5-year FCRA class on contest for failure to timely disclose adverse temp-placement decisions against job placement agency).

NOTEWORTHY CASES

Throughout his career, John has litigated some of the most groundbreaking consumer rights cases including several cases involving issues of first impression. The following is a list of cases involving complex and novel issues that John had litigated through the years:

Teran v. Navient Sols. (In re Teran), 649 B.R. 794 (Bankr. N.D. Cal. March 30, 2023) (certifying circuit-wide damages class and also nationwide injunctive class of student loan borrowers of non-Title IV loans subjected to unlawful post-bankruptcy collection efforts);

Clark v. Trans Union, LLC, No. 15-391, 2017 WL 814252 (E.D. Va. Mar. 1, 2017) (certifying one of first misreported public records FCRA classes);

Schwartz v. Aracor Search & Abstract, Inc., No. 13–870, 2014 WL 4493662 (E.D. Pa. Sept. 11, 2014) (upholding compensatory and punitive damages judgment against title company that misappropriated certain funds at real estate closing);

King v. General Info. Servs., Inc., 903 F. Supp. 2d 303 (E.D. Pa. 2012) (first court to uphold constitutionality of FCRA’s obsolescence provision for old or outdated background history);

Howley v. Experian Info. Solutions, Inc., 813 F. Supp. 2d 629 (D.N.J. 2011) (first court to find that consumer may sue agency that improperly disclosed information to an identity thief);

Cortez v. Trans Union, LLC, 617 F.3d 688 (3d Cir. 2010) (upholding first ever court finding that false terrorist/OFAC alerts are subject to the FCRA, also upholding punitive damages of case tried by same counsel before a jury at the district court level, *Cortez v. Trans Union, LLC*, No. 05-5684 (E.D. Pa. Apr. 26, 2007));

Chakejian v. Equifax Info. Servs., LLC, 256 F.R.D. 492 (E.D. Pa. 2009) (first certified class action under FCRA section 1681i regarding consumer disputes);

Shames-Yeakel v. Citizens Financial Bank, 677 F. Supp. 2d 994 (N.D. Ill. 2009) (first court to rule that consumer may proceed to jury trial on claim that bank breached its duty to sufficiently secure its online banking system).

LECTURES / PUBLICATIONS

John is also a regular lecturer on consumer matters, including for the National Business Institute, National Consumer Law Center, Practicing Law Institute, National Association of Consumer Advocates, and other organizations. John has been interviewed and quoted concerning many legal issues affecting consumers by a wide range of media outlets, from the Wall Street Journal and Forbes Magazine to Consumer Reports and Free Speech Radio. He has authored several popular and scholarly articles, including *Third Circuit Refuses to Allow Litigant to Sidestep Its Chosen Arbitration Body's Rules* (The Legal Intelligencer Feb. 2, 2024); *CFPB Tries to Nip New Wave of Unlawful Medical Debt Collection in the Bud* (The Legal Intelligencer Apr. 1, 2022), *Predatory Lending, the FCRA and the FDCPA* (NBI 2009), and *How Can I Combat Identity Theft* (Philadelphia Magazine, Dec. 2008).

LAUREN KW BRENNAN

LAUREN KW BRENNAN is a partner of the firm. Lauren is a zealous consumer advocate and skilled litigator who has spent her entire career seeking to vindicate the rights of consumers. She concentrates her practice on class action litigation on behalf of consumers harmed by credit reporting errors, inaccurate employment background screening, abusive debt collection practices, and other unfair and fraudulent trade practices. Lauren lives in West Philadelphia with her husband and two children.

EDUCATION

Temple University Beasley School of Law J.D. *cum laude*, 2013; Beasley Scholar, Temple Political & Civil Rights Law Review

Swarthmore College, B.A. 2008

ADMISSIONS

Lauren has been admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Second, Third, Seventh, Ninth, and Eleventh Circuits, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey, as well as in state courts in Pennsylvania and New Jersey. She has also successfully litigated cases after being admitted *pro hac vice* in federal district courts around the country.

NOTABLE CASES

Hernandez v. MicroBilt Corporation, 88 F.4th 215 (3d Cir. 2023) (upholding denial of CRA's motion to compel arbitration of claims regarding misreporting of terrorist watch list information, confirming that claims return to court where AAA declined to administer dispute).

Kelly v. RealPage, Inc., 47 F.4th 202 (3d Cir. 2022) (after granting Plaintiff's Rule 23(f) petition for permission to appeal, holding that consumers had Article III standing for claim that tenant screening company failed to disclose sources of information, that consumers are not required to use term "file" in order to trigger disclosure obligations, and that class is ascertainable under Rule 23 even where individual review of objective records is required).

Healy v. Milliman, Inc., No. 2:20-cv-01473-JCC (W.D. Wash. 2022) at ECF 126 (Apr. 29, 2022 order certifying FCRA accuracy claims of over 300,000 consumers who were the subject of inaccurate reports regarding medical and prescription history)

Ramirez v. Trans Union, LLC, 951 F.3d 1008 (9th Cir. 2020), 141 S.Ct. 2190 (2021); 2022 WL 17740302 (N.D. Cal. Dec. 22, 2022). Member of plaintiff's trial team in record \$60 million jury verdict for a case brought under the Fair Credit Reporting Act; central contributor to post-trial briefing and appellate proceedings including at the U.S. Court of Appeals for the Ninth Circuit and in the U.S. Supreme Court; later settled for \$9 million

CLASS COUNSEL CERTIFICATIONS

Martinez v. Avantus, LLC, No. 3:20-CV-1772 (JCH), 2023 WL 112807 (D. Conn. Jan. 5, 2023)

Healy v. Milliman, Inc., No. 2:20-cv-01473-JCC (W.D. Wash. 2022)

Watson v. Checkr, Inc., No. 3:19-cv-03396-EMC (N.D. Cal. 2021)

Deaton v. Trans Union, LLC, No. 2:20-cv-01380-AB (E.D. Pa. 2021)

Sanders v. Makespace Labs, Inc., No: 1:18-cv-10016 (S.D.N.Y. 2021)

McIntyre v. RealPage, Inc., d/b/a On-Site, No: 2:18-cv-03934-CFK (E.D. Pa. 2020)

Norman v. Trans Union, LLC, No: 18-5225, 2020 WL 4735538 (E.D. Pa. Aug. 14, 2020)

Der-Hacopian v. DarkTrace, Inc., No. 4:18-cv-06726-HSG (N.D. Cal. 2020)

Der-Hacopian v. SentryLink, No. 8:18-cv-03001-PWG (D. Md.)

Taylor v. GfK Custom Research, Inc., No. 1:16-cv-09968-ER (S.D.N.Y. 2019)

Leo v. AppFolio, Inc., No.3:17-cv-05771-RJB (W.D. Wash. 2019)

Clark/Anderson v. Trans Union, LLC, No. 15-cv-391 & No. 16-cv-558 (E.D. Va. 2018)

Kelly v. Business Information Group, C.A. 15-6668, 2019 WL 414915 (E.D. Pa. 2019)

Flores v. Express Personnel, C.A. No. 14-cv-03298, (E.D. Pa. Oct. 21, 2016)

Larson v. Trans Union, LLC, C.A. No. 12-cv-05726, (N.D. CA, Aug. 11, 2016)

Miller v. Trans Union, LLC, C.A. No. 12-cv-1715, (M.D. Pa. Dec. 26, 2016)

Henderson v. Trans Union, LLC, C.A. No. 14-cv-00679 (E.D. Va. May 3, 2016)

Pawlowski v. United Tranzactions, LLC, C.A. no. 15-cv-2330, (E.D. Pa. April 18, 2016)

Rodriguez v. Calvin Klein, Inc., C.A. 1:15-cv-02590 (S.D.N.Y. 2015)

Giddiens v. Infinity Staffing, C.A. No. 13-cv-07115, (E.D. Pa. Jan. 12, 2016)

Giddiens v. First Advantage, C.A. No. 14-cv-5105, (E.D. Pa. July 11, 2015)

Magallon v. Robert Half International, Inc., 2015 WL 8778398 (D. Or. Nov. 10, 2015)

Patel v. Trans Union, LLC, 308 F.R.D. 292 (N.D. Cal. 2014)

Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014)

Robinson v. General Information Services, Inc., No. 11-07782 (E.D. Pa. Nov. 4, 2014)

Ramirez v. Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014)

LECTURES/PUBLICATIONS

Speaker, *Consumer Financial Services Fundamentals 2024*, Practising Law Institute, New York City, “The Credit Reporting Ecosystem: Major Players and Overview of the Key Laws That Apply,” March 15, 2024.

Speaker, *Consumer Law Basics Webinar Series*, Social Law Library & National Consumer Law Center, “FCRA Basics,” Webinar, March 5, 2024.

Speaker, *Consumer Rights Litigation Conference*, National Consumer Law Center, Chicago, IL “ABCs of FCRA,” October 26, 2023.

Co-author, “FCRA Remedies When Criminal Records Lead to Rental Denials” National Consumer Law Center, September 21, 2023.

Speaker, *Spring Training Class Action Workshop*, National Association of Consumer Advocates, New Orleans, LA “Class Action Trials,” May 3, 2023.

Co-Chair, *Spring Training - Case Valuation and Damages Track*, National Association of Consumer Advocates, Phoenix, AZ May 11-14, 2022.

Facilitator, *Spring Training*, National Association of Consumer Advocates, Online Webinar, “FCRA Background Screening Networking Session” April 29, 2021.

Speaker, *Consumer Rights Litigation Conference*, National Consumer Law Center, Online Webinar “FCRA Mini-Intensive, Specialty CRAs Part 2: Tenant Screening” November 12, 2020.

Planning Committee, *Spring Training – FCRA Track*, National Association of Consumer Advocates, Online Webinar, April 30-May 2, 2020.

Speaker, *FCRA Conference*, National Association of Consumer Advocates, Long Beach, CA “Trial Updates,” May 4, 2019.

DAVID A. SEARLES

DAVID A. SEARLES, of counsel to the firm, is admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the Third, Fourth and Sixth

Circuits, and the United States District Courts for the District of Maryland, the District of Colorado, the Northern District of Oklahoma, and Eastern and Middle Districts of Pennsylvania, as well as the state courts of Pennsylvania. He is a graduate of the American University School of Law, Washington, D.C., where he served on law review.

Following graduation from law school, Mr. Searles was an attorney for Community Legal Services of Philadelphia, where he specialized in consumer and bankruptcy law. In 1990, he successfully argued the first consumer reorganization bankruptcy case considered by the U.S. Supreme Court, *Pennsylvania v. Davenport*, 495 U.S. 552 (1990), and has served as lead counsel and presented arguments in numerous consumer law cases before the United States Court of Appeals for the Third Circuit. From 1992 through 1997, Mr. Searles was associated with the Philadelphia law firm of Drinker Biddle & Reath LLP, where his practice focused on Chapter 11 bankruptcy and creditors' rights. Thereafter, he was a member of Donovan Searles, LLC until 2011, specializing in consumer class action litigation.

In 2005, Mr. Searles was awarded the Equal Justice Award at the Community Legal Services Breakfast of Champions for his role in directing funding for legal assistance for low-income residents of Philadelphia. Mr. Searles has served as the Pennsylvania contributor to SURVEY OF STATE CLASS ACTION LAW (ABA Section of Litigation – 2010), and as a contributing author of PENNSYLVANIA CONSUMER LAW (2010). He has taught advanced bankruptcy law at the Rutgers University School of Law – Camden, business law at Widener University and bankruptcy law at Pierce Junior College, Philadelphia. He is a past co-chairperson of the Education Committee of the Eastern District of Pennsylvania Bankruptcy Conference. Mr. Searles has been named a Pennsylvania Super Lawyer for many years.

CLASS ACTIONS

Lucas v. Accutrace, Inc., No. 18-9059 (S.D.N.Y. June 29, 2020);

Kelly v. Business Information Group, 2019 WL 414915 (E.D. Pa. 2019);

Gibbons v. Weltman, Weinberg & Reis Co., LPA, 2018 WL 5720749 (E.D. Pa. Oct. 31, 2018);

Patel v. Trans Union, LLC, 2018 WL 1258194 (N.D. Ca. March 11, 2018);

Carter v. Shalhoub Management Company, Inc., 2017 WL 5634300 (C.D. Ca. March 15, 2017);

Flores v. Express Services, Inc., 2017 WL 1177098 (E.D. Pa. March 30, 2017);

Miller v. Trans Union, LLC, 2017 WL 412641 (M.D. Pa. Jan. 18, 2017);

Larson v. Trans Union, LLC, No. 12-5726 (N.D. Ca. June 26, 2015);

Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014);

King v. General Information Services, Inc., C.A. No. 2:11-cv-06850 (E.D. Pa. Nov. 4, 2014);

Robinson v. General Information Services, Inc., C.A. No. 2:11-cv-07782 (E.D. Pa. Nov. 4, 2014);

Jones v. Midland Funding, LLC, 2013 WL 12286081 (D. Conn. Dec. 3, 2013);

Sapp v. Experian Information Solutions, Inc., 2:10-cv-04312 (E.D. Pa. Jan. 29, 2013);

Reibstein v. Rite Aid Corporation, 2011 WL 192512 (E.D. Pa. Jan. 18, 2011);

McCall v. Drive Financial, January Term 2006, No. 0005 (C.P. Phila. July 20, 2010);
Serrano v. Sterling Testing Systems, Inc., 711 F.Supp.2d 402 (E.D. Pa. 2010);
Summerfield v. Equifax Information Services, LLC, 264 F.R.D. 133 (D.N.J. 2009);
Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492 (E.D. Pa. 2009);
Barel v. Bank of America, 255 F.R.D. 393 (E.D. Pa. 2009);
Markocki v. Old Republic National Title Ins. Co., 254 F.R.D. 242 (E.D. Pa. 2008);
Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa. Mar. 28, 2008);
Allen v. Holiday Universal, Inc., 249 F.R.D. 166 (E.D. Pa. 2008);
Cohen v. Chicago Title Insurance Company, 242 F.R.D. 295 (E.D. Pa. 2007);
Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132 (E.D. Pa. 2006);
Braun v. Wal-Mart Stores, Inc., 2005 WL 3623389 (C.P. Phila. Dec. 27, 2005);
Perry v. FleetBoston Financial Corp., 229 F.R.D. 105 (E.D. Pa. 2005);
Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. March 11, 2005);
Stoner v. CBA Information Services, 352 F.Supp.2d 549 (E.D. Pa. 2005);
Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa. April 22, 2004);
Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004);
Piper v. Portnoff Law Associates, Ltd., 216 F.R.D. 325 (E.D. Pa. 2003);
Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003).

GEOFFREY H. BASKERVILLE

GEOFFREY H. BASKERVILLE is a 1982 graduate of Gettysburg College and a 1992 graduate of the Dickinson School of Law. During law school, Geoffrey published an article entitled *Human Gene Therapy: Application, Ethics and Regulation* in the Dickinson Law Review, Vol. 96, No. 4.

Since graduating from law school, Geoffrey has worked for both plaintiff and defense litigation firms practicing in the areas of medical malpractice, architect's and engineer's malpractice, the Federal Employer's Liability Act, and trucking litigation. In 2007, Geoffrey joined Francis Mailman Soumilas P.C. and began to practice in the area of consumer protection litigation, including fair credit reporting and fair debt collection.

Since that time, Geoffrey has concentrated his practice on representing consumers in cases under the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act and other consumer statutes. He has represented clients in cases against background screening companies, credit reporting agencies, banks, credit card companies and other financial institutions. Geoffrey is admitted to practice before the United States Court of Appeals for the Ninth Circuit, the United States District Courts for the Eastern and Middle Districts of Pennsylvania, the District of New Jersey, the Eastern District of Michigan, the District of

Colorado, the Western District of Texas, the Central District of Illinois, and the District of New Mexico, as well as the state courts of Pennsylvania and New Jersey.

Geoffrey is an avid amateur photographer.

JORDAN M. SARTELL

JORDAN M. SARTELL joined the class action practice of Francis Mailman Soumilas, P.C. in 2017 and litigates on behalf of consumers harmed by unlawful credit reporting, tenant screening, background checks, debt collection, and other deceptive and unfair business practices.

Jordan received his law degree *summa cum laude* from the DePaul University College of Law in 2012, where he was a member of the DePaul Law Review. Jordan began his legal career protecting vulnerable senior citizens from financial exploitation with Prairie State Legal Services. Jordan is admitted in Illinois and practices in federal district and appellate courts throughout the United States.

Jordan lives in suburban Chicagoland with his wife and two. Jordan served on the Editorial Board of the DuPage County Bar Association's legal journal, *The Brief*, from 2014 to 2023, including as its Editor in Chief from 2021 to 2022 and Associate Editor from 2020 to 2021. Jordan is also a member of the National Association of Consumer Advocates and regularly provides pro bono advice and counsel on a variety of consumer issues.

CLASS COUNSEL CERTIFICATIONS

Botts v. The Johns Hopkins University, No. 1:20-cv-01335-JRR, ECF 96 (D. Md. April 20, 2023)

Teran v. Navient Solutions, LLC et al., No. 20-03075-DM,
2023 WL 2721904 (Bankr. N.D. Cal. Mar. 30, 2023)

Stewart v. LexisNexis Risk Data Retrieval Serv's, LLC,
No. 3:20-cv-00903-JAG (E.D. Va. July 27, 2022)

Rivera v. Equifax Info. Servs., LLC, 341 F.R.D. 328 (N.D. Ga. 2022)

Kang v. Credit Bureau Connection, Inc., No. 1:18-CV-01359-AWI-SKO,
2022 WL 658105 (E.D. Cal. Mar. 4, 2022)

McIntyre v. RealPage, Inc., d/b/a On-Site, 336 F.R.D. 422 (E.D. Pa. 2020)

Norman v. Trans Union, LLC, 479 F. Supp. 3d 98 (E.D. Pa. 2020)

Wills v. Starbucks Corporation, No. 1:16-cv-3654-CAP-CMS, ECF 59 (N.D. Ga. July 16, 2020)

Robinson v. National Student Clearinghouse, No. 1:19-CV-10749,
2020 WL 4873728 (D. Mass. July 8, 2020), *aff'd* 14 F.4th 56 (1st Cir. 2021)

Shekar v. Accurate Background, Inc., No. 17-CV-0585,
2020 WL 2563437 (E.D. Wis. May 14, 2020)

JOSEPH GENTILCORE

JOSEPH GENTILCORE is a passionate advocate for every one of his clients, and truly believes in the work that he does. Joseph focuses his practice on Fair Credit Reporting Act cases and other consumer protection matters under both state and federal law. He currently represents consumers in cases against credit card companies, banks, debt collectors, mortgage servicers and background check companies. Joseph has dedicated the majority of his career to representing individuals who have been wronged by large financial entities, and along the way has helped thousands of consumers obtain compensation from the corporations that have harmed them. As a result of Joseph's specialties, he has given lectures on various topics, including background checks, credit reporting inaccuracies, and mortgage fraud.

Joseph graduated Ursinus College, and Temple University School of Law.

Joseph has been lead counsel in over 300 individual federal consumer protection cases, and appointed class counsel in consumer protection matters. Every year since 2013, Joseph has been named a Super Lawyer or Rising Star by Pennsylvania Super Lawyers. Joseph is licensed to practice in Pennsylvania and New Jersey, and is admitted in numerous federal courts throughout the country.

SIOBHÁN MCGREAL

SIOBHÁN MCGREAL joined Francis Mailman Soumilas, P.C. in 2021, and concentrates her advocacy on behalf of consumers harmed by credit reporting errors, inaccurate background screening reports for employment and housing applications, and other abusive and unfair trade practices. Siobhán has dedicated the majority of her career to helping those who have had difficulty having their voices heard within the legal system.

Prior to joining FMS, Siobhán was a Deputy City Solicitor in the Child Welfare Unit of the City of Philadelphia Law Department, where she litigated thousands of hearings of child abuse, child neglect, applications for orders of protective custody, permanent legal custodianship, and terminations of parental rights. She started her law career as an attorney for the Administration of Children's Services in Brooklyn, NY, before moving to Southern California and working in private practice for several years. Siobhán earned her B.A. from the University of Pennsylvania and her J.D. from New York Law School after teaching English in Thailand for a short time. She has been admitted to practice in the state courts of Pennsylvania, California, and New York, as well as before the United States District Court for the Eastern District of Pennsylvania.

WILLIAM COOPER

WILLIAM COOPER joined Francis Mailman Soumilas, P.C. right after law school so he could dedicate his career to fighting for consumers who have been harmed by unfair business practices. At FMS, Will represents consumers against a variety of corporations, including background check companies, credit bureaus, banks, and credit card companies.

Will has been an advocate for underdogs since he first entered the legal world. Before coming to FMS, he worked for a non-profit housing law project where he protected low-income tenants in disputes with their landlords. Following that, he was a part of the legal services plan offered to members of a union for municipal employees, before joining a firm representing victims of catastrophic personal injuries and medical malpractice.

Will obtained his B.S. from Northeastern University and his J.D. from Brooklyn Law School, where he was an editor for the Brooklyn Journal of International Law and a member of the legal honor society Phi Delta Phi. He is admitted to practice in Pennsylvania state court as well as before the United States District Court for the Eastern District of Pennsylvania.

ERIKA HEATH

ERIKA HEATH joined Francis Mailman Soumilas, P.C. in 2020, and focuses her San Francisco practice on individual and class action litigation for consumers harmed by erroneous credit reports, inaccurate employee background checks, unlawful debt collection practices, and other unfair trade practices.

Erika is a 2002 graduate of Southern Methodist University, where she majored in business. She worked in finance in both Texas and Germany before earning her J.D. from Northeastern University School of Law in 2009. After graduating, Erika got her start as an attorney at Atlanta Legal Aid Society, where she focused on protecting low-income consumers from abusive business practices.

Both during her time as a legal aid attorney and after, Erika has participated in a number of high-profile cases. She served as lead counsel on the case of *Strickland v. Alexander*, which ultimately led to a federal court declaring Georgia's garnishment process to be unconstitutional and enjoining most consumer garnishments in the state. As a result of her work on the *Strickland* case, Erika received numerous awards, including the 2015 Consumer Achievement of the Year award from the National Association of Consumer Advocates (NACA). In the summer of 2017, she served as co-counsel in the trial of *Bowerman v. Field Asset Services, Inc.* (N.D. Cal.), which led to a jury verdict of more than \$2 million for 11 employees who were misclassified as independent contractors. She is currently a lecturer at University of California, Berkeley (BerkeleyLaw), where she teaches a course on the Fair Credit Reporting Act.

Erika moved with her family to the San Francisco Bay Area in 2015. She is licensed to practice in California, Georgia, and New York. She is an active member of the National Association of Consumer Advocates.

KEVIN MALLON

KEVIN MALLON joined Francis Mailman Soumilas, P.C. as Of Counsel in 2020. Mr. Mallon is also the owner of Mallon Consumer Law Group, PLLC, a New York City based consumer protection law firm focused on representing consumers harmed by credit reporting agencies, debt collectors, identity theft and consumer fraud.

Mr. Mallon has obtained relief for thousands of consumers harmed by unlawful corporate conduct since becoming an attorney in 1999. He represents consumers in both individual cases and class actions. He has successfully obtained jury verdicts on behalf of consumers as well as successfully representing consumers on appeal. Mr. Mallon is recognized as a national expert in credit reporting cases and has spoken numerous times at credit reporting conferences.

Mr. Mallon received his undergraduate degree from the C.W. Post campus of Long Island University, magna cum laude, in 1995. He attended the Santa Clara University School of Law on a full Dean's scholarship, and graduated summa cum laude in 1999. He is licensed to practice in all New York State Courts as well as the Southern District of New York and Eastern District of New York federal courts.

THE FIRM'S STAFF

The firm employs a highly qualified staff of paralegals, legal assistants, and secretaries to advance its objectives.

EXHIBIT B

**Exhibit B to James A. Francis Declaration in Support of
Plaintiff's Motion for A Service Award to Plaintiff and For an Award of Attorneys' Fees and
Reimbursement of Litigation Costs and Expenses to Class Counsel
Norman v. Trans Union, LLC; No. 2:18-cv-05225-GAM**



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May 8, 2024

Via Email (jfrancis@consumerlawfirm.com)

James A. Francis, Esquire
Francis, Mailman, Soumilas, P.C.
1600 Market Street
Suite 2510
Philadelphia, PA 19103

Re: Billing Rates at Francis Mailman Soumilas P.C.

Dear Mr. Francis:

I. INTRODUCTION

By letter dated October 18, 2022, I gave you my expert opinion with regard to the proposed range of reasonable hourly billing rates for the lawyers at Francis Mailman Soumilas, P.C. ("Francis Mailman Soumilas" or "the Firm") and, specifically, whether such rates were consistent with the Pennsylvania Rules of Professional Conduct and the Philadelphia market for legal services. You have asked me to analyze whether the rates currently charged by the Firm, as outlined in my October 2022 opinion, are within market rates and whether any adjustment is warranted. You have also asked me to consider rates for other markets where the Firm currently has ongoing litigation: Rochester, NY and Portland, OR. This serves as a supplement to my October 2022 opinion.

II. QUALIFICATIONS

I am a partner at the law firm of Fox Rothschild LLP ("Fox Rothschild"). I have been at Fox Rothschild since 1974 as a member of its Litigation Department. From 2005 through

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Massachusetts Minnesota Missouri
Nevada New Jersey New York North Carolina Oklahoma Pennsylvania South Carolina Texas Washington



May 8, 2024

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2017, I served as Co-Chair of Fox Rothschild and now hold the title of Chair Emeritus. For five years prior to becoming Co-Chair, I was the Managing Partner of the Philadelphia office. I have been a member of the management group at Fox Rothschild since 1985. I was the founding member of Fox Rothschild's Professional Responsibility Committee (in 1988) and served as Chair of the Committee for eight years.

As part of the management of Fox Rothschild over the past forty years, I have participated in the review and analysis of the hourly rates that we charge for our lawyers. This review is completed at least once a year and involves a review and analysis of the markets in which we participate to ensure that we set competitive rates and that the rates we charge are consistent with the Rules of Professional Conduct (or its predecessor, the Code of Professional Responsibility).

The process of setting hourly billable rates encompasses a number of steps. Initially, Fox Rothschild obtains public data of national, regional and local law firms' hourly billing rates. In addition, management often speaks with consultants with expertise in this area to ensure that our rates are within the range of our competitors in the market. The management team, which comprises leaders from each of our offices, discusses the hourly billing rates in each of our markets.¹ We try to establish rates that are fair and competitive.

I have had an active litigation practice for more than forty-nine years. The majority of my practice involves commercial litigation matters, in which I represent plaintiffs and defendants. I have also been active for many years representing lawyers and law firms in a myriad of issues involving professional responsibility and legal ethics, including the defense of legal malpractice claims. I have also been involved in dealing with fee disputes between and among lawyers and their clients. In 1998, I was selected to be a Fellow of the American College of Trial Lawyers.

In Fox Rothschild's litigation practice, we have handled matters in the area of consumer law. Our firm has represented large financial institutions, which have been sued for

¹ Fox Rothschild currently has thirty offices in distinct marketplaces throughout the country, including Philadelphia, New York, Chicago, and San Francisco.



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violations of the Fair Credit Reporting Act ("FCRA"), the Consumer Credit Protection Act ("CCPA") and the Fair Debt Collection Protections Act ("FDCPA"). We have defended some of the parties sued by clients of Francis Mailman Soumilas.

For over forty years, I have been active in the area of legal ethics and the interpretation and application of the Pennsylvania Rules of Professional Conduct (and its predecessor, the Code of Professional Responsibility). For many years, I have been a member of the Philadelphia Bar Association's Professional Responsibility Committee and Professional Guidance Committee. In 1983 and 1984, I served as Chair of the Professional Responsibility Committee. In 1987 and 1988, I served as Chair of the Professional Guidance Committee. I have also served as a member of a Hearing Committee for the Disciplinary Board of the Supreme Court of Pennsylvania for six years. For a portion of that time, I chaired the Hearing Committee. From approximately 1988 to 1995, I have also served as one of two appointed lawyers (non-judicial) liaisons to the Judicial Ethics Committee of the Pennsylvania Conference of State Trial Judges.

I have, for many years, served on the Legal Ethics and Professional Responsibility Committee of the Pennsylvania Bar Association. For the past nineteen years, I have taught legal ethics and professional responsibility at the University of Pennsylvania Carey Law School.

In 1995, I served as Chancellor of the Philadelphia Bar Association. I have been a member of the House of Delegates of the American Bar Association and the Pennsylvania Bar Association for over twenty years. I participated in the debates surrounding the enactment of the Model Rules of Professional Conduct and many of the Amendments.

I have spoken and written on issues of trial practice and legal ethics over many years in many different forums. I have counseled hundreds of lawyers on issues of legal ethics and professional responsibility.



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III. DOCUMENTS REVIEWED

I have reviewed the following documents as part of my analysis:

1. Francis Mailman Soumilas Firm Biography.
2. Francis Mailman Soumilas Attorney Biographies.
3. Francis Mailman Soumilas current hourly rates.
4. 50th Annual Survey of Law Firm Economics (2022 Edition).
5. Valeo Reports: Annual Partner Billing Rates by City.
6. Laffey Matrix.
7. Fox Rothschild LLP current rate schedule for its Philadelphia, New York, Chicago, and San Francisco lawyers.
8. "Big Law Rates Continue Rising, But Trail 2023 Increases So Far" The American Lawyer, January 31, 2024.
9. Consumer Price Index, 2023-24

IV. DISCUSSION

A. The Firm's Accomplishments

Francis Mailman Soumilas ("FMS") is one of the leading law firms representing clients in consumer-related litigation in both individual and class action suits. When the Firm was founded in 1998, few firms were actively litigating cases under the CCPA. In addition, Francis Mailman Soumilas was one of the first firms to have a significant legal practice concentrating in federal fair credit reporting, fair debt collection and consumer class actions. Over the past twenty-six years, Francis Mailman Soumilas has become a well-known and highly regarded firm in the area of consumer protection litigation.

FMS has obtained record-breaking jury verdicts and settlements in cases brought under the Fair Credit Reporting Act (FCRA). It has been certified to serve as class counsel in more than 70 consumer class actions nationwide and has obtained groundbreaking legal rulings at both the trial and appellate court levels on behalf of its clients. The firm has further served as counsel in some of the largest class action settlements in consumer



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protection litigation history. The following examples illustrate the groundbreaking work of FMS in the area of consumer law.

In *Ramirez v. Trans Union*, C.A. No. 12-cv-000632-JSC (N.D. Cal.), the Firm tried a class action case against Trans Union (one of the country's "big three" credit reporting agencies) and obtained a \$60 million verdict on behalf of a class of 8,000 people who were mislabeled as Office of Foreign Assets Control (OFAC) criminals by Trans Union on credit reports in a claim brought under the FCRA. *Ramirez* is a record FCRA verdict, a rare class verdict, and was one of the top verdicts for 2017. Thereafter, Francis Mailman Soumilas argued the appeal against the former Solicitor General of the United States and the Ninth Circuit affirmed the trial court verdict (with remittitur): 951 F.3d 1008 (9th Cir. 2020). The United States Supreme Court granted certiorari in 2020, and in March of 2021, issued a 5-4 decision reversing the trial court's decision in part on the basis of its finding only a portion of the certified class had Article III jurisdiction. 141 S.Ct. 2190 (2021). The Firm achieved a \$9 million dollar settlement, which was approved by the United States District Court for the Northern District of California. 2022 WL 17740302 (N.D. Cal. Dec. 22, 2022).

In *Robinson v. National Student Clearinghouse*, No. 1-19-cv-107490, 2020 WL 4873728 (D. Mass. July 8, 2020) *aff'd* 14 F.4th 56 (1st Cir. 2021), the Firm successfully obtained a \$2 million settlement for consumers who were overcharged for college verifications. This case was notable for the Firm's decision to challenge the defendant as a consumer reporting agency and ultimately bring the defendant into compliance with the FCRA.

In *Patel v. Trans Union, LLC*, 2018 WL 1258194 (N.D. Cal. March 11, 2018), the Firm served as lead Class Counsel and obtained an \$8 million settlement for a class of consumers who were falsely being reported as terrorists.

In *Thomas v. Equifax Info. Services, LLC*, No. 18-cv-684 (E.D. Va.), Francis Mailman Soumilas served as National Class Counsel in an FCRA class action alleging violations by a credit bureau for misreporting public records. The Firm provided a nationwide resolution of class action claims that were asserted across multiple jurisdictions (including injunctive relief) and an uncapped mediation program for millions of consumers. The Firm also



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served as National Class Counsel and obtained similar relief for millions of consumers with similar claims in *Clark v. Experian Info. Sols., Inc.*, No. 16-cv-32 (E.D. Va.) and *Clark/Anderson v. Trans Union, LLC*, NO. 15-cv-391 and No. 16-cv-558 (E.D. Va.).

In *Beach v. American Heritage Federal Credit Union*, C.A. No. 15-5942 (E.D. Pa. July 26, 2017), the Firm obtained a settlement exceeding \$1 million against American Heritage Federal Credit Union ("AHFCU") for AHFCU having generated a cash advance from consumers' accounts to pay fees, interest, charges or attorney fees. The court in *Beach* noted the Firm's experience in consumer class actions and found that "[t]he settlement agreement in this matter resulted from Class Counsel's vigorous advocacy and contested, protracted settlement negotiations."

In *Flores v. Express Services, Inc., et al.*, C.A. No. 14-3298 (E.D. Pa. March 30, 2017), the Firm brought an action against Express Services, Inc. and Express Personnel – Philadelphia for violations of the FCRA and obtained a \$5.75 million settlement on behalf of the class. The court found that the skill and efficiency of the Firm was apparent, having "achieved a significantly favorable result on behalf of plaintiffs at the expense of the inherent risk that accompanies undertaking a contingency fee action," and also noted that Francis Mailman Soumilas has extensive experience in consumer class action litigation.

In *White v. Experian Info. Solutions*, C.A. No. 05-01070, 2014 WL 1716154 (C.D. Cal. May 1, 2014), the court found Francis Mailman Soumilas "FCRA specialists" and appointed the Firm and its team as interim class counsel over objections from competing groups (including Boise Schiller) because the Francis, Mailman, Soumilas team's "credentials and experience [we]re significantly stronger in class action and FCRA litigation"; affirmed sub nom *Radcliffe v. Experian Information Solutions, Inc.*, 818 F.3d 537 (9th Cir. 2016).

In *Henderson v. Axiom Risk Mitigation, Inc.*, C.A. No. 12-589 (E.D. Va. Aug. 7, 2015), Francis Mailman Soumilas was appointed class counsel in a national FCRA class action and obtained a \$20.8 million settlement against one of the largest data sellers and background screening companies in the world.



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In *Thomas v. BackgroundChecks.com*, C.A. No. 13-029 (E.D. Va. Aug. 11, 2015), Francis Mailman Soumilas was appointed class counsel in an FCRA national class action and obtained \$18 million against another one of the largest background screening companies in the world, in addition to significant injunctive and remedial relief.

Additionally, Francis Mailman Soumilas has been certified as class counsel in federal and state courts throughout the country in over 70 matters. The Firm has been certified as class counsel in the following matters²:

- *Woodard v. Navient Solutions, LLC et al.*, No. 8:23-cv-00301-RFR (D. Neb. 2024)
- *Schultz v. Emory University*, No. 1:20-cv-02002-TWT, ECF 98 (N.D. Ga. June 15, 2023)
- *Botts v. The Johns Hopkins University*, No. 1:20-cv-01335-JRR, ECF 96 (D. Md. April 20, 2023)
- *Teran v. Navigant Solutions, LLC et al.*, ___ B.R. ___, 2023 WL 2721904 (Bankr. N.D. Cal. Mar. 30, 2023) (appointed class counsel to represent national injunctive relief class).
- *Martinez v. Avantus, LLC*, No. 3:20-CV-1772 (JCH), 2023 WL 112807 (D. Conn. Jan. 5, 2023)
- *Stewart et al. v. LexisNexis Risk Data Retrieval Services, LLC et al.*, No 3:20-cv-00903-JAG (E.D. Va. July 27, 2022);
- *Kang v. Credit Bureau Connection*, No. 18-1359, 2022 WL 658105 (E.D. Cal. Mar 4, 2022)
- *Rivera v. Equifax Info. Services, LLC*, 341 F.R.D. 328 (N.D. Ga. 2022)
- *Healy v. Milliman, Inc.*, No. 2:20-cv-01473-JCC (W.D. Wash. 2022)
- *Watson v. Checkr, Inc.*, No. 3:19-cv-03396-EMC (N.D. Cal. 2021)
- *Deaton v. Trans Union, LLC*, No. 2:20-cv-01380-AB (E.D. Pa. 2021)
- *Sanders v. Makespace Labs, Inc.*, No: 1:18-cv-10016 (S.D.N.Y. Mar. 29, 2021)

² This is only a partial list of the matters where FMS has been certified as class counsel.



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- *Der-Hacopian v. Darktrace, Inc.*, No: 18-cv-06726-HSG (N.D. Cal. Dec. 10, 2020)
- *Der-Hacopian v. Sentrylink, LLC*, No. 8:18-cv-03001-PWG (N.D. Cal. Nov. 23, 2020)
- *McIntyre v. RealPage, Inc.*, No: 2:18-cv-03934, WL 5017612 (E.D. Pa. Aug. 25, 2020)
- *Norman v. Trans Union, LLC*, No: 18-5225, 2020 WL 4735538 (E.D. Pa. Aug. 14, 2020)
- *Thomas v. Equifax Info. Services, LLC*, NO. 18-cv-684 (E.D. Va. 2020)

In addition to obtaining substantial and favorable verdicts, the Firm has also made significant contributions to public policy. The Firm set legal precedent and clarified legal issues, including: (i) the proper standard for the investigation of a consumer dispute by credit reporting agencies and furnishers of information; (ii) the standard for proving willfulness under the FCRA; (iii) the accuracy standard for credit reports; (iv) the types of information permitted to be included in credit reports; (iv) the types of cognizable actual damages available in an FCRA action; (v) the consumer's burden of proof in an FCRA action; and, (vi) proper jury charges. Francis Mailman Soumilas has also been counsel to some of the largest FCRA settlements in history, such as *Acxiom* (\$20.8 million), *Ramirez* (\$9 million), *Hireright*, (\$29 million) and *White/Hernandez* (\$45 million).

Through Francis Mailman Soumilas' jury verdicts and class settlements, the Firm has established the "market value" for class and individual cases under the FCRA and the FDCPA. I have been informed that there were few to no reported plaintiff FCRA verdicts prior to the Firm's victories. Moreover, Francis, Mailman, Soumilas has helped establish the standards for obtaining class certification in FCRA and FDCPA cases. *See, e.g., Cortez*.

The attorneys at Francis Mailman Soumilas are very active and well known in the legal community. They regularly share their expertise at local and national conferences. By way of example, attorneys from the Firm made the following presentations: Speaker: *Spring Training, 2023* (FCRA) National Association of Consumer Advocates, May 3-5, 2023, New Orleans, LA; Speaker: *Rule 23(c)(5) Subclasses: Certification, Due Process, Adequate Representation, and Settlement*, Stafford Webinars, February 23, 2023; Speaker: *Data Protection at the Federal Level*, Nevada Bar Association, January 17, 2023; Speaker: *27th Annual Consumer Financial Services Institute*, Practising Law Institute, *Debt Collection and*



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Credit Reporting Update, December 7, 2022, San Francisco, CA; Speaker: *Tenant Screening Litigation: FCRA and Civil Rights Claims*, National Consumer Law Center, Consumer Rights Litigation Conference, November 10, 2022, Seattle WA; Speaker: *"Lightning-Round Ascertainability"*, Consumer Class Action Symposium, National Consumer Law Center, November 13, 2022, Seattle, WA.

Attorneys from the Firm also served on the faculty for the *Perrin Conferences Class Action Litigation Virtual Conference*, April 26, 2022; as a Panel Member for the *27th Annual Consumer Financial Services Institute- Debt Collection and Credit Reporting Update* on September 20, 2022 in Chicago and March 18, 2022 in New York, NY; as a speaker for *Consumer Finance Class Actions: FDCPA, FCRA & TCPA* Webinar on September 16, 2020, and at *Representing the Pro Bono Client: Consumer Law Basics* in 2020 and 2019, presented by the Practising Law Institute. Firm members also served on the faculty for *Consumer Financial Services & Banking Law Update*, presented by the Pennsylvania Bar Institute on October 29, 2019 and *Consumer Finance Class Actions*, presented by The Canadian Institute on July 24, 2019.

Members of the Firm also spoke at the Fair Credit Reporting Act Conference, National Association of Consumer Advocates, in Long Beach, CA in May 2019 and Baltimore, MD in April 2017. They also served on the faculty for the 21st Annual Consumer Financial Services Litigation Institute (which was CLE accredited) on "Fair Credit Reporting and Debt Collection Litigation," which took place in March and April 2016 in New York City and Chicago.

One of the founding partners, James A. Francis, has been repeatedly named to the Top 100 Pennsylvania Super Lawyers, as well as the Top 100 Philadelphia Super Lawyers, including as recently as 2023 and 2024. Mr. Francis was elected as a Fellow of the American College of Consumer Financial Services Lawyers in 2023 and was also selected as a member of the Nation's Top One Percent by the National Association of Distinguished Counsel in 2024. Mr. Francis was also featured on LAW360 in October 2014 as one of a small handful of American plaintiff's lawyers to be selected from a national pool and featured as part of the "Titans of the Plaintiff's Bar" series. See



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<https://www.law360.com/articles/583536/titan-of-the-plaintiffs-bar-jim-francis>. Mr. Francis has been appointed to serve as class counsel by federal courts throughout the country in more than 70 cases.

Mark Mailman, also a founding partner and currently the managing partner of the Firm, was awarded the 2018 Consumer Attorney of the Year award from the National Association of Consumer Advocates (NACA). Mr. Mailman has repeatedly been voted and named one of Pennsylvania's Super Lawyers by Law and Politics published by Philadelphia Magazine and Pennsylvania Super Lawyer Magazine from 2004- present. He has also appeared on various news programs to discuss trending consumer issues and recently published an article in *The Legal Intelligencer*, a prominent Philadelphia legal publication, entitled "Your clients' consumer rights legal issues may be hiding in plain sight". Mark regularly lectures for continuing legal education programs, law schools and community groups throughout the country, and has been a regular speaker for the National Association of Consumer Advocates (NACA) and National Consumer Law Center (NCLC) for more than 20 years.

John Soumilas, another partner of the firm, was lead class counsel and lead trial counsel in the record breaking \$60 million class action jury verdict, the largest verdict in history for a case brought under the FCRA. Mr. Soumilas has been nationally recognized for his work in protecting consumer rights under the FCRA and, throughout his career, has obtained some of the highest consumer jury verdicts, including the highest known FCRA verdicts in Pennsylvania, California, and Michigan. Mr. Soumilas has also been appointed by federal judges as class counsel in some of the largest FCRA class cases and settlements. Mr. Soumilas' has career settlements and verdicts valued at more than \$180 million.

B. Methodology for Determining Rates

There are two complementary approaches for determining reasonable hourly rates. The **first approach** is to consider the rates for comparably skilled practitioners in the relevant market. To that end, I have reviewed the hourly billing rates of lawyers in Philadelphia, New York, Chicago, San Francisco, Portland, Rochester, and comparable local areas.



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The hourly rates of lawyers listed in the Updated Laffey Matrix was a source I consulted.³ For the period of June 2023 through May 2024, the hourly billing rates identified were: (i) \$1057 for an attorney with twenty or more years of experience; (ii) \$878 for an attorney with eleven to nineteen years of experience; (iii) \$777 for an attorney with eight to ten years of experience; (iv) \$538 for an attorney with four to seven years of experience; (v) \$437 for an attorney with one to three years of experience; and (vi) \$239 for a paralegal or law clerk. These numbers reflect an increase of approximately 17.5% from the 2019 rates.

I have also reviewed the current hourly rates set by my firm for its Philadelphia, New York, Chicago, and San Francisco lawyers and I have consulted with colleagues in my firm's New York, Chicago, and San Francisco offices who have served in management capacities and have experience in setting hourly rates in those jurisdictions. As I stated above, the process of setting hourly rates for my firm begins with obtaining public data, speaking with knowledgeable consultants, and discussions with the management team. I also considered the fact that the Consumer Price Index increased by 4.6% between my last report in October 2022 and the current date.

A **second approach** to determine a reasonable hourly rate would look at the relevant factors set forth in Rule 1.5(a) of the Rules of Professional Conduct.

While the Pennsylvania Rules of Professional Conduct do not specifically address the reasonableness of a specific hourly rate, they do address the considerations for assessing "the propriety of a fee" in Rule 1.5. In my opinion, some of those considerations can provide a useful analytical checklist when trying to determine a reasonable hourly rate.

The factors set forth in Rule 1.5(a) are:

1. Whether the fee is fixed or contingent;
2. The time and labor required, the novelty and difficulty of the questions

³ The Laffey Matrix is reflective of market rates in the Baltimore/Washington area. See www.laffeymatrix.com. In my experience, the rates in the Baltimore/Washington area are comparable to the Philadelphia Market and lower than the New York or Chicago markets.



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- involved, and the skill requisite to perform the legal services properly;
3. The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
 4. The fee customarily charged in the locality for similar legal services;
 5. The amount involved and results obtained;
 6. The time limitations imposed by the client or by the circumstances;
 7. The nature and length of the professional relationship with the client; and
 8. The experience, reputation, and ability of the lawyer or lawyers performing the services.

Factor Number 4 ["The fee customarily charged in the locality for similar legal services"] has already been addressed. This is a comparative review of rates charged by other lawyers in the market.

Factor Number 1 ["whether the fee is contingent or fixed"] suggests that higher rates may be justified when fees are contingent. Francis Mailman Soumilas handles its cases on a contingent fee basis. As a result, the Firm bears all the risk of the cost of litigation until resolution. In some instances, the Firm may not receive payment of its fees for several years. Further, most of the defendants are large companies with substantial financial resources and lawyers equipped to defend the actions. Many of the lawsuits address novel areas of law. In order to obtain favorable outcomes, the attorneys at Francis Mailman Soumilas spend numerous hours conducting research, conducting discovery, and crafting innovative legal arguments to overcome attempts to have their clients' cases dismissed before trial. The Firm's investment of time and resources prevent it from litigating numerous matters at the same time.

Factor Number 2 ["The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly"] also supports the notion that a higher rate would be justified for lawyers at Francis Mailman Soumilas who have distinguished themselves in their area of expertise. Finally, Factor



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Number 8 ["The experience, reputation, and ability of the lawyer or lawyers performing the services"] likewise provides another reason to justify increasing rates recommended for the lawyers at Francis, Mailman, Soumilas.

The table below displays Francis Mailman Soumilas' current hourly billing rates in each jurisdiction and dates of admission to the Bar. I have been advised that in federal court hearings, the judges who have been presented with the rates I and the colleagues of my firm have supported have found them to be reasonable. *See, e.g., Chakejian v. Equifax Information Services, LLC*, 275 F.R.D. 201 (E.D. Pa. 2011), *Sapp v. Experian Information Solutions, Inc.*, 2013 WL 2130956 (E.D. Pa. May 15, 2013); *Gibbons v. Weltman, Weinberg & Reis Co., LPA, C.A. No-17-0151-JHS* (E.D. Pa., Jan. 26, 2022) ("And I've also read the Report of Abe Reich, Esquire, that confirms the reasonableness of the billing rates and fees charged in this case.")

Attorney/Paralegal	Range of Hourly Billing Rates (Philadelphia)	Range of Hourly Billing Rates (New York)	Range of Hourly Billing Rates (Chicago)	Range of Hourly Billing Rates (San Francisco)
James A. Francis (1995)	\$785 - \$825	\$1045 - \$1085	\$900 - \$945	\$865 - \$905
Mark D. Mailman (1995)	\$785 - \$825	\$1045 - \$1085	\$900 - \$945	\$865 - \$905
David A. Searles (1975)	\$815 - \$855	\$1135 - \$1175	\$975 - \$1015	\$895 - \$935
Geoffrey H. Baskerville (1992)	\$655 - \$695	\$915 - \$955	\$785 - \$825	\$720 - \$760
John Soumilas (1999)	\$695 - \$735	\$975 - \$1015	\$835 - \$875	\$765 - \$805
Lauren KW Brennan (2013)	\$385 - \$425	\$565 - \$605	\$460 - \$500	\$425 - \$465
Jordan Sartell (2012)	\$385 - \$425	\$565 - \$605	\$460 - \$500	\$425 - \$465
Joseph Gentilcore (2011)	\$400 - \$445	\$575 - \$615	\$480 - \$520	\$440 - \$480
Erika Heath	\$425 - \$465	\$595 - \$635	\$520 - \$560	\$490 - \$530
Kevin Mallon	\$685 - \$725	\$965 - \$1005	\$825 - \$865	\$755 - \$795
Siobhan McGreal (2008)	\$425 - \$465	\$595 - \$635	\$520 - \$560	\$490 - \$530
Experienced paralegal	\$305	\$305	\$305	\$305
Inexperienced paralegal	\$265	\$265	\$265	\$265



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In consideration of the attorneys' years of experience, successful verdicts and recognition in the legal community, the level of current hourly billing rates is, in my opinion, below the market. An increase in the Firm's hourly billing rates is justified. The Firm has not raised its hourly billing rates since my last report of October 18, 2022. The additional experience and years practiced by the Firm's attorneys, the increase in legal fees and the increase in the Consumer Price Index during this time period justify a reasonable increase for Francis Mailman Soumilas.

V. CONCLUSION

In accordance with the foregoing analysis, and based upon my review of the prevailing market hourly billing rates, it is my opinion, within a reasonable degree of professional certainty, that the following range of hourly billing rates at Francis Mailman Soumilas is consistent with the hourly billing rates charged in the Philadelphia, New York, Chicago San Francisco, Portland (Oregon) and Rochester (New York) markets, and within the considerations outlined in the Rules of Professional Conduct. Moreover, my colleagues in each of those markets have reviewed this report and concur with the rates outlined below. The level of hourly billing rates within the range will depend on the complexity of the matter, the duration of the dispute and the result obtained.

Attorney/Paralegal	Range of Hourly Billing Rates (Philadelphia)	Range of Hourly Billing Rates (New York)	Range of Hourly Billing Rates (Chicago)	Range of Hourly Billing Rates (San Francisco)	Range of Hourly Billing Rates (Portland, OR)	Range of Hourly Billing Rates (Rochester, NY)
James A. Francis (1995)	\$850 - \$890	\$1120 - \$1180	\$955-\$995	\$920-\$960	\$705-\$745	\$680-\$720
Mark D. Mailman (1995)	\$850 - \$890	\$1120 - \$1180	\$955-\$995	\$920-\$960	\$705-\$745	\$680-\$720
David A. Searles (1975)	\$875 - \$905	\$1205 - \$1245	\$1040-\$1080	\$955-\$995	\$720-\$760	\$690-\$730
Geoffrey H.	\$700-\$740	\$975-	\$840-	\$765-\$805	\$565-\$605	\$545-\$585



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Attorney/Paralegal	Range of Hourly Billing Rates (Philadelphia)	Range of Hourly Billing Rates (New York)	Range of Hourly Billing Rates (Chicago)	Range of Hourly Billing Rates (San Francisco)	Range of Hourly Billing Rates (Portland, OR)	Range of Hourly Billing Rates (Rochester, NY)
Baskerville (1992)		\$1015	\$880			
John Soumilas (1999)	\$745 - \$785	\$1040-\$1080	\$895-\$935	\$820-\$860	\$600-\$640	\$650-\$690
Lauren KW Brennan (2013)	\$430 - \$470	\$605-\$645	\$500-\$540	\$460-\$500	\$400-\$440	\$360-\$400
Jordan Sartell (2012)	\$410 - \$450	\$600-\$640	\$490-\$530	\$455-\$495	\$355-\$395	\$340-\$380
Joseph Gentilcore (2011)	\$425 - \$465	\$605-\$645	\$510-\$550	\$470-\$510	\$365-\$405	\$345-\$385
Erika Heath (2009)	\$460 - \$500	\$635-\$675	\$565-\$605	\$525-\$565	\$385-\$425	\$370-\$410
Kevin Mallon (2000)	\$730 - \$770	\$1025-\$1065	\$855-\$915	\$805-\$845	\$590-\$630	\$640-\$680
Siobhan McGreal (2008)	\$455 - \$495	\$630-\$670	\$560-\$600	\$520-\$560	\$385-\$425	\$370-\$410
Experienced paralegal	\$345	\$345	\$345	\$345	\$325	\$275
Inexperienced paralegal	\$295	\$295	\$295	\$295	\$275	\$235

VI. SUPPLEMENTAL INFORMATION

Attached as Exhibit A is a copy of my curriculum vitae. It contains is a list of all publications that I have authored in the past ten years. I have not testified as an expert at trial in the past four years. In the past four years, I testified at a deposition as an expert witness in a confidential dispute involving a lawyer who became disabled. The matter was unrelated to an analysis of hourly rates. My current hourly rate is \$1,160.. I have been assisted in preparing this opinion by my partner, Beth Weisser, whose hourly rate is \$715. We spent approximately \$8500 in preparing this opinion.



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If I am provided with additional information, I reserve the right to supplement or amend my opinion.

Very truly yours,

A handwritten signature in blue ink, appearing to read "A.C. Reich".

Abraham C. Reich

ACR:cah

Enclosure

EXHIBIT "A"

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215-299-2090 | www.foxrothschild.com
reich@foxrothschild.com

ABRAHAM C. REICH

PROFESSIONAL ASSOCIATION FOX ROTHSCHILD LLP

- Chair Emeritus, Fox Rothschild LLP (April 2017 to Present)
- Co-Chairman, Fox Rothschild LLP (April 2005 to March, 2017)
- Firm Executive Committee
- Partner, Litigation Department
- Former Managing Partner, Philadelphia Office (2000- April 2005)
- Professional Responsibility Committee (1998-2008), (Founding Member and Former Chair)

Abe has been with the firm since 1974. His area of practice involves all aspects of business litigation and counseling, including representation of lawyers and law firms in defense of legal malpractice claims and other disputes. Abe has taught professional responsibility at University of Pennsylvania Carey School of Law since 2007. He also provides expert testimony in connection with legal ethics and professional responsibility and business litigation matters.

EDUCATION

- The Beasley School of Law at Temple University, J.D. 1974, Editor, Law Review
- University of Connecticut, B.A., magna cum laude; 1971, Elected to Phi Beta Kappa and Phi Kappa Phi

ADMISSIONS

- Pennsylvania
- United States Supreme Court
- United States Courts of Appeal for the Third, Fourth, Seventh and Eighth Circuits

PROFESSIONAL ASSOCIATIONS

- Fellow, American College of Trial Lawyers
- American Bar Association, House of Delegates (1995-2015; 2018-2023)
- American Bar Foundation
- American Association for Justice (formerly American Trial Lawyers Association)
- Association of Professional Responsibility Lawyers
- Pennsylvania Bar Association, House of Delegates; First Statewide Bench Bar Conference, Chair, 1986; Legal Ethics and Professional Responsibility Committee; Co- Chair, Task Force to Revise the Code of Judicial Conduct, 2012- 2013
- Pennsylvania Association for Justice (Formerly Pennsylvania Trial Lawyers Association) Board of Governors, 1985-1990; Commercial Litigation Committee, Former Co-Chair
- The Beasley School of Law at Temple University, Board of Overseers

PHILADELPHIA BAR ASSOCIATION ACTIVITY

- Chancellor, 1995
- Board of Governors, 1987-1999; Chair, 1989
- Commission on Judicial Selection and Retention, 1986-1989, 1993-1994; Vice-Chair, 1989; Chair, Investigative Division, 1988-1989
- Professional Guidance Committee; Chair, 1987-1988
- Professional Responsibility Committee; Chair, 1983-1984
- Annual Conference Committee (Bench Bar Conference), Vice-Chair, 1984; Chair, 1985
- Trustee, Philadelphia Bar Foundation, 1993-1996

-
- Trustee, Philadelphia Bar Education Center, 1993-1999
 - Trustee, International Human Rights Fund, 1993-1995
 - Federal Courts Committee
 - State Civil Judicial Procedures Committee
 - Editorial Board, the Philadelphia Lawyer, 1975-1987 (Former Publication of Business Law Section)
 - Counsel to Philadelphia Bar Association in *Restifo v. Philadelphia Bar Association*, 1991-1994

**OTHER
ORGANIZATIONAL
ACTIVITY**

- Lecturer in Law, University of Pennsylvania Carey School of Law, “Ethics and Advocacy – From the Boardroom to the Courtroom”; Spring Semesters 2007-2023
- The Continuing Legal Education Board of the Supreme Court Of Pennsylvania, Board Member 2005 – 2010; Chair, 2011
- The Disciplinary Board of the Supreme Court of Pennsylvania, Former Hearing Committee Member and Chair, 1985-1991
- Pennsylvania Committee of State Trial Judges, Lawyer Liaison, Judicial Ethics Committee, 1988-1995
- Campaign for Qualified Judges, Former Trustee
- Pennsylvania Law Journal-Reporter, Former Member of Corporate Law Advisory Board
- The Legal Intelligencer, Former Editorial Board Member, 1992
- Lawyers Club of Philadelphia, Former Member of Board of Directors
- United States Court of Appeals for the Third Circuit, Task Force on Equal Treatment in the Courts, 1996
- Lawyer’s Advisory Committee, United States Court of Appeals for the Third Circuit, Chair, 1998
- Jenkins Law Library, Board Member and President (1995-2015)
- Pennsylvanians for Modern Courts, Advisory Board Member
- Brandeis Law Society Foundation, Director

PUBLICATIONS

- Co-Author, *The Metaverse for the Risk-Averse: Law Firms and Legal Advertising, Parts 1 and 2*, Pennsylvania Law Weekly, 45 PLW 962 (October 25, 2022) and 45 PLW 966 (November 8, 2022)
 - Contributing Author, *Successful Partnering Between Inside and Outside Counsel – Ethics*, Chapter 31 (Thomson Reuters 2009-2020)
 - Contributing Author, *Pennsylvania Ethics Handbook*, Pennsylvania Bar Institute, 2008, 2011, 2014, 2017
 - Co-Author, *Attorney Self-Governance, Federal Oversight Clash in Dodd-Frank Act*, The Legal Intelligencer, November 15, 2010
 - Co-Author: *The Lawyer’s Duty of Disclosure: Ethics and Sarbanes-Oxley – The New Conundrum for Patent Lawyers*, Akron Intell. Prop. 43-63, 2007
 - “*The IP Lawyer’s Duty of Disclosure Under Sarbanes-Oxley*,” The Legal Intelligencer – May 8, 2006
 - Co-Author: *When Competition Crosses The Line, Mid-Atlantic Executive Legal Advisor*, Winter 2005
 - Co-Author: *What Do You Do When Confronted With Client Fraud, Business Law Today*, Vol. 12, Number 1, September/October 2002
 - Co-Author: *Screening Mechanisms: A Broader Application? Balancing Economic Realities and Ethical Obligations*, Vol. 72, Temple Law Review 1023, 2000
-

- *Lawyer Controlled MDPs: Critical to the Future Economic Vitality Of Our Profession*, American Bar Association Section of Environment Energy and Resources, Ethics Committee Newsletter, Vol. 1 No. 1, November 2000
- Co-Author: *The Private Securities Litigation Reform Act of 1995; An Overview*, *The Barrister*, Vol. XXVII, No. 2, Fall, 1996
- Co-Editor: *Commercial Litigation Case Notes*, *Pennsylvania Trial Lawyers Association*, 1985-1995
- Co-Author: *Time Out – A Time for Reflection on Statutes of Limitation in Federal Securities Laws and RICO Claims*, *The Barrister*, Vol. XVIII, No. 1, Spring 1987
- Co-Author: *Getting Even*, *Litigation*, Vol. 13, No. 2, Winter, 1987
- Book Review, *Newberg on Class Actions, (Second)*, *The Barrister*, Vol. XVI No. 4, Winter 1985/1986
- Co-Author: *Mandamus Used as Pretrial Appeal*, *Pennsylvania Law Journal Reporter*, Vol. VI, No. 10, March 1983
- Co-Author: *Derivative Action Requirements Eased*, *Pennsylvania Law Journal Reporter*, Vol. V., No. 46, December 1982
- Co-Author: *Non-Parties May Recover Discovery Costs*, *Pennsylvania Law Journal Reporter*, Vol. V, No. 39, October 1982
- *Action in Restraint of Trade: What Constitutes Conspiracy?*, *Pennsylvania Law Journal Reporter*, Vol. IV, No. 15, April 19814
- *A Shot in the Arm for Dissenting Shareholders*, *The Philadelphia Lawyer*, Vol. 17, No. 2, March 1980
- *The New Judicial Code as Part of Pennsylvania’s Consolidated Statutes*, *The Philadelphia Lawyer*, Vol. 16, No. 2, June 1979
- *Equal Fault Revisited*; *The Philadelphia Lawyer*, Vol. 14, No 4, December 1977
- Co-Author: *Individual Issues in Securities Class Actions*, *The Philadelphia Lawyer*, Vol. 13, No. 3, October 1976
- *United States v. Byrum: The Troubled Application of Section 2036*, Vol. 46, *Temple Law Quarterly* 498, 1973

LECTURES

- **American Association for Justice** (Formerly American Trial Lawyers Association): *Commercial Litigation*, 1986
- **American Bar Association**: Section of Business Law, *Client Fraud: To Disclose or Not to Disclose*, October 2002 (National Teleconference)
- **American Conference Institute Forum On Reduced Legal Costs**, *The Ethics of Alternative Fee Arrangements and Cost Reduction Strategies*, 2009
- **American Intellectual Property Law Association**: *Advanced Computer & Electronic Patent Practice Seminar, The Lawyers Duty of Disclosure – Ethics and Sarbanes-Oxley – The New Conundrum for Patent Attorneys*, Boston, June 2006
- **Berks County Bar Association**: *Legal Ethics*, 1993
- **Delaware Valley Corporate Counsel Association**: *Legal Ethics*, 1987
- **Dickinson Law School**: *Intellectual Property Forum, Trade Secrets*, 1983 and 1985
- **DuPont Chemical CLE Series**, *Ethics and the Federal Circuit*, September 2007
- **Federal Bar Association**: *Federal Class Actions*, 1986
- **Frankford’s Rotary Club**: *Legal Ethics*, 1987
- **Intellectual Property Owners Association**: *Annual Meeting “Sarbanes-Oxley and the Duty of Disclosure for IP Lawyers”*, Seattle, September 2005
- **Lorman Seminars, Ethics Seminars**, 2013, 2014, 2015, 2016, 2017, 2019, 2020
- **Minnesota Institute of Legal Education**: *Securities/Commercial Litigation*, 1986;
- **Antitrust/Unfair Competition**, 1987; *Securities/Commercial Litigation*, 1989
- **Montgomery County Trial Lawyers Association**: *Legal Ethics/Fee Disputes*, 1991

- **Pennsylvania Association for Justice** (Formerly Pennsylvania Trial Lawyers Association)
 - Broker/Dealer Litigation, 1984;
 - Commercial Litigation Update, 1986-1989;
 - Antitrust/Health Care, 1989;
 - Legal Ethics/Professional Responsibility, 1992/1993 (Multiple Seminars);
 - Winning with Expert Testimony, April 2002;
 - “What’s It Worth” Seminar (Ethics Component), November 2002; March 2010
- **Pennsylvania Bar Association: Young Lawyers Section**, The Transition from Associate to Partner, 1986
- **Pennsylvania Bar Institute**
 - Directors and Officers Insurance, 1987;
 - Legal Ethics/Professional Responsibility, 1988;
 - Legal Ethics/Professional Responsibility – Bucknell University, 1992;
 - Legal Ethics/Professional Responsibility, 1993;
 - Alternative Dispute Resolution, 1994;
 - Legal Ethics/Professional Responsibility, 1997;
 - Alternative Dispute Resolution, 1997;
 - Recent Developments in Federal Practice/Federal Evidence, 1998;
 - The Ethics of Law Firm Governance, 2000;
 - Intellectual Property Issues for Business Lawyers, April 2002;
 - Accounting Litigation After Enron, WorldCom. (Ethics Component), November 2002;
 - Attorney Fees, June 2003;
 - My First Federal Court Trial, October 2004;
 - Tortious Interference in Business/Professional Relationships, August 2005;
 - Ethical Considerations in Litigating Employment Discrimination Cases, December 2005;
 - Best Practices in Pretrial Litigation in Federal Courts, 2012, 2013, 2014; 2015, 2016;
 - Annual Labor Law Update (Ethics Component) 2014;
 - Ethics And The Labor Lawyer, November 2016;
 - Plenary CLE Ethics Program, Business Law Institute, October 2019
- **Philadelphia Bar Association**
 - Bench Bar Conference, Commercial Litigation, 1979
 - Commercial Litigation, 1982
 - Professional Responsibility, 1983
 - Federal Bench Bar Conference, 2015
 - Client Confidentiality/Duty of Disclosure, 1985
 - Professional Responsibility Committee, May 2004; September 2004 (New Rules of Professional Conduct)
 - Federal Bench Bar Conference “The Rocket Docket”, 2005
- **Philadelphia Bar Education Center**
 - Legal Ethics/Solicitation, October 1992;
 - Legal Ethics/Pro Bono Representation, November 1992; November 1993
 - “Client Conflicts: Charting Safe Courses After Maritrans”, April 1993;
 - Legal Ethics: “Attorney/Accountant Ethical Clashes in the 90’s: How to Bridge the Gap”, January 1994;
 - Ethics of Pro Bono, 1992, 1994, 1996
- **Philadelphia Business Journal**, Roundtable: The Future of Law Firms (May 22-28, 2009)
- **Pennsylvania Law Journal-Reporter**: Antitrust Law Seminar, 1981 – Course Planner
- **Philadelphia Trial Lawyers Association**
 - Commercial Litigation, 1985
 - Legal Ethics/Fee Disputes, 1991
 - Legal Ethics/Trial Practice, 1997
 - Legal Ethics and Attorney Malpractice, 2016

- **Philadelphia Intellectual Property Law Association**
 - Legal Ethics and Professional Responsibility for the Intellectual Property Lawyer, 1996;
 - ADR in IP Cases, 2005;
 - IP Lawyers and the Duty of Disclosure under the Sarbanes-Oxley Act, May 2006;
 - Ethics, May 2010
- **Smithsonian Institution/American Association of Museums:** Legal Ethics: Who is the Client? – The Museum Board, Officers, Employee, or the “Public” - 2007
- **Temple University School of Law:** Legal Ethics, 1995; Rome Program, Visiting Professor, International Civil Litigation, June 2004; Legal Ethics and Social Media 2013; 2014
- **Third Circuit Judicial Conference:** Litigating Federal Civil Cases in the 21st Century: Changes and Challenges (Course Planner) 1997; Ethics in a Digital Age (Panelist), 2011
- **Thomson Reuters:** *Conflicts and Ethical Duties to Clients and the Public: Are They Reconcilable?*, Speaker, June 25, 2013
- **University of Akron School of Law,** Eighth Annual Richard C. Sughrue Symposium: The New Conundrum for Patent Lawyers: Sarbanes-Oxley, March 2006
- **University of Pennsylvania School of Law:** Social Media and Ethics, 2012
- **Villanova University School of Law:** Professional Responsibility, 1983

AWARDS

- Named as one of the Leading Litigation Attorneys in Pennsylvania, Chambers USA (2008 through 2018)
- Philadelphia Magazine Super Lawyers, “The Top Ten”, 2006; 2011-2016 “The Top 100”, 2006-2017
- Most Admired CEO Award by *Philadelphia Business Journal*, 2014
- Brandeis Society Community Achievement Award (Ben Levy), 2014
- Pennsylvania Bar Association, Award for Service as Co-Chair of Task Force on Code of Judicial Conduct, 2014
- Learned Hand Award, American Jewish Committee, 2012
- Temple University, Founder’s Day Award, 2009
- Wachovia Fidelity Award, 2007
- Fund for Religious Liberty Award, American Jewish Congress, 1997
- Outstanding Leadership Award by Pennsylvania Legal Services, 1996
- IOLTA Leadership Award, 1993
- Equal Justice Award by Community Legal Services, 1991

PERSONAL

Born: April 17, 1949, Waterbury, Connecticut
 Married: Sherri Engelman Reich
 Children: Two sons, Spencer and Alexander
 Daughters-in-Law, Elena Steiger Reich (lawyer); Lea Michele Sarfati
 Three grandchildren, Gabriella, Levi and Ever

EXHIBIT C

**Exhibit C to James A. Francis Declaration in Support of
Plaintiff's Motion for A Service Award to Plaintiff and For an Award of Attorneys' Fees and
Reimbursement of Litigation Costs and Expenses to Class Counsel
Norman v. Trans Union, LLC; No. 2:18-cv-05225-GAM**

Francis Mailman Soumilas, P.C.	
Expenses in <i>Norman v. Trans Union</i>	
	Amount
Court Transcripts	\$197.50
Deposition Transcripts	\$14,077.51
Expert Witnesses	\$39,774.50
Filing Fees	\$400.00
Hand Deliveries, Mailing, and Outside Copying Fees	\$1,263.95
Westlaw Research	\$255.75
Service	\$370.00
Mediation	\$4,750.00
Class Notices	\$56,982.00
eDiscovery Services/ Hosting	\$19,455.89
Total	\$137,527.10

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DUANE E. NORMAN, SR., on behalf of himself and all others similarly situated Plaintiff	CLASS ACTION
vs.	
TRANS UNION, LLC Defendant	NO. 18-cv-05225(GAM)

CERTIFICATION OF ANDREW M. MILZ

I, ANDREW M. MILZ, certify the following to be true and correct:

I am an adult individual and a member of the bar of this Court in good standing. My firm is counsel for the Plaintiff Duane E. Norman, Sr. and the certified class in the above-captioned action. This Certification is submitted in support of Plaintiffs' Motion for Attorney Fees and Costs.

Biography

1. I am an attorney at the Flitter Milz, P.C. firm with Pennsylvania offices in suburban Philadelphia and Scranton, as well as offices in Cherry Hill, New Jersey and Rye Brook, New York. Prior to the establishment of Flitter Milz in November 2015, the firm was known as Flitter Lorenz, PC. Prior to the establishment of Flitter Lorenz on April 1, 2012, I was an associate at the Lundy, Flitter, Beldecos & Berger, P.C. law firm since April 2008, where I practiced consumer protection law. Prior to that, I was a law clerk at the Lundy Flitter firm and the Philadelphia consumer class action and securities firm Donovan Searles, LLC.

2. I am admitted to practice and a member in good standing before the courts of the Commonwealth of Pennsylvania (2008) and State of New Jersey (2008), the United States District Courts for the Eastern District of Pennsylvania (2008), Middle District of Pennsylvania

(2012), Western District of Pennsylvania (2017), District of New Jersey (2008), and Central District of Illinois (2020), as well as the United States Court of Appeals for the Third Circuit (2008). Additionally, I have been admitted *pro hac vice* in consumer protection matters in numerous state and federal courts around the country, including: California, Connecticut, Delaware, Florida, Maryland, North Carolina, New York, Ohio, and Texas.

3. I am a January 2008 graduate of Temple University School of Law, evening division. While at Temple, I was awarded distinctions for brief writing and outstanding oral advocacy in Temple's Integrated Trial Advocacy Program (ITAP). I was Executive Editor of the Temple Political and Civil Rights Law Review.

4. I hold a Master of Arts degree in English Literature from the University of Scranton and a Bachelor of Arts in English, *cum laude*, from King's College. I am a graduate of the Trial Lawyers College in Dubois, WY.

5. I have been a member of the National Association of Consumer Advocates ("NACA") since 2008, having co-chaired and regularly presented at the organization's annual conferences.

6. My peers have recognized me as a Super Lawyer and Rising Star consistently for the past eleven years, from 2014-present.

7. On June 1, 2022, Community Legal Services of Philadelphia honored my firm and me at its annual Breakfast of Champions, presenting the firm with an Equal Justice Award, recognizing our excellence in consumer protection law and the assistance we have given to low-income Philadelphians and consumers across Pennsylvania.

Publications

8. I am one of the contributing authors of the leading and comprehensive treatises published by National Consumer Law Center and used by judges and advocates nationally, including the leading treatise in the field of consumer repossessions, CAROLYN CARTER, ANDREW M. MILZ, ET. AL, REPOSSESSIONS, National Consumer Law Center (10th ed. 2021). I have also contributed to ROBERT HOBBS, ET. AL, CONSUMER LAW PLEADINGS, National Consumer Law Center (19th ed., 2013) (Federal Odometer Act, consumer arbitration agreements) and JONATHAN SHELDON, ET. AL, FEDERAL DECEPTION LAW, National Consumer Law Center (2d ed., 2016, companion website 2017) (Telephone Consumer Protection Act).

9. I am a contributing author to CAROLYN CARTER, ET.AL, PENNSYLVANIA CONSUMER LAW, Geo. Bisel Pub. Co. (2002 ed., 2023 Supplement), for which I am lead author and edit the chapter “Odometer Fraud” and co-author chapters “Repossessions” and “Attorney Fees in Consumer Litigation.”

10. I am the author of *Civil Jury Trial Preparation Checklist for United States District Court*, PBI No. 2024-12099, Pennsylvania Bar Institute (2024) and co-author of *Coverage, Consumer Rights and Remedies Under the Fair Debt Collection Practices Act*, PBI No. 2016-9436, Pennsylvania Bar Institute (2016); and *Basics of the Fair Credit Reporting Act*, PBI No. 2014-8241, Pennsylvania Bar Institute (2014). I am the author of *But Names Will Never Hurt Me?*, 16 Temp. Pol. & Civ. Rts. L. Rev. 283 (2006). My article, *Guiding the Jury on an Unlikely Road to Justice*, was published in The Warrior, Magazine of the Trial Lawyers College (Winter 2021 ed.).

11. I have been published or quoted on consumer issues in local and national legal publications, including The Legal Intelligencer, New Jersey Law Journal, and Law360. I have

been interviewed for stories by the Philadelphia Inquirer, ABC News, and NPR. Recent appearances in mainstream publications include Salon, “*A Major Player in Solar Energy Leaves Some Customers Seething*,” May 9, 2020, https://www.salon.com/2020/05/09/a-major-player-in-solar-energy-leaves-some-customers-seething_partner/), Consumer Reports, “*Why the Pandemic May Be Hurting Your Credit Score*,” Feb. 3, 2021, <https://www.consumerreports.org/credit-scores-reports/why-the-pandemic-may-be-hurting-your-credit-score/>; Bankrate, “*How to Dispute a Credit Card Charge*,” Apr. 9, 2021, <https://www.bankrate.com/finance/credit-cards/disputing-a-credit-card-purchase/>); Kiplinger’s, “*Repo Risk: Beware Illegal Car Repossessions*,” June 13, 2022, <https://www.kiplinger.com/personal-finance/shopping/cars/604793/repo-risk-beware-illegal-car-repossessions>; TIME, “*How Solar Sales Bros Threaten the Green Energy Transition*,” Nov. 21, 2023, <https://time.com/6337766/solar-sales-bros-door-to-door/>; TIME, “*The Rooftop Solar Industry Could Be on the Verge of Collapse*,” January 25, 2024, <https://time.com/6565415/rooftop-solar-industry-collapse/>; CNET, “*Don't Get Scammed on Solar Panels: 4 Financial Red Flags*,” Mar. 12, 2024, <https://www.cnet.com/home/energy-and-utilities/dont-get-scammed-on-solar-panels-4-financial-red-flags/>; NPR News, “*Rooftop Solar has a Fraud Problem. The industry is Working to Build Back Trust*,” Aug. 14, 2024, <https://www.npr.org/2024/08/14/1244330369/solar-rooftop-panels-environment-fraud-deception.>; and AARP Bulletin, *Fraud Watch: Beware of Clean Energy Scams*, Sept. 2024 (Vol. 65, No. 7) <https://www.aarp.org/publications/bulletins/aarp-bulletin-september-2024/> .

Faculty Appointments, Lectures, and Presentations

12. I am Adjunct Professor of Law at Temple University Beasley School of Law where I teach a course in Consumer Law and Litigation (LAW 0524) which focuses on state and

federal substantive statutes, complex commercial litigation in the federal courts, and class action practice.

13. In 2025, I presented *How to Try Your First Jury Trial* at the New Jersey State Bar Association's Annual Conference in Atlantic City, NJ on May 14, 2025; *Bending the Sun Rays Your Way: Framing the Case Narrative* at the NCLC/ NACA Spring Training Conference in Long Beach, CA on May 1, 2025; *Litigating Door-to-Door Solar Fraud Cases* at Stetson University College of Law in Gulfport, FL on January 20, 2025; *Repossessions & Defending the Deficiency Suit*, a webinar for Pennsylvania Legal Aid Network ("PLAN") on March 12, 2025; *Fair Credit Reporting Act Primer for Legal Services Attorneys*, a webinar for Legal Aid of Southeastern Pennsylvania on March 31, 2025; and moderated *Plaintiffs' Lawyer Panel: Life on the Left Side of the "V"*, at Temple University Beasley School of Law on March 19, 2025.

14. In 2024, I was co-chair and moderator of PBI's *Symposium on Practice in the Federal Courts* at Temple University Beasley School of Law on September 11, 2024; presented *Winning Repossession Cases UCC Claims, FDCPA Claims, and Trial Strategy* at the NCLC's Consumer Rights Litigation Conference in Orlando, FL on October 26, 2024; *Dark Side of Solar: Solar Fraud in New Jersey* at Legal Services of New Jersey's 2024 Consumer Law Training in Edison, NJ on October 16, 2024; *How to Choose Consumer Law Specialties* as a NACA webinar on April 18, 2024; *Expand Your Practice with Consumer Law* at the Montgomery Bar Association on April 17, 2024; *Solar Fraud Case Outcomes* at the NCLC/ NACA Spring Training Conference in Atlanta, GA on April 12, 2024; *Selected Topics in Consumer Protection Law* as a New Jersey Institute for Continuing Legal Education (NJICLE) webinar on March 26, 2024; *Consumer Protection Law and Litigation 2024* at the bar associations for Centre County, PA on March 21, 2024 and Cumberland County, PA on April 5,

2024; *Solar Sales Fraud: Coming to a Pennsylvania Doorstep Near You* at North Penn Legal Services in Pittston, PA on March 20, 2024.

15. In 2023, I presented *Home Energy Programs: Solar & Door-to-Door Frauds (Including E-Sign), Part 2* at the National Consumer Law Center's annual Consumer Rights Litigation Conference in Chicago, IL on October 27, 2023; *The State of Solar Fraud in New Jersey*, at Legal Services of New Jersey's 2023 Basic Consumer Law Training on March 21, 2023 (virtual webinar); *Consumer Law and Litigation 2023* at the bar associations for Lancaster, Lehigh, Luzerne, and Lycoming PA counties on April 13-14, 21, and August 14, 2023; *Military Consumer Justice 2023* to JAGs at the legal assistance offices at U.S. Military Joint Base McGuire-Dix-Lakehurst in Wrightstown, NJ on May 4, 2023 and at Dover Air Force Base in Dover, DE on June 2, 2023.

16. In 2022, I presented *Solar Fraud and Other Home Improvement Scams* at the National Consumer Law Center's annual Consumer Rights Litigation Conference in Seattle, WA on November 11, 2022; *Solar Fraud: Tricks and Traps* for the National Association of Consumer Advocates on Oct. 12, 2022 (virtual webinar); I moderated the roundtable presentation *Identity Theft Case Examination* on May 11, 2022 and presented *Handling Cases Post-Judgment: Tips and Strategies for an Effective Outcome* at the National Association of Consumer Advocates' Spring Training Conference in Phoenix, AZ on May 12, 2022; *Effective Use of Discovery in FDCPA Cases* at the National Consumer Law Center's FDCPA Conference in Orlando, FL on April 26, 2022; *Complying with the Fair Debt Collection Practices Act (FDCPA)* for the New Jersey Institute for Continuing Legal Education (NJICLE) on April 19, 2022 via virtual webinar.

17. During the pandemic, presentations were virtual. In 2021, I was Co-Chairperson of the National Association of Consumer Advocates (NACA) “Spring Training” Conference, which was held virtually. At that conference, I presented *Best Practices in Auto Trials and Arbitration* on April 13, 2021. In 2020, I presented *The Dark Side of Solar: Fraud, PACE and Home Improvement Loan Scams* at the National Consumer Law Center’s annual Consumer Rights Litigation Conference (virtual webinar) on November 9, 2020; and *Damages in Fair Credit Reporting Act Cases* for the National Association of Consumer Advocates’ Spring Training on May 15, 2020 (virtual webinar).

18. In 2019, I gave two presentations at the National Consumer Law Center’s annual conference in Boston, MA on November 14-17, 2019: *Effective Use of the TCPA for Individual Cases Challenging Debt Collection Harassment and Repossessions: FDCPA Claims, Breach of the Peace, and Big Verdicts*; participated in the *CFPB Community Roundtable on the FDCPA* with Director Kathy Kraninger in Philadelphia, PA on May 6, 2019; co-moderated *Trial Skills Workshop*, at the National Association of Consumer Advocates Fair Credit Reporting Act Conference in Long Beach, CA on May 1-2, 2019; presented *Repossession Law Developments 2019: SCOTUS Weighs-in, Breach of the Peace, and Big Verdicts* at the annual meeting of the National Association of Consumer Advocates, Pennsylvania Chapter, in Philadelphia on April 5, 2019; and *So You Want to Be a Lawyer*, at the “Looking Forward” Conference on March 23, 2019 at Misericordia University, Dallas, PA.

19. In 2018, I presented *Military Consumer Justice Project 2018* to JAGs at the legal assistance offices at U.S. Military Joint Base McGuire-Dix-Lakehurst in Wrightstown, NJ on November 15, 2018 and at Dover Air Force Base in Dover, DE on November 16, 2018; and *Abusive Attorney Collection Practices and FDCPA Defensive Strategies (Part 1)* at the National

Consumer Law Center's Fair Debt Collection Practices Conference on March 19-20, 2018 in Chicago, IL.

20. In 2017, I was invited to present *Maximizing the Value of Individual TCPA Cases* at the National Consumer Law Center's Consumer Rights Litigation Conference on November 17, 2017 in Washington, DC; *The Legal Process: From Collection to Lawsuit*, on June 27, 2017 at Mount Airy USA, Philadelphia, PA; *Affirmative Consumer Law Claims in your Client Files Right Now*, on May 24, 2017 at the Wilkes-Barre Law and Library Association, Wilkes-Barre, PA and on July 20, 2017 at the Tioga County (Wellsboro, PA) and Lycoming County (Williamsport, PA) Bar Associations; *Turn the Tables: Affirmative Consumer Law Claims Arising from Debt Collection* on March 30, 2017 at North Penn Legal Services' Annual Conference at Marywood University, Scranton, PA; *Maximizing the Value of Individual TCPA Cases* at the National Consumer Law Center's Fair Debt Collection Practices Training Conference on March 28, 2017 in New Orleans, LA.

21. [Paragraphs 21-24, listing older presentations, voluntarily deleted for brevity.]

Litigation Experience

25. At the Flitter Milz firm, I primarily practice in the area of consumer protection law. I represent consumers individually and in class actions.

26. Consumer Law Trials. I have represented plaintiffs in over two dozen consumer protection trials. I was lead counsel in the first and only mass-action case ever tried under New Jersey's Real Estate Timeshare Act ("RETA"), which, after a three-week jury trial, resulted in a unanimous verdict voiding exculpatory contract waivers, cancelling all eleven timeshare transactions at issue in the case, and awarding actual and enhanced damages of \$1.07 million to

my consumer clients, *Palmer v. Flagship Resort Development Corp.*, ATL-L-1515-19 (N.J. Super. Ct. Law Div. Atlantic Co., jury verdict dated Sept. 30, 2022) (Bergman, J.S.C.).

I also tried the following federal jury trials: *Cappuccio v. Prime Capital Funding*, U.S.D.C. E.D. Pa. No. 07-cv-04627 (Sánchez, J.) (Truth in Lending Act, Equal Credit Opportunity Act, Pennsylvania's Unfair Trade Practices and Consumer Protection Law; punitive damage verdict); *Wise v. Americredit Fin. Servs., Inc.*, U.S.D.C. E.D. Pa. No. 09-cv-00102 (Robreno, J.) (Fair Credit Reporting Act, Pennsylvania's Uniform Commercial Code, Fair Credit Extension Uniformity Act); *Singleton v. Universal Credit Services, et. al.*, U.S.D.C. E.D. Pa. No. 14-cv-06380 (Pappert, J.) (Fair Credit Reporting Act); *Hyman v. Devlin*, U.S.D.C. W.D. Pa. No. 18-0089 (Gibson, J.) (civil rights law in the context of a vehicle repossession; punitive damage verdict); *Davis v. Spicer, et. al.*, U.S.D.C. Dist. Del. No. 21-CV-874 (Fallon, M.J.) (civil rights in context of vehicle repossession); *Farrington v. Freedom Mortgage Corp.*, U.S.D.C. D.N.J. No. 20-CV-4432 (Williams, J.) (New Jersey's Consumer Fraud Act, federal Real Estate Settlement Procedures Act, bad faith mortgage servicing; enhanced verdict for consumer of \$3.522 million, later remitted).

In addition, I have tried four federal bench trials to verdict (FDCPA, FCRA, Pennsylvania's UCC, UTPCPL), seven E.D. Pa. Loc. R. 53.2 federal court arbitrations on matters arising under consumer protection statutes (*e.g.*, Truth in Lending, Fair Credit, Fair Debt, Electronic Funds Transfers Act, Pennsylvania's UCC, UTPCPL), at least eleven state court bench trials (nine defending consumer debtors in collection cases, one auto fraud case, and one defending propriety of class settlement distributions (*Coates v. Settlement Administrator*, Del. Co. 2012)), numerous state court and private arbitrations, two preliminary injunction hearings (one state, one federal), three *Daubert* hearings, multiple class certification hearings,

miscellaneous evidentiary and discovery hearings, and successfully tried the evidentiary hearing in what the Chief Judge for the U.S. Bankruptcy Court for the Eastern District of Pennsylvania called “one of the most egregious instances of a bad faith filing that the Court has been witness to in over 17 years.” *In re Hansen*, No. 11-10472-SR (Bkrcty. E.D. Pa. bench ruling dated June 7, 2011) (Raslavage, C.J.) (unraveling sophisticated accounting scam to recover \$1 million in stolen insurance proceeds).

27. Consumer Law Appeals. I have been counsel or co-counsel of record in numerous appeals involving novel and important consumer law issues, including:

- a. *Cappuccio v. Prime Capital Funding LLC*, 649 F.3d 180 (3rd Cir. 2011) (Truth in Lending Act);
- b. *Leshner v. Law Offices of Mitchell N. Kay, PC*, 650 F.3d 993 (3rd Cir. 2011), *cert. den.* 565 U.S. 1185 (2012) (Fair Debt Collection Practices Act);
- c. *Jackson v. Midland Funding, LLC*, 468 Fed. Appx. 123 (3d Cir. 2012) (Fair Debt Collection Practices Act);
- d. *Edmonson v. Lincoln Nat. Life Ins. Co.*, 725 F. 3d 406 (3d Cir. 2013) *cert. den.* 572 U.S. 1114 (2014) (ERISA, class action);
- e. *Gager v. Dell Fin. Servs.*, 727 F. 3d 265 (3d Cir. 2013) (Telephone Consumer Protection Act);
- f. *Cubler v. Trumark Fin. Credit Union*, 83 A.3d 235 (Pa. Super. Ct. 2013) (Article 9 of Pennsylvania’s UCC, class action);
- g. *Douglass v. Convergent Outsourcing*, 765 F.3d 299 (3d Cir. 2014) (Fair Debt Collection Practices Act, class action);
- h. *Rodriguez v. Fulton Bank, N.A.*, 108 A.3d 100 (Pa. Super. Ct. 2014) (table), *alloc. den.* 112 A.3d 654 (Pa. Mar. 11, 2015) (table) (forced arbitration, class action);
- i. *Grimes v. Enterprise Leasing Co. of Phila. LLC*, 105 A.3d 1188 (Pa. 2014) (amicus counsel, PA Unfair Trade Practices and Consumer Protection Law);
- j. *Daniels v. Hollister Co.*, 113 A.3d 796 (N.J. App. Div. 2015) (affirmance of trial court’s class certification in consumer gift-card case);
- k. *Bock v. Pressler & Pressler, LLP*, 658 Fed. Appx. 63 (3d Cir. 2016) (Fair Debt Collection Practices Act, constitutional standing), *judgment re-entered upon remand at* 254 F. Supp. 3d 724 (D.N.J. 2017);
- l. *Schultz v. Midland Credit Management*, 950 F. 3d 159 (3d Cir. 2018) (Fair Debt Collection Practices Act, class action);

- m. *Goffe v. Foulke Mgmt.*, 208 A.3d 859 (N.J. 2019) (amicus counsel, forced arbitration);
- n. *Hyman v. Devlin*, 826 Fed. Appx. 244 (3d Cir. 2020) (Section 1983 of Civil Rights Act in context of vehicle repossession);
- o. *Knight v. Vivint Solar*, 243 A.3d 956 (N.J. App. Div. 2020) (forced arbitration); *cert. den.* 246 N.J. 222 (N.J. 2021);
- p. *Zentner v. Brenner Car Credit*, 273 A.3d 1033 (Pa. Super. Ct. Feb. 8, 2022) (table) (class action; forced arbitration);
- q. *Ingram v. Experian*, 83 F.4th 231 (3d Cir. 2023) (Fair Credit Reporting Act);
- r. *Dwyer v. Ameriprise Fin., Inc.*, 313 A.3d 969 (Pa. 2024) (amicus counsel, PA Unfair Trade Practices and Consumer Protection Law);
- s. *Palmer et al v. Flagship Resort*, --- A.3d ----, 2025 WL 1098916, at *1 (N.J. Super. Ct. App. Div. Apr. 14, 2025) (affirming jury verdict and fee award under NJ Consumer Fraud Act and Timeshare Law);
- t. *AstraZeneca Pharmaceuticals LP, et al v. Secretary U.S. Dept. of Health and Human Servs., et al.*, Nos. 24-1819, 24-1820, 24-1821 (3d Cir. pending) (amicus counsel, Inflation Reduction Act drug pricing);
- u. *Chilutti v. Uber Technologies, Inc.*, No. 58 EAP 2024 (Pa. pending) (amicus counsel, forced arbitration)

28. Certified Class Counsel in Consumer Cases. In my time at the Flitter Milz firm, I have been co-counsel of record in over two dozen consumer class actions, certified on contest (over the objection of defendants), and named as class counsel in the following:

- a. *Nelson v. Bank of America, N.A.*, U.S.D.C. E.D. Pa. No. 23-cv-00255-JS (preliminary approval of class settlement dated Oct. 4, 2024) (“Flitter Milz PC, including Cary L. Flitter, Andrew M. Milz, and Jody Thomas López-Jacobs, has extensive experience and expertise in prosecuting auto repossession consumer class actions.”);
- b. *Lantych v. Flagship Resort Dev.*, N.J. Sup. Ct. Law Div. Atlantic County: No. ATL-L-000744-23 (Order and Opinion granting class certification on contest dated July 23, 2024) (“[Flitter Milz, PC] possess considerable experience in the litigation of class action lawsuits.”);
- c. *Dashiell v. Best Buy Imports Inc.*, Phila. Co. Pa. CCP No. 2205-00968 (Order and Opinion granting class certification on contest, dated June 6, 2024) (“[Flitter Milz] attorneys [are] well-qualified in the field and specializing in claims on behalf of consumers”);

- d. *Bolton v. New Alliance Fed. Credit Union*, Beaver Co. Pa. CCP, No. 10318 of 2023, 2024 WL 1771864 (Pa. Com. Pl. Apr. 15, 2024) (Opinion and Order granting Class Certification on contest);
- e. *Taggart v. Eagle One Federal Credit Union*, Phila. Co. Pa. CCP No. 2108-00965 (final approval dated July 25, 2023);
- f. *Atterbury v. Earn Company et al.*, Phila. Co. Pa. CCP, Term 2021 No. 00637 (Order and Opinion granting Class Certification on contest, dated April 18, 2023);
- c. *Zentner v. Brenner Car Credit & Paxton Securities*, Lycoming Co. Pa. CCP, No. 2020-1193 (Order Certifying Settlement Class, dated April 14, 2023);
- d. *Lane v. Ardent Credit Union*, Phila. Co. Pa. CCP, Feb. Term 2020, No. 00450 (Order and Opinion granting Class Certification on contest, dated Dec. 6, 2022).
- e. *Chipego v. Five Star Bank*, Phila. Co. Pa. CCP, May Term 2017, No. 02466 (Order and Opinion granting Class Certification on contest, dated Sept. 30, 2021).
- g. *Mwangi v. Service 1st Fed. Credit Union*, Luzerne Co. Pa. CCP, No. 2019-792 (Order Certifying Settlement Class, dated July 16, 2021).
- f. *Norman v. TransUnion, LLC*, 479 F. Supp. 3d 98 (E.D. Pa. 2020), *appeal den.* 2020 WL 6393900 (3d Cir. Sept. 15, 2020) (class certification granted on contest) (“Norman’s counsel has abundant experience litigating FCRA class actions”);
- g. *Schultz v. Midland Credit Management, Inc.*, 2020 WL 3026531 (D.N.J. June 5, 2020) (class certification granted on contest) (counsel “collectively have decades of experience litigating consumer class actions, including many brought under the FDCPA”);
- h. *Farley v. Pa. St. Employees Credit Union*, Phila. Co. Pa. CCP No. 1706-01889 (final approval dated May 19, 2020);
- i. *Sharpe v. Midland Funding*, U.S.D.C. E.D. Pa. No. 16-cv-06256-JD (final approval of class settlement dated Oct. 15, 2019);
- j. *Eastman v. TD Bank, NA*, N.J. Sup. Ct. Law Div. Ocean County: No. OCN-L-002588-17 (final approval of class settlement dated Sept. 13, 2019);
- k. *McCalvin v. Condor Holdco Securitization Tr.*, 2018 WL 5816779 (E.D. Pa. Nov. 6, 2018) (final approval of class settlement);
- l. *Huffman v. Prudential Ins. Co. of Am.*, 2018 WL 583046 (E.D. Pa. Jan. 29, 2018) (on contest, holding “class counsel ‘possess the expertise to litigate this matter effectively, as evidenced by the quality, timeliness and professional nature of their work’”);
- m. *Benefield v. Essa Bancorp, Inc.*, Phila Co. Pa. CCP No. 1609-001381 (preliminary approval order dated Jan. 18, 2018);
- n. *Meyer v. Northwest Savings Bank*, Allegheny Co. Pa. CCP No. GD-13-024884 (Final Approval dated Dec. 22, 2016) (Wettick, J.);
- o. *Calcagni v. First Commw. Fed. Credit Union*, Berks Co. Pa. CCP No. 14-5286 (Final Approval dated June 2, 2016);

- p. *Good v. Nationwide Credit, Inc.*, 314 F.R.D. 141 (E.D. Pa. 2016) (final approval of class settlement, recognizing “substantial experience in consumer class action litigation and ... [is] well qualified to represent the class”);
- q. *Harlacher v. Members First Fed. Credit Union*, Adams Co. Pa. CCP No. 13-SU-1260 (Final Approval dated Dec. 16, 2015);
- r. *Rodriguez v. Fulton Bank, N.A.*, Berks Co. Pa. CCP No. 13-3748 (Preliminary Approval dated Dec. 18, 2015);
- s. *Richards v. Client Servs. Inc.*, 2015 WL 5836274 (M.D. Pa. Oct. 5, 2015) (class settlement);
- t. *Vidra-Miller v. Midland Credit Management*, U.S.D.C. E.D. Pa. Doc. No. 13-CV-01847 (Final Judgment and Order of Dismissal dated Sept. 23, 2015);
- u. *Brennan v. Community Bank, N.A.*, U.S.D.C. M.D. Pa. Doc. No. 13-CV-02939 (Order appointing Class Counsel dated July 6, 2015);
- v. *Douglass v. Convergent Outsourcing*, U.S.D.C. E.D. Pa. Doc. No. 12-1524 (Final Judgment and Order of Dismissal dated June 12, 2015);
- w. *Hockenberry v. People First Fed. Credit Union*, Lehigh Co. Pa. CCP No. 2014-C-1580 (Preliminary Approval dated May 5, 2015);
- x. *Sheridan v. Pa. Auto Credit, Inc.*, Phila Co. Pa. CCP No. 1403-000013 (Preliminary Approval dated May 6, 2015);
- y. *Cubler v. Trumark Fin. Credit Union.*, Phila Co. Pa. CCP No. 1204-01800 (Preliminary Approval dated Jan. 12, 2015);
- z. *Harlan v. Transworld Sys., Inc.*, 302 F.R.D. 319 (E.D. Pa. 2014) (class settlement);
- aa. *Daniels v. Hollister Corp.*, N.J. Super. Ct. Ocean Co. No. OCN-L-2310-12 (certification order dated Feb. 6, 2014) (on contest), *aff'd* 440 N.J. Super. 359 (App. Div. 2015);
- bb. *Spry v. Police & Fire Fed. Credit Union*, Phila CCP Pa. No. 1109-000007 (Final Approval dated Oct. 8, 2013);
- cc. *Haggerty v. Citadel Fed. Credit Union*, Phila Co. Pa. CCP No. 1101-3725 (Final Approval dated July 10, 2013);
- dd. *Simonson v. Am. Heritage Fed. Credit Union*, Phila Co. Pa. CCP No. 1110-3762 (Final Approval dated July 17, 2013);
- ee. *Zawislak v. Beneficial Bank*, Phila Co. Pa. CCP No. 1103-3622 (Final Approval dated June 28, 2012);
- ff. *Cosgrove v. Citizens Auto. Fin., Inc.*, 2011 WL 3740809 (E.D. Pa. Aug. 25, 2011) (class settlement);
- gg. *Jones v. Client Services*, U.S.D.C. E.D. Pa. Doc. No. 10-0343 (Final Judgment and Order of Dismissal dated Feb. 25, 2011);

- hh. *Hartt v. Flagship Credit Corp*, U.S.D.C. E.D. Pa. Doc. No. 10–822 (Final Judgment and Order of Dismissal dated Apr. 5, 2011);
- ii. *Durr v. Rochester Credit Center*, U.S.D.C. E.D. Pa. Doc. No. 09-4232 (class certification order dated Jan 14, 2011);
- jj. *Gregory v. NCO Financial Systems, Inc., et al.*, U.S.D.C. E.D. Pa. No. 07-CV-05254 (Final Judgment and Order of Dismissal dated Feb. 17, 2010); and
- kk. *Rosenau v. Unifund Corp.*, 646 F. Supp. 2d 743 (E.D. Pa. 2009) (class settlement).

Hourly Rate

29. My hourly rate for 2025 is \$635.00. This rate represents a 6% increase from my 2024 rate. This represents a fair, reasonable market rate for an attorney of my experience and credentials and the rate the firm typically charges and receives for my services. This rate fits comfortably in the range of fees for an attorney of my experience and expertise set forth in the fee schedule published by Community Legal Services of Philadelphia (“CLS”), as adjusted per the consumer price index: <https://clsphila.org/about-community-legal-services/attorney-fees/>.¹ My hourly rate of \$635.00 was submitted to and utilized by U.S. District Judge Juan R. Sánchez in the approval of the class action settlement in *Nelson v. Bank of America, N.A.*, U.S.D.C. E.D. Pa. No. 23-cv-00255-JS (Final Approval Order dated Feb. 18, 2025).

30. My hourly rate for 2024 was \$595. This rate represents a 6% increase from my 2023 rate. This rate was approved by U.S. District Judge Christine P. O’Hearn in the New Jersey Consumer Fraud Act case *Warner v. Vision Solar, et al*, No. 22-CV-05307-CPO-SAK, 2025 WL 819582 (D.N.J. Feb. 26, 2025) (ECF 139, Order granting attorney fees + 15% contingency multiplier); and U.S. Magistrate Judge Robert M. Spector in the Fair Credit

¹ The Third Circuit has long held that the fee schedule published by Community Legal Services of Philadelphia (“CLS”) is a useful benchmark for determining a reasonable rate. *Maldonado v. Houstoun*, 256 F.3d 181, 187-88 (3d Cir. 2001). Pursuant to the CPI inflation calculator, \$625 (for an attorney of 16-20 years’ experience) in January 2023 equals the buying power of \$753 in November 2024. https://www.bls.gov/data/inflation_calculator.htm (last visited January 14, 2025).

Reporting Act (FCRA) case *de Moura Castro v. Loanpal, et al.*, No. 3:21-CV-01020-RMS (D. Conn. Oct. 16, 2024) (ECF 155, Order granting Motion for Attorney Fees).

31. My hourly rate for 2023 was \$555.00. This rate represented a 6% increase from my 2022 rate. This rate was approved by U.S. District Judge Karen M. Williams in the Real Estate Settlement Procedures Act (RESPA) and New Jersey Consumer Fraud Act case *Farrington v. Freedom Mortgage, Inc.*, No. 20-04432-KMW-AMD, 2024 WL 4285505 (D.N.J. Sept. 25, 2024) (fees approved on contest).

32. Older approvals include my 2021 rate of \$490.00 approved by U.S. District Judge Harvey Bartle III in the FCRA case *Hutchins v. Mountain Run Solutions & Experian*, No. 20-cv-05853-HB (E.D. Pa. Jan. 3, 2022) (ECF 25, order on attorney fees and costs);² my hourly rate for 2019 of \$440.00 approved by Senior U.S. District Judge Kim R. Gibson in *Hyman v. Devlin*, 2019 WL 2271113 (W.D. Pa. May 28, 2019) (granting fee petition in its entirety on contest, holding “the Eastern District of Pennsylvania rates for Hyman’s attorneys are reasonable given the specialized nature of this case”) and utilized by U.S. District Judge Joseph F. Leeson in granting final approval to the class settlement and fee award in the ERISA class action *Huffman v. Prudential*, U.S.D.C. E.D. Pa. Doc. No. 10-CV-5135 (Final Approval Order docketed April 15, 2019); my hourly rate for 2018 of \$405.00 was approved by U.S. District Judge Timothy J. Savage in the class action matter *McCalvin v. Condor Holdco Securitization Tr.*, 2018 WL 5816779 (E.D. Pa. Nov. 6, 2018) (“Given the nature of the services provided, Class Counsel’s experience in consumer class action cases and the rates of other lawyers in the community with similar skills and experience, Class Counsel’s hourly rate is reasonable.”).

² While the *Hutchins* opinion was issued in 2022, the plaintiff’s motion for an attorney fee award was filed in December 2021, so the Court utilized 2021 rates. See *Lanni v. New Jersey*, 259 F.3d 146, 149-50 (3d Cir. 2001) (the “current market rate ... is the rate at the time of the fee petition.”).

33. [Paragraphs 33-43 noting additional rate approvals going back to 2011 deleted for brevity. Additional approvals can be supplied if requested.]

Litigation of the Instant Case

44. When Mr. Norman reached out to our firm in 2018, we recognized he had potential claims arising under the Fair Credit Reporting Act. These included claims under Section 1681i against Trans Union for failure to investigate his disputes of the impermissible inquiry, which became the class claims. Mr. Norman also had potential claims under Section 1681b against Safe Home Security for the impermissible access to his credit report. In my experience litigating dozens of both types of cases – investigation violations and impermissible pulls – a typical resolution for my clients (at settlement or trial) would result in a recovery to them, after attorney fees, of between \$50,000 - \$100,000. Recoveries can be even greater.³ Rather than pursue his individual claims, Mr. Norman chose to pursue this case on a class basis against Trans Union and to forego individual claims against Trans Union and Safe Home Security, as not to allow any arguments about his adequacy or typicality in pursuing, and potentially being made whole by, resolutions in those potential cases. He is releasing all his claims here, not just those limited to the disputed inquiries (like the rest of the class). In my opinion, Mr. Norman did a great service for the class and deserves a substantial class service award for his selfless actions in this case.

45. I, like my law partners Cary L. Flitter and Jody Lopez-Jacobs, have been heavily involved in every aspect of this case since its inception in 2018. To wit:

³ See e.g. *Hutchins v. Experian and Mountain Run Sols., LLC*, 2021 WL 5356774, at *1 (E.D. Pa. Nov. 17, 2021) (investigation case) (\$360,000 FCRA recovery); *de Moura Castro by Hilario v. Loanpal, LLC*, 2024 WL 4100008, at *6 (D. Conn. Sept. 4, 2024) (\$1,000,000 recovery in FCRA impermissible pull case, with state claims as well).

- a. Jody and I personally conducted the intake of Mr. Norman, a new client to the firm, at which point we identified and evaluated his claims under the FCRA.
- b. We met with Mr. Norman and our co-counsel at the Francis Mailman Soumilas, PC firm to discuss Mr. Norman's responsibilities and expectations as class representative.
- c. We assisted in drafting the class action complaint for Norman's claims under the FCRA.
- d. We met and conferred with co-counsel and counsel for the Defendant dozens of times over the six-plus years of heated litigation in this case.
- e. We drafted written discovery documents, answered discovery propounded on Mr. Norman, and reviewed and assisted with cataloguing the copious document discovery of over two million documents from Defendant.
- f. I prepared for and took depositions of fact and expert witnesses, including Defendants' experts Rebecca Kuehn and John Ulzheimer; I also prepared for and defended the deposition of Plaintiff's expert Evan Hendricks. I also attended and assisted co-counsel with the depositions of Ahunya Tilghman, Keith McCawley, Laura Migalski, Michael Turner, David Lasater, and Jonathan Jaffe,
- g. I took lead on briefing and later argued our successful opposition to Defendant's summary judgment motion, in which Trans Union sought judgment on our FCRA claims on liability and the willfulness required for FCRA punitive damages.
- h. We participated in the briefing on class certification and replies in support, and did so a second time when Trans Union sought decertification of the Court's earlier class certification order.

- i. We assisted in strategizing and briefing the motions to strike Defendant's experts and opposing Trans Union's attempts to strike our experts' testimony.
- j. I took the lead in briefing our successful opposition to Defendant's two petitions for appeal to the Third Circuit under Fed. R. Civ. P. 26(f), and was prepared to argue those appeals if necessary.
- k. In November and December 2024, I dedicated myself to preparing in earnest for the January 21 jury trial, where my co-counsel John Soumilas and I were to act as co-lead trial counsel for the Plaintiff and certified class. I spent this time drafting pre-trial motions, preparing trial outlines, preparing direct and cross examinations, preparing opening and closing statements, arranging exhibits and witnesses, and preparing jury charges.
- l. After settlement, I was lead on drafting the successful motion for preliminary approval. I also edited and reviewed the settlement agreement and ancillary documents.
- m. I will be involved in drafting the final approval and fee motions, and plan to attend the final fairness hearing in July.

46. Below is a chart reflecting the amount of professional time as of June 3, 2025 that Flitter Milz, PC spent on various tasks in this litigation:

Category	Hours
Pre-suit Investigation	3.8
Pleadings & Service	36.3
Class Notice/Admin	99.2
Depositions	278.4
Trial Preparation	299.35
Settlement	152.4
Motion Practice / Appeals	862.95
Written Discovery	501.5
Disclosures, Court conferences	19.3

We anticipate at least an additional 100 hours in professional time in the future, addressing the final approval hearing and briefing, dealing with class member inquiries, and class administration issues.

47. Our timesheets reflect the following breakdown of time spent by each timekeeper at our firm up to June 3, 2025:

Name	Rate	Hours	Lodestar
Cary L. Flitter	\$ 940	518.7	\$ 487,578
Andrew M. Milz	\$ 635	870.8	\$ 552,958
Jody Lopez-Jacobs	\$ 430	329.3	\$ 141,599
Edward Flitter	\$ 320	121.4	\$ 38,848
Paralegals	\$ 255	413.05	\$ 105,328
Total		2253.25	\$ 1,326,310.75

While I was lead counsel for our firm, this case was a collaborative effort. Our four-lawyer firm – with a highly experienced senior partner (Flitter) overseeing case strategy and settlement, a junior partner (Milz) acting as trial counsel, and associates (Lopez-Jacobs, E. Flitter) assisting

with briefing and discovery – I believe we acted with efficiency and made proper delegation of tasks among counsel.

48. All my time, and that spent by my firm, was recorded contemporaneously in a timekeeping program called “PC Law,” and our time expenditures were reasonable and necessary to the successful prosecution of this action. Our firm’s full timesheets are available should the Court wish to evaluate them.

49. Attached as Exhibit A hereto is the Certification of Thomas G. Wilkinson, Jr., former President of the Pennsylvania Bar Association and nationwide authority on attorney ethics, including law firm billing rates. Mr. Wilkinson opines that the hourly rates of Flitter Milz, PC attorneys and staff are reasonable in this market given our experience.

50. Our firm also incurred substantial out of pocket expenses amounting to \$83,623.00 in prosecuting this matter on behalf of the Class. This includes outlays for the following (summarized):

a. Travel, lodging, parking, etc:	\$1,833
b. Westlaw & computerized research:	\$299
c. Deposition transcripts	\$4,745
d. Experts and related expense	\$12,974
e. FedEx, Bulk postage	\$688
f. Bulk copies (@0.15)	\$1,012
g. Class administration for notice (after class certification)	\$56,982
h. Misc. (mediation, etc)	\$5,090

A full accounting of all of counsel’s out-of-pocket costs can be produced to the court upon request.

51. Pursuant to 28 U.S. C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Date: 6/10/25

Andrew M. Milz
ANDREW M. MILZ

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DUANE E. NORMAN, SR.,
on behalf of himself and all others similarly
situated,

Plaintiff,

v.

TRANS UNION, LLC,
Defendant.

Civil Matter No. 18-cv-05225-GAM

DECLARATION OF THOMAS G. WILKINSON, JR.

THOMAS G. WILKINSON, JR. submits this Declaration in support of Plaintiff's Motion for the Award of Class Counsel Fees upon final approval of a class action settlement.

1. My pertinent professional background may be summarized as follows: I am a member of Cozen O'Connor in its Philadelphia office, where I practice primarily in the field of commercial litigation and chair the firm's Professional Responsibility Committee. I am also a member of the firm's Legal Profession Services practice group, which focuses on providing guidance to lawyers and law firms on risk management, professional responsibility and liability matters. For over 35 years I have focused in the field of lawyer professional responsibility and legal ethics. I am a member of the American Bar Association, Section of Litigation, as well as the Pennsylvania, Philadelphia and Montgomery Bar Associations. Among other state bar leadership activities, I have served as President of the Pennsylvania Bar Association (PBA) and its educational arm, the Pennsylvania Bar Institute (PBI). From 1993-2004, I served as chair or co-chair of the PBA Legal Ethics and Professional Responsibility Committee and remain an active member of that committee and of the Professional Liability Committee. I am also a past chair of the PBA Civil Litigation Section and co-chaired the Civility in the Profession Committee.

2. I am an active member of the Philadelphia Bar Association Professional Guidance Committee, as well as its Professional Responsibility Committee. I am a past co-chair of the State Civil Litigation Section and Rules and Procedure Committee, as well as the Federal Practice and Appellate Practice Committees.

3. I recently served on the American Bar Association (ABA) Board of Governors and previously held the position of Pennsylvania State Delegate on the ABA House of Delegates. I am an appointed member of the ABA Standing Committee on Ethics and Professional Responsibility. I also have served on the ABA Standing Committee on Professionalism and the Task Force on International Trade in Legal Services. I am an active member of the ABA Section of Litigation and its Ethics and Professionalism Committee. I am a member of the Association of Professional Responsibility Lawyers (APRL) and the ABA Center for Professional Responsibility. I am also a member of the Montgomery Bar Association Fee Dispute Committee.

4. From 1999-2005, I served as a member and Chair of a Hearing Committee for the Disciplinary Board of the Supreme Court of Pennsylvania, and have acted as a liaison from the Pennsylvania Bar Association to the Disciplinary Board with respect to numerous amendments to the Pennsylvania Rules of Professional Conduct. I am the co-editor of the Pennsylvania Ethics Handbook (5th ed. 2017). For over 30 years I have edited PBA ethics opinion summaries for publication in *The Pennsylvania Lawyer* magazine. I served as an adjunct professor at Villanova University School of Law, where I taught the legal profession course, and have held various leadership capacities with the Villanova Law J. Willard O'Brien American Inn of Court. I am admitted to practice in the Commonwealth of Pennsylvania and Commonwealth of Massachusetts, as well as the Supreme Court of the United States, U.S. Court of Appeals for the Second, Third and Fourth Circuits, and the U.S. District Court for the Eastern, Middle and Western District of

Pennsylvania. Following a clerkship in the Eastern District of Pennsylvania, I have practiced law in the City of Philadelphia for 40 years, and have been qualified as an expert witness on professional responsibility and liability matters in both federal and state courts, including in connection with civil actions where the reasonableness of legal fees charged or sought was at issue, and in statutory fee shifting cases in the Eastern District of Pennsylvania.

5. I have represented law firm and lawyer clients in fee disputes, and have participated in various national programs reviewing trends in lawyer hourly billing rates by area of practice and metropolitan area. I have presented many continuing legal education programs on lawyer professional responsibility and civil litigation topics, including legal fees, and have authored numerous articles in the subject area. I have been recognized with the American Inns of Court Professionalism Award for the Third Circuit, Best Lawyers in America, Pennsylvania Trailblazers – Professional Responsibility (Legal Intelligencer and ALM Media), and the Villanova Law Inn of Court J. Clayton Undercofler III Award, among others. My compensation is not dependent on the outcome of the proceeding.

6. By Memorandum dated August 14, 2020, the Court certified this matter as a class action involving Trans Union, LLC, a consumer reporting agency. 479 F.Supp.3d 98 (E.D. Pa. 2020). The class complaint seeks statutory damages and other relief under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681(i)(a). The crux of the FCRA claim was that Trans Union failed to investigate written consumer disputes that a business had improperly accessed the consumer’s credit file.

7. Flitter Milz, P.C. (“Flitter Milz”) and Francis Mailman Soumilas, P.C. were retained as class counsel by Plaintiff Duane E. Norman, Sr. Class counsel prepared and filed a complaint on Norman’s behalf and the matter has been extensively litigated through discovery,

class certification, motion for decertification and summary judgment. 669 F.Supp.3d 351 (E.D. Pa. 2023) (ruling denying summary judgment and de-certification).

8. In December 2024, in the one-month lead up to the January 2025 scheduled trial date, the parties ramped up settlement negotiations and reached a classwide settlement. The settlement class includes approximately 450,000 consumers. The settlement calls for a fund of \$23,000,000 plus described practice changes. The settlement was approved preliminarily by the Court on February 24, 2025 (ECF 156: Interim Findings and Order Preliminarily Approving Settlement and Directing Notice to Class).

9. The Court has instructed Plaintiff to file his motion for approval of award of class counsel fees by June 10, 2025. This Certification is offered in support of Plaintiff's application for approval of class counsel fees. I also address the reasonableness of the fees and hourly rates charged by the Flitter Milz law firm (provided as part of the "lodestar cross-check" aspect of the common fund fee petition).

10. I have reviewed, among other filings, the Memorandum of Law in Support of Plaintiff's Motion for a Service Award to Plaintiff and for an Award of Attorneys' fee and Reimbursement of Litigation Costs and Expenses to Class Counsel. Plaintiff seeks for his two law firms a class counsel fee of 1/3 of the \$23 million cash common fund which totals \$7,666,667 (plus reimbursement of litigation expenses incurred). In general, the range of reasonable counsel fees from a common fund in this Circuit is from 19% to 45%. *See, e.g., In re General Motors Pick-Up Truck Fuel Tank Litigation*, 55 F.3d 768, 822 (3d Cir. 1995), *cert. denied*, 116 S. Ct. 88 (1995). "[I]t has long been true" in the Third Circuit that "[w]hen attorney's fees are awarded, the current market rate must be used." *Earley v. JMK Assocs.*, No. CV 18-760, 2020 WL 1875535, at *1 (E.D.

Pa. Apr. 15, 2020) (quoting *Lanni v. New Jersey*, 259 F.3d 146, 149 (3d Cir. 2001)). The current market rate is measured at the time of the fee petition. *Id.*

11. Rule 1.5 of the Pennsylvania Rules of Professional Conduct enumerates the factors for consideration in assessing the propriety of a legal fee from a professional responsibility perspective. The factors include whether the fee is fixed or contingent, the novelty and difficulty of the questions involved, the experience, reputation and ability of the practitioner, the amount involved and results obtained. The Court is to consider the referenced eight factors when evaluating an award under the percentage-of-recovery method. While I defer to the Court concerning the ultimate issue of the amount of fees to be awarded to class counsel, my focus here concerns the recognized factors, including the experience, skill and efficiency of the attorneys involved.

12. I have reviewed certain case submissions, including the requested hourly rates in relation to the experience of the Flitter Milz attorneys and professional staff who represented Plaintiff in the *Norman* proceeding. My understanding is that senior attorney Andrew M. Milz charges an hourly rate in 2025 of \$635. As set forth in greater detail in his Certification, Mr. Milz has practiced consumer protection law since he was admitted to the bar in 2008. Mr. Milz serves on the adjunct faculty at Temple University Beasley School of Law where he teaches consumer law and litigation including the Fair Credit Reporting Act. Mr. Milz also co-authors the treatise *PENNSYLVANIA CONSUMER LAW* by Carter, Bisel Pub., 2024 supp. He has presented extensively in the consumer law field, and is an active member of leading organizations focusing on consumer and consumer law advocacy.

13. Mr. Milz has extensive experience litigating credit reporting cases in federal courts, including in the class action context. He has substantial trial experience in precedent setting cases at both the district court and court of appeals levels, with representing cases set forth in paragraph

25-26 of his Certification. He also has substantial experience litigating consumer class actions, including as court approved class counsel.

14. As set forth in paragraph 29 of his Certification, Mr. Milz's 2025 hourly rate is \$635. This rate was approved by the Honorable Juan R. Sanchez in the class action settlement in *Nelson v. Bank of America, N.A.*, E.D. Pa. No. 23-cv-00255 by Order dated February 18, 2025. In my opinion, this is a fair and reasonable hourly rate for an attorney of Mr. Milz's extensive experience and credentials.

15. I have reviewed the biography and Certification of Cary L. Flitter, a principal of Flitter Milz. I know Mr. Flitter to be one of the leading consumer protection attorneys in the Eastern District, active in the organized bar, including for many years as co-chair of the Federal Court Practice Committee of the Montgomery Bar Association of which I am also a member.

16. Mr. Flitter has been practicing law for over 40 years and has handled over 100 reported federal and state court consumer cases where he was lead or co-lead counsel. These include cases arising under the FCRA, *e.g.*, *Ingram v. Experian Info Sols.*, 83 F.4th 231 (3d Cir. 2023). He has been counsel of record in many of the leading cases in the consumer protection field in the U.S. Court of Appeals for the Third Circuit, as his Certification reflects (C. Flitter Cert., ¶ 28). He has lectured and presented continuing legal education programs in the consumer law field on many occasions over the past 20 years. He has been recognized and quoted in various publications as an authority on the subject of consumer protection and consumer financial services litigation.

17. Mr. Flitter has also served on the adjunct faculty teaching consumer law at Temple University Beasley School of Law from 2009 to 2015 and at Widener University Delaware Law School from 1999 to present. He is a contributing author to PENNSYLVANIA CONSUMER LAW by

Carter (Bisel Publishing, 2024 Supp.) and is highly regarded in the legal community as a practitioner in the field of consumer protection.

18. In my opinion, Mr. Flitter's 2025 hourly rate of \$940 is reasonable for this district. It is also compliant with the eight factors enumerated in Rule of Professional Conduct 1.5. His 2025 hourly rate of \$940 sought represents an approximately 4% increase over his 2024 hourly rate of \$905. Mr. Flitter's 2024 hourly rate of \$905 was approved in the consumer fraud case of *Warner v. Vision Solar, LLC*, 2025 U.S. Dist. Lexis 45288 (D.N.J. Feb. 26, 2025). *Id.* Mr. Flitter's 2023 hourly rate of \$870 was approved (without objection) in the consumer credit case of *Farrington v. Freedom Mortgage Co.*, 2024 U.S. Dist. Lexis 173830 (D.N.J. Sept. 25, 2024) (ECF 198-5, p. 15). Mr. Flitter's 2024 rate represented approximately a 4% increase over his 2023 rate. Rates for federal court practitioners in this district typically increase from 4% to 6% per year depending on a variety of factors. The LexisNexis CounselLink 2025 Trends Report surveys and tracks average partner billing rates, including by geographic area and practice. Overall the average partner rate increase in 2024 was 5.2% (relative to 5.4% in 2023). The partner rate growth in the Philadelphia metropolitan area was in line with that percentage increase year over year.

19. As his Certification reflects, Attorney Jody López-Jacobs has been practicing full-time in the consumer law field for eight years, following a judicial clerkship with U.S. District Judge Mark A. Kearney in the Eastern District of Pennsylvania. Mr. López-Jacobs graduated magna cum laude from the Temple University Beasley School of Law, served as an editor of the Temple Law Review, and has already published various articles in consumer law and other publications, including contributions to the PENNSYLVANIA CONSUMER LAW treatise. He also has been certified as class counsel in a series of consumer cases set out in his Certification. His prevailing hourly rates have been approved by several federal courts in Pennsylvania. (*See* López-

Jacobs Certification, ¶ 10. His 2025 hourly rate of \$430 is a fair and reasonable market rate in this district for an attorney of his experience and credentials, and consistent with a 5% growth trend year over year since the 2023 CLS rate schedule issued.

20. Attorney Edward M. Flitter has been an associate at Flitter Milz, P.C. since October 2024. Mr. Flitter graduated *cum laude* from Widener University – Delaware Law School in 2020 where he served as articles editor of the Widener Law Review. After practicing for one year at a Montgomery County law firm, Edward Flitter served a judicial clerkship with Magistrate Judge Pamela Carlos in the Eastern District of Pennsylvania. Mr. Flitter’s hourly rate for 2025 is \$320. Based upon his credentials and experience, it is my opinion that \$320 is a fair and reasonable hourly rate for Edward Flitter.

21. Joan M. Raughley (“JMR”) has been a litigation paralegal for over 35 years. She previously worked at the DeFino law firm in Philadelphia and has been with the Flitter firm since 1992. Ms. Raughley assisted with document review, with scheduling of depositions and preparation of exhibits, with proofing motions and briefs and electronic filing, and other tasks. The firm bills Ms. Raughley at \$255/hr. in 2025. This is consistent with the CLS fee schedule (setting experienced paralegal rates at \$245-\$285/hr.) and is a fair and reasonable rate in this district for an experienced litigation paralegal.

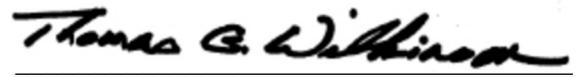
22. Flitter Milz’s legal assistant Ann Guenesso spent significant time on the matter. Ms. Guenesso has served as a litigation assistant and paralegal from 1989 to 2023, having worked at the Greitzer & Locks law firm, at the Sheller Law Firm in Philadelphia, at the Martin Banks law firm in Philadelphia, at the Weitz & Luxenberg law firm in Cherry Hill, NJ and at the Kline & Specter law firm in Philadelphia. I understand that Flitter Milz billed Ms. Guenesso’s time at \$255

an hour. This rate is also consistent with the CLS fee schedule. In my opinion, this is a fair and reasonable market rate for Ms. Guenesso in this district for an experienced paralegal.

23. The opinions expressed in this Declaration are stated to a reasonable degree of certainty.

I declare under penalty of perjury that the foregoing is true and correct consistent with 28 U.S.C. § 1746.

Date: June 9, 2025



THOMAS G. WILKINSON, JR.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DUANE E. NORMAN, SR.,
on behalf of himself and all others similarly
situated,

Plaintiff,

v.

Civil Matter No. 18-cv-05225-GAM

TRANS UNION, LLC,
Defendant.

CERTIFICATION OF CARY L. FLITTER

I, CARY L. FLITTER, an attorney licensed to practice in this Court, certify the following to be true and correct:

1. I am an adult individual and a member of the bar of this Court in good standing. My firm is co-counsel for Plaintiff and the Class in the above-captioned action. This Certification is submitted in support of Plaintiff's Motion for Approval of Class Counsel Fees and Expenses and Approval of a Service Award to Plaintiff Duane Norman.

Qualifications of Counsel

2. I am a principal with the law firm of Flitter Milz, P.C. My practice entails a variety of consumer credit and consumer rights matters, both individual and consumer class action.

Bar Admissions

3. I have been admitted to the bar for 44 years (1981). I am admitted to practice and in good standing before the United States Supreme Court (1999), the United States Court of Appeals for the Third Circuit (1983); the United States District Court for the District of New Jersey (1981), the Eastern District of Pennsylvania (1981), Middle District of Pennsylvania (1995), Western District of Pennsylvania (2016); the Supreme Court of New Jersey (1981), the

Supreme Court of Pennsylvania (1981), and the Supreme Court (App. Div. 3d Dept.) of New York (2017).

Teaching Appointments and Academic Guest Lectures

4. a) Temple University, James E. Beasley School of Law -- Adjunct Faculty, Consumer Law and Litigation, 2009 to 2015;

b) Widener University Delaware Law School -- Adjunct Faculty, Consumer Law and Litigation, 1999 to present;

c) Philadelphia University (now Jefferson University) -- Adjunct Faculty, Commercial Law (1991 to 1998).

5. I have delivered guest lectures at these academic venues (partial list):

a) Harvard Law School, Cambridge, MA, *Consumer Litigation Strategies and the Law of Statutory Attorneys Fees*, March 2007;

b) University of Pennsylvania Law School, Philadelphia, PA, Co-Presenter, *Advocacy for Justice in Consumer Matters*, March 2011;

c) University of Houston Law Center, Houston, TX, (Symposium for Consumer Law Professors) *Teaching Consumer Law*, May 2008; *View from the Trenches*, Santa Fe, NM, May 2012, May 2014, May 2016, May 2018, May 2022, and May 2024;

d) University of Salvador, School of Law, Buenos Aires, Argentina, *Comparative U.S. Consumer Protection Laws*, August 2008;

e) University of Utah, SJ Quinney College of Law, *The Law of Deception Under the Fair Debt Collection Practices Act*, March 2009;

- f) Gonzaga University School of Law, Spokane, WA, *Consumer Class Action Fundamentals*, October, 2010; *Consumer Law Strategies and Developments*, February 2010 and March 2011;
- g) University of Maryland, F.K. Carey School of Law, Baltimore, MD, Presenter *Consumer Law Triage*, October 2011; *Debt Buyer Suits*, March 2013.

6. *Pennsylvania Conference of State Trial Judges*, Annual Judge Training, Hershey, PA, July 2023. Invited by PCSTJ to co-present, with Judge Alan Hertzberg, to all Court of Common Pleas Judges on Unfair Trade Practices and Consumer Protection Law decisions and developments; Pa. *Judicial Training*, Harrisburg, PA, 2018-2019, Invited by the Supreme Court of Pennsylvania to present to Pennsylvania's 640 Magisterial District Justices on debtor-creditor developments (including auto repossession) over 13 sessions.

Education

7. 1976 - Philadelphia University (now Jefferson University) - Bachelor of Science in Business, concentration in finance. President, Alumni Board 1990–92. Member, College Board of Trustees, 1990–92. Recipient, Hughes Award for the Advancement of Scholarship, 1997.

1981 - Delaware Law School, Widener University - Juris Doctor; American Jurisprudence Award for Scholarship in Corporations and Partnerships; 1998 Outstanding Service Award for dedication and service to the legal community. Honored as Alumnus of the Year, 2011.

2022 – The Wharton School, University of Pennsylvania Aresty Institute of Executive Education (on-line) *Fintech Revolution: Transformative Financial Services and Strategies*.

Trial Advocacy:

1986 - National Institute for Trial Advocacy - Trial Skills and Methods - University of Pennsylvania;

1990 – National Institute for Trial Advocacy - Federal and State Court Motion Practice - University of Denver.

2009 – Spence Trial Lawyers College, Dubois, Wyoming.

Legislative/Administrative Proceedings

8. -Federal Trade Commission, Division of Financial Practices: Panelist, *Workshop on Debt Collection -- The Role of Creditors*. Washington DC, October 2007 (Testimony cited in FTC Final Report found at <http://www.ftc.gov/bcp/workshops/debtcollection/dcwr.pdf>).

-Federal Trade Commission, Division of Financial Practices: Panelist, *Workshop on Debt Collection: Protecting Consumers*. Washington DC, December 2009.

-Federal Trade Commission, Division of Financial Practices: Panelist, *Workshop-Debt Collection 2.0 Telephone Technologies: Dialing, Talking and Texting in an Age of Enhanced Mobility*, Washington DC, April 2011.

Bar Lectures/CLE Presentations (Past 10 Years)

2025

9. Course Planner and Co-Presenter, *Meet the New E.D. Pa. District Judges*, with Judges Henry, Costello and Weilheimer, Montgomery Bar Association, March 2025; Course Planner and Co-Presenter *Fair Credit Reporting for the Legal Services Attorney*, Legal Aid of Southeastern Pennsylvania (LASP) by Zoom, March 2025; Course Planner and Co-Presenter, *Auto Repossessions and Deficiency Claims*, Pa. Legal Aid Network, March 2025.

2024

Course Planner and Co-Presenter, *Expand your Practice with Consumer Law*, Montgomery Bar Association, April 2024; Course Planner and Co-Presenter, *Meet the New 3d Circuit Judges*, with Judges Freeman, Chung, and Montgomery-Reeves, Montgomery Bar Association, February 2024.

2023

Course Planner and Co-Presenter, *Meet the New E.D. Pa. District Judges*, with Judges Perez, Hodge, Murphy, and Scott, Montgomery Bar Association, March 2023; Co-Presenter, *Meet the New E.D. Pa. Magistrate Judges*, with Judges Reid, Carlos, and Straw, Montgomery Bar Association, April 2023; Co-presenter, *The Law of Statutory Attorneys Fees*, National Consumer Law Center Consumer Rights Conference, Chicago, IL October 2023.

2022

Presenter, *Updates on Developments Under the Pa. Unfair Trade Practices and Consumer Protection Law*, Legal Aid of Southeastern Pennsylvania, March 2022; ; Presenter, *Consumer Cases in a Post-Ramirez World*, Teaching Consumer Law, University of Houston Center for Consumer Law, Santa Fe, NM, May 2022; Presenter, *Developments in Consumer Leasing*, National Consumer Law Center Consumer Rights Conference, Seattle, WA, November 2022.

2021

Co-Presenter, *Federal Appellate Review*, with Judges Fisher and Rendell, PBA Federal Practice Institute, Villanova Law School, October 2021; Course Co-Planner, *Dispositive Motions in the Current Climate*, National Association of Consumer Advocates Fair Credit Reporting Act Seminar, April 2021; Course Planner and Co-Presenter, *An Hour with the New Third Circuit Judges*, with Judges Phipps, Porter, and Matey, Montgomery Bar Association, April 2021; Course

Presenter, *Fair Debt Collection Practices Act and Law of Repossession*, Legal Aid of Southeastern Pennsylvania, March 2021; Presenter, *Credit Reporting*, Legal Aid of Southeastern Pennsylvania, March 2021.

2020

Course Co-Planner, *Eastern District of Pa. Civil Practice Update*, with Chief Judge Sánchez, District Judges Kearney, McHugh and Diamond, presented by Montgomery Bar Assn., August 2020; Co-Presenter, *Successful Consumer Law Practice During Covid-19*, National Association of Consumer Advocates Webinar, May 2020; Co-Presenter, *You Should Teach Consumer Law*, National Association of Consumer Advocates Webinar, May 2020.

2019

Co-Presenter, *Debt Collectors' Defensive Strategies Part 2*, and *FDCPA Developments*, National Consumer Law Center, Fair Debt Collection Practices Act Conference, Las Vegas, NV, March 2019.

2018

Presenter, *Pa. Judicial College*, Harrisburg, PA, 2018-2019, Invited to present debtor creditor developments (including auto repossession) to Pennsylvania's 640 Magisterial District Judges; Co-Presenter, with Hon. Stephanos Bibas & Hon. L. Felipe Restrepo, *Third Circuit Practice Tips and Traps*, Montgomery Bar Assn., October 2018; Course Planner and Co-Presenter, *Fair Debt Collection Practices Act Developments*, Montgomery Bar Assn., Norristown, PA, June 2018; Planner and Presenter, *Consumer Law Developments Under the FDCPA and Pa. Unfair Trade Practices and Consumer Protection Law*, Mid-Penn Legal Services, Harrisburg, PA, June 2018; Co-Presenter: *Consumer Law from the Trenches*, Bi-Annual Symposium Teaching

Consumer Law, Sponsored by University of Houston Center for Consumer Law, Santa Fe, NM, May 2018.

2017

Co-Presenter, *Successfully Litigating Auto Cases Under the Consumer Leasing Act*, National Consumer Law Center Annual Litigation Conf., Washington, DC, November, 2017; Presenter: *Overview of State and Federal Restraints on Debt Collection*, Part of *Representing the Pro Bono Client: Consumer Law Basics 2017*, Practising Law Institute, San Francisco, CA, June 2017.

2016

Co-Presenter, *Consumer Law Practice Tips*, National Consumer Law Center Annual Litigation Conference, Anaheim, CA, October 2016; Planner and co-presenter, *Appellate Advocacy in the 3d Circuit*, with Hon. Cheryl Krause and Hon. Marcia Waldron, Montgomery Bar Assoc., March 2016; Co-Presenter, *Doing Well While Doing Good: A Practice Makeover*, National Consumer Law Center, Fair Debt Collection Practices Act Conference, Miami, FL, March 2016.

2015

Co-Presenter, *Police Liability and Breach of the Peace in Vehicle Repossessions*, National Consumer Law Center Annual Litigation Conference, San Antonio, TX, November, 2015; Co-Presenter, *Fair Debt Developments in the Federal Courts of Appeal*, National Consumer Law Center Annual Fair Debt Conference, Washington, DC, March 2015.

2014

Presenter, *Fair Credit Reporting and Fair Debt Collection Update*, Bucks County Bar Association, Dec. 2014; Presenter, *Consumer Protection Litigation for the Bankruptcy Petitioner*, PBI 19th Annual Bankruptcy Institute, Philadelphia, PA, October, 2014; Course Planner and

Presenter, *Consumer Law for the Pro Bono Practitioner*, Berks County Bar Association, Reading, PA, October, 2014; Course Planner and Presenter, *Credit Reporting, Fair Debt Collection and Repossession – Identifying Consumer Law Claims*, Lycoming Law Association, Williamsport, PA, September 2014; Course Planner and Presenter, *Consumer Law for the Bankruptcy Practitioner*, Reading, PA, September, 2014; Course Planner and Presenter, *Consumer Law Claims in Bankruptcy*, Eastern District Bankruptcy Conference CLE, Philadelphia, PA, June 2014; Presenter, *Consumer Law for the Legal Aid Lawyer*, Portland, ME, February 2014.

Publications

10. Contributing author, *Pennsylvania Consumer Law* by Carolyn Carter, Bisel Publishing Co., 2003, Supp. 2024. This is the leading legal treatise in Pennsylvania on consumer law issues. I contribute to the chapters and updates on vehicle repossession and statutory attorneys fees.

11. Contributor, *Consumer Class Actions*, 5th Ed., National Consumer Law Center, Boston, MA.

12. Editorial Advisor and Contributor, *Consumer Financial Services Law Report*, West Publishing, 2007 to 2015.

Quoted/Featured/Contributed

13. Philadelphia Inquirer – *Banning Cashless Stores: A Little Legal Research May Have Saved Philly's City Council a Lot of Trouble*. February 16, 2019; Philadelphia Inquirer – *A Victory in the Fight Against Robocalls*, October 20, 2013; Fox Business.com – *Damaged Credit: Can you Sue?*, April 5, 2013; Fox Business.com – *Has Your Credit Report Been Viewed Illegally?*, March 8, 2013; Allentown Morning Call – *Court Tosses Debt Collector's Suit*, February 21, 2011; NBC10 TV News - *Fight Back Against Abusive Debt Collectors*, Tracey Davidson segment, March

31, 2009; Fox29 TV News - *Local Pay Day Lender Dumping Financial Documents*, January 2009; New York Times - *Citing 15 Year Delay, Suit Seeks Action on Rebuilt Wrecks* - Feb. 10, 2008 (automobiles); Fox29 TV News - 2007; Time Magazine – *Sue Up or Shut Up!* – October 19, 2006 - www.time.com/time/nation/printout/0,8816,1548158,00.html; Consumer Financial Services Law Report – *A Dunning Letter that Could Propose Legal Action may Violate FDCPA* – October 18, 2006; ABA Journal EReport – *Coulda Woulda Shouldn'ta Debt Collectors Who Warn They Could (But Don't) Sue May Run Afoul of Debt Act* – October 18, 2006 - www.abanet.org/journal/ereport/oc13debt.html; Fox 29 TV News Consumer Alert: *Local Car Dealership Customers Victimized by ID Theft* – August 2006; Consumer Financial Services Law Report, *Do the Math: FDCPA Class Action Award Depends on Statutory Language* – August 2006; NBC10 TV News Consumer Alert - *Legal Redress for Fraudulent Sales* – April 11, 2006.

Bar Association Appointments/Honors

14. 2021-2023, Director of Montgomery Bar Foundation.
15. 2000-2010, 2012, 2015-2025 Chair or Co-Chair of the Federal Court Practice Committee of the Montgomery Bar Association. In that capacity, I assist in liaison projects between the County Bar and the Eastern District (of Pa.) bench and Third Circuit bench, and events and visits by our judges and planning and presentation of CLE program(s) on federal practice developments. Organizer, Western District of Pennsylvania swearing-in, Norristown, PA with Hon. Mark A. Kearney, 2017; Western, Middle and Eastern District of Pennsylvania (first-ever) Joint Admission Ceremony, Allentown, PA with Judges Kearney, Leeson and Mannion, 2019. We were honored with Committee of the Year Award (2000) by the president of the Montgomery Bar Association. From 2006 to 2009, I served as a director of the Montgomery Bar Association.

16. Appointed to the E.D. Pa. Local Rules Advisory Committee, charged with reviewing and recommending to the bench proposed Amendments to the Eastern District of Pennsylvania local civil rules. 2022-23.

17. I was appointed by (then) Chief Judge Tucker to the E.D. Pa. Magistrate Judge Retention Panel, 2016; I was appointed by (then) Chief Judge Bartle to the E.D. Pa. Magistrate Judge Selection Panel, 2006; I was appointed by (then) Chief Judge Giles to the E.D. Pa. Magistrate Judge Retention Panel, 2003-04.

18. In 2010, I was appointed to the Pennsylvania Bar Association's standing Uniform Commercial Code Task Force, charged with consideration and drafting of proposed amendments to Article 9.

19. I was honored to receive the Jeffrey A. Ernico Award for Support of Legal Services to the Public from the President of the Pennsylvania Bar Association in October of 2006.

20. I was honored to receive the Pennsylvania Bar Association Attorney *Pro Bono* Award from the President-Elect of the Pennsylvania Bar Association in November 2011 for services to legal aid organizations throughout Pennsylvania.

21. I was honored to receive the Widener University - Delaware Law School Alumnus of the Year Award for 2011.

22. I was honored to receive the 2013 Pa. Legal Aid Network PLAN Excellence Award for service to legal aid organizations throughout Pennsylvania.

23. I was honored to receive in 2013 the Montgomery Bar Association's Henry Stuckert Miller Public Service Award for leadership and service to the community.

24. I was honored to receive in 2014 the Consumer Lawyer of the Year Award from National Association of Consumer Advocates.

25. I was honored to receive in 2017 the Montgomery Bar Association President's Award for continued support for Legal Aid and Access to Justice.

26. I was honored to have Flitter Milz, P.C. receive in 2022 the Community Legal Services of Philadelphia Equal Justice Award for our work with CLS on behalf of low income consumers.

27. I was honored to receive in 2024 the Hon. Milton O. Moss Public Service Award for service in support of the justice system.

Recent Representative Cases

28. There are well over 100 reported federal and state decisions in which I was lead or co-lead counsel, available on Westlaw and Lexis. Significant cases include:

Five Star Bank v. Chipego, 312 A.3d 910 (Pa. Super Ct. 2024) (consumer borrowers have standing to sue for statutory damages under the UCC Article 9 even absent proof of actual damages).

Ingram v. Experian Info. Solutions, Inc., 83 F.4th 231 (3d Cir. 2023)(FCRA case holding a credit furnisher who receives a consumer dispute from a consumer reporting agency may not require the consumer to provide evidence before conducting an investigation).

Norman v. Trans Union, LLC, 479 F. Supp. 3d 98 (E.D. Pa. Aug. 14, 2020), *pet. for permission to appeal denied*, 2020 WL 6393900 (3d Cir. Sept. 15, 2020)(certifying class of over 200,000 consumers challenging failure to investigate disputes under Fair Credit Reporting Act, decertification denied, 2023 WL 2903976 (E.D. Pa. Apr. 11, 2023)), *pet. for permission to appeal denied*, 2024 WL 1793554 (3d Cir. Jan. 10, 2024).

Cubler v. TruMark Financial Credit Union, 83 A.3d 235, 242 (Pa. Super. Ct. 2013) (establishing a six-year statute of limitations for UCC Article 9 claims).

Schultz v. Midland Credit Mgmt., Inc., No. 16-4415, 2020 WL 3026531 (D.N.J. June 5, 2020) (certifying class on contest under Fair Debt Collection Practices Act) on remand from Court of Appeals, 905 F.3d 159 (3d Cir. 2018) (case later dismissed and refiled for standing).

Mccalvin, et al. v. Condor Holdco Securitization Trust, et al., U.S.D.C. E.D. Pa. No. 17-1350 (Final judgment and order of dismissal dated Nov. 6, 2018) (class settlement challenging repossession practices)

Homer v. Law Offices of Frederic I. Weinberg & Assocs., P.C., No. 17-880, 2018 WL 2239556, at *2 n.14 (E.D. Pa. May 16, 2018) (FDCPA case, approving counsel fees and finding Flitter to be an “experienced consumer litigation attorney”)

Daniels v. Hollister Co., N.J. Super. Ct. Ocean Co. No. OCN-L-2310-12 (certification order dated Feb. 6, 2014), *aff’d* 440 N.J. Super. 359 (App. Div. 2015) (class action for redress for voided gift cards certified on contest; affirmed on interlocutory appeal, finding no “ascertainability” requirement in R. 4:32-1)

Douglass v. Convergent Outsourcing, 765 F.3d 299 (3d Cir. 2014) (First impression, holding that a collector’s disclosure of consumer’s account number on an envelope violates FDCPA’s privacy protections)

Gager v. Dell Fin. Serv., 727 F.3d 265 (3d Cir. 2013)(First impression, holding that consumers have the right to halt creditor calls and texts to their mobile device under Telephone Consumer Protection Act)

Jackson v. Midland Funding, LLC, 468 Fed. Appx. 123 (3d Cir. 2012) (New Jersey’s entire controversy doctrine does not preclude FDCPA suit against a debt collector after conclusion of Special Civil Part collection action)

Cappuccio v. Prime Capital Funding, LLC, 649 F.3d 180 (3d Cir. 2011)(predatory mortgage fraud case under Truth-in-Lending Act and, at trial level, under Equal Credit Opportunity Act; holding in first impression that borrower's testimony alone is sufficient to rebut presumption of delivery of material disclosures)

Rosenau v. Unifund, 539 F.3d 218 (3d Cir. 2008) (FDCPA case, successful challenge to phony "Legal Dept."); settlement class approved on remand at 646 F. Supp. 2d 743 (E.D. Pa. 2009).

Brown v. Card Service Center, 464 F.3d 450 (3d Cir. 2006) (First Impression, Court adopts FTC standard for deception, finds false suggestion of possible suit potentially deceptive under Fair Debt Collection Practices Act).

McGee v. Continental Tire, 2007 WL 2462624 (D.N.J. Aug. 27, 2007) (Federal Jurisdiction over Magnuson-Moss Warranty Claims) *final class approval* at 2009 WL 539893 (DNJ, March 4, 2009)(\$8M class settlement to purchasers of defective tires)

Watson v. NCO Group, 462 F.Supp.2d 641 (E.D. Pa. 2006) (In case of first impression, holding Robot Collection Calls to non-debtor consumer prohibited by Telephone Consumer Protection Act, not Exempted by FCC Regulation)

Ciccarone v B.J. Marchese, Inc., 2004 WL 2966932 (E.D.Pa. Dec. 22, 2004) (final approval to \$2.45M settlement in Identity Theft class action under Fair Credit Reporting Act)

McCall v. Drive Fin. Serves., 2009 WL 8712847 (Phila. C.C.P. Apr. 10, 2009) (certification on contest of statewide Pennsylvania class for improper vehicle repossession practices).

Hartt v. Flagship Credit Corp., 2010 WL 2736959 (E.D. Pa. July 8, 2010) (retaining UCC repossession class case of Texas consumers against Pennsylvania lending institution; later

approving classwide settlement of \$2.5 million in cash, \$11.28 million in debt forgiveness plus equitable relief).

Market Rate (for Lodestar Cross-Check Purposes).

29. \$940.00/hour represents my billing rate for 2025.¹ This represents approximately a 4% increase from my 2024 rate of \$905. This is a fair and reasonable market rate for an attorney with similar credentials and experience in the area. It is at the top end of the range of rates used by Community Legal Services of Philadelphia for attorneys of my experience (44 years). See <https://clsphila.org/about-community-legal-services/attorney-fees/> (last visited June 3, 2025) (\$850 for attorneys of 25+ years' experience as of Jan. 2023, applying 5% annual adjustment yields \$937). I believe this rate is justified by the degree of specialization in this specialized area of consumer credit law, by my scholarship and academic appointments in the area, and by the additional years of experience at the bar beyond 25 years, and by the results obtained. Consistent with billing practices in the industry and in the region, I increase my rate and the rates of the other Flitter Milz staff every January by 4 to 5% to account for cost-of-living adjustments and modest increase in rates.

30. \$905.00/hour represents my billing rate for 2024. This represents a 4% increase from my 2023 rate. This 2024 rate at \$905 was approved by Judge O'Hearn in a Consumer Protection Act case in *Warner v. Vision Solar, LLC*, 2025 WL 45288 (D.N.J. Feb. 26, 2025).

31. \$870.00/hour represents my billing rate for 2023. This 2023 rate was approved by Judge Williams in *Farrington v. Freedom Mortg. Corp.*, WL 4285505, at *3 (D.N.J. Sept. 25, 2024) ("Notably, the rates of the [Flitter] Milz firm attorneys fall within the appropriate range of rates set forth by the Community Legal Services (CLS) fee survey endorsed by the Third Circuit as an

¹ In a case spanning multiple years, the hourly rate charged at the time of the fee petition is the operative rate. *Earley v. JMK Assoc.*, 2020 WL 1875535 *1 (E.D. Pa. Apr. 15, 2020) citing *Lanni v. New Jersey*, 259 F.3d 146, 149 (3d Cir. 2001)

appropriate gauge of market rates in the Philadelphia metropolitan area.”). I did not have any contested fee applications/rulings involving my 2022, 2021, or 2020 rates.

32. In 2020, my 2019 rate of \$725 was awarded (on contest) by Judge McHugh in *Earley v. JMK Assoc.*, 2020 WL 1875535 (Apr. 15, 2020).

33. I was involved in most aspects of this seven year litigation. Initially my firm met with Mr. Norman to understand his concerns about his credit report being obtained improperly by Safe Home Security. I took a role in drafting the class complaint. I engaged in some of the discovery practice including drafting written requests in part and taking of defending multiple depositions. I worked with Plaintiff’s experts Hendricks in developing a damages paradigm and with Mr. Jaffe in his use of A.I. to review many thousands of pages of documents. I was involved in editing and/or proofing every significant motion in the case including two opposition briefs filed in the Court of Appeals. I oversaw staff doing bulk document review. I, along with James Francis, negotiated the terms of settlement in December 2025 with Trans Union counsel.

34. I endorse this settlement as an excellent result given the many structural and constitutional hurdles and the various defenses proffered.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct. If any statement is willfully false, I am subject to penalties as set forth at 28 U.S.C. § 1746.

Date: 6/10/2025

/s/ Cary L. Flitter
CARY L. FLITTER

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DUANE E. NORMAN, SR.,
on behalf of himself and all others similarly situated,

Plaintiff,

v.

TRANS UNION, LLC,

Defendant.

No. 2:18-cv-05225-GAM

CERTIFICATION OF JODY THOMAS LÓPEZ-JACOBS

I, JODY THOMAS LÓPEZ-JACOBS, an attorney licensed to practice in this Court, certify the following to be true and correct:

1. I am an adult individual and a member of the bars of the Commonwealth of Pennsylvania and State of New Jersey in good standing. My firm is co-Class Counsel for Plaintiff and the Class in the above-captioned action.

2. **Summary of Professional Background.** I have been admitted to the bars of the Commonwealth of Pennsylvania and the State of New Jersey since 2015. I am also admitted to the bars of the United States Court of Appeals for the Third Circuit, the Western District of Pennsylvania, the Middle District of Pennsylvania, the Eastern District of Pennsylvania, and the District of New Jersey.

3. Overall, I have over 12 years of legal experience working for federal and state judges, private law firms, and nonprofit legal organizations, including almost eight years as an attorney in the practice of consumer protection law at Flitter Milz, P.C.

4. I began working at Flitter Milz as an Associate in September 2017. During my time at the firm, I have litigated dozens of consumer cases, including several class actions, resulting

in millions of dollars and other relief for thousands of consumers. I have been selected as a Rising Star and top-rated consumer law attorney by Super Lawyers for five consecutive years (2021-2025).

5. I currently serve as the Pennsylvania State Chair of the NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (“NACA”), which is a nonprofit association of more than 1,500 private and public sector attorneys, legal services attorneys, law professors, and law students whose primary focus and commitment is the protection and representation of consumers.

6. As set forth in my Curriculum Vitae, I have provided several presentations/lectures on matters of consumer law at national conferences hosted by consumer-oriented organizations such as the NACA and the NATIONAL CONSUMER LAW CENTER (“NCLC”). I have served as amicus counsel for NACA, NCLC and other nonprofit legal aid organizations such as Community Legal Services of Philadelphia in connection with, *inter alia*, the successful appeal of *Dwyer v. Ameriprise Fin., Inc.*, 313 A.3d 969 (Pa. 2024) (reversing trial court’s damages calculation as contrary to the Unfair Trade Practices and Consumer Protection Law).

7. Prior to working at Flitter Milz, I served as a Judicial Law Clerk for the Honorable Mark A. Kearney of the U.S. District Court for the Eastern District of Pennsylvania.

8. In 2015, I graduated from Temple University Beasley School of Law in the top 10% of my class with *Magna Cum Laude* and Order of the Coif honors. During law school, I was awarded second place in an American Bar Association writing competition. I also interned for the then-Chief Judge Petrese B. Tucker of the Eastern District of Pennsylvania as well as Justice James J. Fitzgerald, III of the Superior Court of Pennsylvania. Additionally, I acquired experience in federal and state civil litigation as a Legal Intern for the Sheller Center for Social Justice and as a

Law Clerk for Galfand Berger, LLP. Before law school, I worked as a Litigation Paralegal at Triquetra Law, where I worked primarily on matters of employment law.

9. My Curriculum Vitae is appended to this Certification as **Exhibit 1**. It sets forth a more detailed description of my publications, awards, and experience.

10. **Historical Rates.** My hourly rate for 2025 is \$430. This represents a fair and reasonable market rate for an attorney of my experience and credentials and is currently the rate the firm typically charges and receives for my services. In January 2023, Community Legal Services of Philadelphia published rates used for attorneys based on years of experience. *See* <https://clsphila.org/about-community-legal-services/attorney-fees/> (last visited June 2, 2025).¹ The range for attorneys with 6-10 years of experience was \$320-\$415. However, after accounting for five percent increases for each of the past two years, as the Court did in *Earley v. JMK Associates*, No. 18-760, 2020 WL 1875535 (E.D. Pa. Apr. 15, 2020), the adjusted range of rates for such attorneys becomes \$352-457. With that adjustment, my rate of \$430 readily falls within the range for attorneys with 6-10 years of experience. Further, the CLS fee chart does not account for my substantial experience in civil litigation generally and consumer law litigation specifically—both as a practitioner and as a judicial law clerk—which in any event would warrant an upward departure from the normal range.

My hourly rate for 2024 was \$390. My 2024 hourly rate of \$390 was approved in *de Moura Castro v. Loanpal, LLC*, No. 3:21-cv-01020-RMS (Oct. 16, 2024 Order granting Motion for Attorney Fees). This rate also was approved by U.S. District Judge Christine P. O’Hearn in the

¹ The Third Circuit has held that the fee schedule published by Community Legal Services of Philadelphia is a useful benchmark for determining a reasonable rate. *Maldonado v. Houstoun*, 256 F.3d 181, 187-88 (3d Cir. 2001).

New Jersey Consumer Fraud Act case *Warner v. Vision Solar, et al*, No. 22-CV-05307-CPO-SAK, 2025 WL 819582 (D.N.J. Feb. 26, 2025) (ECF 139, Order granting attorney fees).

My hourly rate for 2023 was \$360 per hour, a 6% increase from my 2022 rate. This 2023 rate was sought and approved by the Court in *Farrington v. Freedom Mortg. Corp.*, No. 20-04432 KMW-AMD, 2024 WL 4285505, at *3 (D.N.J. Sept. 25, 2024) (“Notably, the rates of the [Flutter] Milz firm attorneys fall within the appropriate range of rates set forth by the Community Legal Services (CLS) fee survey endorsed by the Third Circuit as an appropriate gauge of market rates in the Philadelphia metropolitan area.”).

My billing rate for 2022 was \$335 per hour, a 6% increase from my 2021 rate. My 2022 rate was approved in a New Jersey Consumer Fraud Act case by Hon. Stanley Bergman, Jr., JSC in the Superior Court of New Jersey, Atlantic County, in *Palmer et al. v. Flagship Resort Development Corp.*, ATL-L-001515-19 (modified award, on contest, dated April 17, 2023).

My billing rate for 2021 was \$315 per hour, a 6% increase from my 2020 rate. This rate was approved without opposition by Judge Harvey Bartle III of the Eastern District of Pennsylvania in *Hutchins v. Mountain Run Solutions, LLC*, No. 2:20-cv-05853 (ECF 25; Order dated Jan. 3, 2022).

My billing rate for 2020 was \$295 per hour, a 6% increase from my 2019 rate. My billing rate for 2019 was \$275 per hour, which was approved without opposition by Chief Judge Connor of the Middle District of Pennsylvania in *Onafalajo v. D&K Auto Sales & Servs., LLC*, No. 18-408, 2019 WL 1515061, at *6 (M.D. Pa. Apr. 8, 2019).

My 2019 rate of \$275 was also approved by Judge Gibson in *Hyman v. Devlin*, No. 17-89, 2019 WL 2271113, at *9 (W.D. Pa. May 28, 2019) and Judge McHugh in *Earley v. JMK Associates*, No. 18-760, 2020 WL 1875535 (E.D. Pa. Apr. 15, 2020).

My 2017 rate of \$240 was approved by Judge Savage of the Eastern District of Pennsylvania. *Homer v. Law Offices of Frederic I. Weinberg & Assocs., P.C.*, No. 17-880, 2018 WL 2239556, at *3 (E.D. Pa. May 16, 2018).

11. I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct. If any statement is willfully false, I am subject to penalties as set forth at 28 U.S.C. § 1746.

Date: June 2, 2025

s/Jody Thomas López-Jacobs
JODY THOMAS LÓPEZ-JACOBS

EXHIBIT 1
to López-Jacobs Certification

EDUCATION

Temple University Beasley School of Law, Philadelphia, PA – Juris Doctor – May 2015 – Top 10%

Honors: Magna Cum Laude
Order of the Coif
Fellow, Rubin Public Interest Law Honor Society
Superior performance (S+) in Integrated Trial Advocacy Program

Awards: Nat N. Wolfsohn Memorial Award in Real
Property Beasley Scholarship Recipient

Activities: Editorial Board (Research Editor), Temple Law Review
Personal Advisor to a student accused of sexual assault, harassment,
and stalking Research Assistant, Professor Laura E. Little
Student Representative, Barbri

**Millersville University, Lancaster, PA – B.A. Sociology – Minor in Government & Political Affairs – May 2011 –
GPA: 3.84**

Honors: Dean's List

Awards: Sociology/Anthropology Department Senior Award for
Excellence Drs. George F. and Helen A. '64 Stine
Sociology Award

LEGAL EXPERIENCE

Flitter Milz, P.C., Narberth, PA

September 2017–Present

Associate Attorney

- Litigating in federal and state courts under consumer rights statutes such as the FDCPA, FCRA, UTPCPL, and UCC.
- Contributing to annual supplements to the PENNSYLVANIA CONSUMER LAW treatise.
- Representing litigants pro bono in debt defense, landlord-tenant, and foreclosure defense cases.

U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA

August 2016–August 2017

Law Clerk for Judge Mark A. Kearney

- Overseeing an average of 40 civil/criminal cases situated in the Eastern, Western, and Middle U.S. Districts Courts of PA.
- Drafting orders and opinions resolving motions for summary judgment, motions to dismiss, motions in limine, motions for final approval of class action settlement, preliminary injunctions, temporary restraining orders, etc.
- Drafting orders and opinions in cases involving employment discrimination, constitutional violations, class actions, RICO claims, contract disputes, personal injury, IDEA claims, habeas corpus, social security disability, and the Federal Rules.

Friedman & Houlding, LLP, New York, NY

September 2015–January 2016

Attorney

- Assisted on a race-based hostile work environment case filed by 37 plaintiff-employees against their employer in the E.D. Va.
- Prepared responses to interrogatories and requests for production of documents for 37 plaintiffs.

Philadelphia Housing Court, Philadelphia, PA **January 2015–May 2015**

Court-Appointed Mediator

- Assisted unrepresented landlords and tenants in resolving disputes in a free ADR diversion program (two disputes per week).
- Drafted written settlement agreements between the parties and explained the agreements to the parties.

U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA **September 2014–May 2015**

Judicial Intern for Chief Judge Petrese B. Tucker

- Wrote opinions and researched issues to resolve summary judgment motions, attorney fee petitions, and other matters.

Sheller Center for Social Justice, Philadelphia, PA **September 2014–May 2015**

Certified Legal Intern

- Represented and counseled a non-English speaking worker in federal court for claims of unpaid wages and retaliation.
- Wrote a memorandum for a local nonprofit regarding the validity of class action waivers under the Federal Arbitration Act, an issue the U.S. Supreme Court granted certiorari on January 13, 2017 (*NLRB v. Murphy Oil USA, Inc.*, 16-307).
- Conducted a study and prepared a white paper on PA law enforcement practices regarding the issuance of ICE detainees.

U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA **June 2014–September 2014**

Certified Legal Intern for the Supervision to Aid Reentry (STAR) Program (volunteer)

- Counseled individuals on supervised release regarding their traffic matters and other legal matters.

Galfand Berger, LLP, Philadelphia, PA **January 2014–August 2014**

Law Clerk

- Researched and wrote motions on topics including products liability, forum non conveniens, workers' compensation, etc.
- Prepared pleadings in PA state court, including a complaint for thirty-two plaintiff-employees who were not paid wages.
- Interviewed clients and prepared written case assessments.

Pennsylvania Innocence Project, Philadelphia, PA **January 2014–May 2014**

Clinical Intern

- Investigated the claim of innocence of an individual serving a life sentence for murder.
- Reviewed evidence and prepared a report analyzing the claim of innocence and discerning areas of possible future investigation.
- Researched and wrote arguments for motions involving DNA testing under the Pennsylvania Post Conviction Relief Act.

Superior Court of Pennsylvania, Philadelphia, PA **May 2013–August 2013**

Judicial Intern for Justice James J. Fitzgerald, III

- Wrote opinions and prepared legal memoranda on all manner of issues in civil and criminal appeals.

Triquetra Law, Lancaster, PA **May 2011–August 2012**

Litigation Paralegal

- Researched and wrote on topics including Title VII, the ADA, the ADEA, the FLSA, and 42 U.S.C. §§ 1981, 1983.
- Prepared administrative filings for the EEOC and PHRC, pleadings, motions, briefs, and discovery requests/responses.
- Interviewed new and existing clients, reviewed depositions, organized evidence for filing in court and for trial.

AWARDS

- Super Lawyers “Rising Star,” 2021, 2022, 2023, 2024, 2025
- Community Legal Services of Philadelphia Equal Justice Award to Flitter Milz, 2023
- Second place, American Bar Association Section of Labor & Employment Law Writing Competition, 2014
- Award Recipient, Judicial Internship Opportunity Program, 2013

PUBLICATIONS

- Jody Thomas López-Jacobs, *Storytelling Tips for Lawyers*, THE PENNSYLVANIA LAWYER (Sept./Oct. 2019)
- Jody Thomas López-Jacobs, *First But Not the Last: Judge Cathy Bissoon*, HOUSTON’S LEGACY (Pa. Bar Assoc. Spring 2019)
- COLE ET AL., A MOVEMENT AWAY FROM ICE DETAINERS IN PENNSYLVANIA (2015)
- Jody Thomas López-Jacobs, Comment, *Is There a Border Exception to the Exclusionary Rule?*, 87 TEMP. L. REV. 611 (2015)
- Jody López-Jacobs, *Who Owns the Tips?* (2014) (published on the College of Labor and Employment Lawyers website)

ADMISSIONS

- Pennsylvania (passed on first attempt)
- New Jersey (passed on first attempt)
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States District Court for the District of New Jersey
- United States District Court for the Central District of Illinois

CLASS COUNSEL

- *Crawford v. American Heritage Fed. Credit Union*, Dec. Term 2022, No. 1657 (Pa. CCP Phila. Co. May 13, 2025) (class settlement).
- *Nelson v. Bank of America, N.A.*, No. 23-cv-00255-JS (E.D. Pa. Oct. 4, 2024) (preliminary approval of class settlement) (“Flitter Milz PC, including Cary L. Flitter, Andrew M. Milz, and Jody Thomas López-Jacobs, has extensive experience and expertise in prosecuting auto repossession consumer class actions.”) (final approval on Feb. 18, 2025).
- *Lantych v. Flagship Resort Development Corp.*, ATL-L-000744-23 (N.J. Super. July 23, 2024) (certified on contest; “[Flitter Milz, PC] possess considerable experience in the litigation of class action lawsuits.”).
- *Dashiell v. Best Buy Imports Inc.*, May Term 2022, No. 00968 (Pa. CCP Phila. Co. June 6, 2024) (certified on contest; “[Flitter Milz] attorneys [are] well-qualified in the field and specializing in claims on behalf of consumers”).
- *Bolton v. New Alliance Fed. Credit Union*, No. 10318 OF 2023, 2024 WL 1771864 (Pa. CCP Beaver Co. Apr. 15, 2024) (certified on contest).
- *Bodor v. Maximus Fed. Servs., Inc.*, No. 5:19-cv-05787 (E.D. Pa. Feb. 9, 2024) (class settlement).
- *Ibeleme v. Freedom Credit Union*, June Term, 2021, No. 02461 (Pa. CCP Phila. Co. Sept. 18, 2023) (class settlement).
- *Guyse v. Fort Fin. Credit Union*, No. 02C01-1806-PL-000218 (Allen Co., IN Circuit Court Aug. 24, 2023) (class settlement).
- *Zentner v. Brenner Car Credit, LLC*, No. 20-1193 (Pa. CCP Lycoming Co. Aug. 14, 2023) (class settlement).
- *Taggart v. Eagle One Federal Credit Union*, Aug. Term, 2021, No. 00965 (Pa. CCP Phila. Co. July 26, 2023) (class settlement).

- *Lundy v. Diamond Credit Union*, Apr. Term, 2021, No. 01154 (Pa. CCP Phila. Co. July 14, 2023) (class settlement).
- *Haddad v. West-Aircomm Federal Credit Union*, No. GD-19-008596 (Pa. CCP Allegheny Co. June 9, 2023) (class settlement).
- *Atterbury v. Earn Company*, Apr. Term, 2021, No. 00637 (Pa. CCP Phila. Co. Apr. 18, 2023) (certified on contest).
- *Lane v. Ardent Credit Union*, Feb. Term, 2020, No. 00450 (Pa. CCP Phila. Co. Dec. 2, 2022) (certified on contest).
- *Cameron v. Clearview Federal Credit Union*, No. GD-19-012804 (Pa. CCP Allegheny Co. Oct. 28, 2022) (class settlement).
- *Chipego v. Five Star Bank*, May Term, 2017, No. 02466 (Pa. CCP Phila. Co. Sept. 30, 2021) (certified on contest).
- *Mwangi v. Service 1st Fed. Credit Union*, No. 2019-792 (Pa. CCP Luzerne Co. Oct. 15, 2021) (class settlement).
- *Norman v. Trans Union, LLC*, 479 F. Supp. 3d 98 (E.D. Pa. 2020) (certified on contest), *pet. for permission to appeal denied*, No. 20-8033, 2020 WL 6393900 (3d Cir. Sept. 15, 2020).
- *Schultz v. Midland Credit Mgmt., Inc.*, No. 16-4415, 2020 WL 3026531 (D.N.J. June 5, 2020) (certified on contest).
- *Farley v. Pa. State Employees Credit Union*, June Term, 2017, No. 001889 (Pa. CCP Phila. Co. May 19, 2020) (class settlement).
- *Sharpe v. Midland Funding*, No. 16-06256 (E.D. Pa. Oct. 15, 2019) (class settlement).
- *Eastman v. TD Bank*, No. OCN-L-002588-17 (N.J. Super. Law Div. Ocean Co. Sept. 13, 2019) (class settlement).
- *Mccalvin, et al. v. Condor Holdco Securitization Trust*, No. 17-1350 (E.D. Pa. Nov. 6, 2018) (class settlement).
- *Benefield v. ESSA Bancorp, Inc.*, Sept. Term, 2016, No. 001381 (Pa. CCP Phila. Co. May 16, 2018) (class settlement).

NOTABLE APPEALS

- *Palmer et al v. Flagship Resort*, --- A.3d ----, 2025 WL 1098916 (N.J. Super. Ct. App. Div. Apr. 14, 2025) (NJ Consumer Fraud Act and Timeshare Law).
- *Dwyer v. Ameriprise Fin., Inc.*, 313 A.3d 969 (Pa. 2024) (amicus counsel for the National Association of Consumer Advocates, the National Consumer Law Center, and other nonprofit legal aid organizations; reversing trial court’s damages calculation as contrary to the Unfair Trade Practices and Consumer Protection Law).
- *Five Star Bank v. Chipego*, 312 A.3d 910 (Pa. Super. Ct. 2024) (holding borrowers had statutory standing under the UCC without proof of additional harm).
- *Zentner v. Brenner Car Credit*, 273 A.3d 1033 (Pa. Super. Ct. Feb. 8, 2022) (table) (class action; forced arbitration).
- *Ingram v. Experian Info. Sols., Inc.*, 83 F.4th 231 (3d Cir. 2023) (reversing grant of summary judgment; holding credit furnisher lacks discretion to decide a credit dispute is frivolous or irrelevant under the FCRA).
- *Hyman v. Cap. One Auto Fin.*, 826 F. App’x 244 (3d Cir. 2020) (holding police officer not entitled to qualified immunity for aiding a private repossession).
- *Knight v. Vivint Solar*, 243 A.3d 956 (N.J. App. Div. 2020) (reversing trial court’s grant of motion to compel arbitration), *cert. den.*, 246 N.J. 222 (N.J. 2021).

LECTURES/PRESENTATIONS

- “Avoiding Arbitration,” Spring Training, NATIONAL CONSUMER LAW CENTER & NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (May 1, 2025).
- “New Jersey Solar Panel Fraud Cases,” Consumer Law Task Force, LEGAL SERVICES OF NEW JERSEY (Oct. 16, 2025).
- “Personal Jurisdiction in the wake of *Mallory v. Norfolk Southern* and Rule 7.1 corporate disclosures

- amendment, The Consumer Rights Litigation Conference and Consumer Class Action Symposium, NATIONAL CONSUMER LAW CENTER & NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (Oct. 29, 2023).
- “Consumer Protection Law and Litigation,” LANCASTER BAR ASSOCIATION (Apr. 13, 2023).
- “How to Get Evidence to Prove Willfulness,” NACA Spring Training, NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (May 4, 2023).
- “State of Solar Fraud in New Jersey,” 2023 Basic Consumer Law Training, LEGAL SERVICES OF NEW JERSEY (Mar. 21, 2023).
- “New Trends in Identity Theft,” NACA Spring Training, NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (May 13, 2022).
- “Discovery Confidentiality,” NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (FEB. 22, 2022).
- “Repossessions: FDCPA Claims, Breach of the Peace, and Big Verdicts,” The Consumer Rights Litigation Conference and Class Action Symposium, NATIONAL CONSUMER LAW CENTER (Nov. 16, 2019).
- “Protecting a Consumer’s Rights,” Financial Literacy & Entrepreneurial Empowerment Symposium, TEMPLE UNIV. (Sept. 29, 2017).

PROFESSIONAL APPOINTMENTS

- Pennsylvania State Chair of the NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (eff. Dec. 10, 2024).
- Member of Legal Referral Service Subcommittee, MONTGOMERY BAR ASSOCIATION (eff. 2022–2024).

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DUANE E. NORMAN, SR., on behalf of
himself and all others similarly situated,

Plaintiff,

v.

TRANS UNION, LLC,

Defendant.

No. 2:18-cv-05225-GAM

DECLARATION OF DUANE E. NORMAN

I, Duane E. Norman, Sr., hereby declare under the penalty of perjury as follows:

1. I am over eighteen years of age and am currently a resident of Pennsylvania. I am a Named Plaintiff in the above-captioned action.

2. I make this declaration based upon my personal knowledge. I could and would competently testify as to the facts set forth herein if called upon to do so.

3. In February 2018, Safe Home Security, Inc. obtained my Trans Union credit report without my authorization, resulting in an inquiry on my Trans Union credit report.

4. I made multiple disputes to Trans Union about the Safe Home Security Inquiry in 2018, asking that the inquiry be removed. Trans Union did not remove the inquiry, and instead sent me a form letter.

5. In late 2019, I consulted with my attorneys about bringing legal action as a result of Trans Union's response to my disputes. After much thought I decided I would move forward with a class action on behalf of myself and other consumers.

6. I understood that there were risks due to my involvement as a named plaintiff in a representative lawsuit against a well-known company. I knew that my name might be found by anyone

just by performing a Google search in the future. I knew the risks that the case might not succeed despite whatever time and energy I invested into it, as well as my attorney's time and investment. Even understanding all these risks, I was still willing to move forward and bring this case on behalf of the other consumers whose disputes Trans Union did not investigate. I was not afraid to stand up for what I believed was right.

7. Since I first met with my attorneys I have kept up with and remained aware of the status of the lawsuit and provided my attorneys with documents and information used by them in the litigation. I have spent significant time and effort pursuing my claims and the claims of other consumers from the time I retained my attorneys to the present date.

8. After retaining my attorneys, I spent hours in meetings and on Zoom and on the phone discussing the facts of my case with my attorneys. We spent considerable time discussing the facts related to my experience with Safe Home Security, my disputes to Trans Union, and Trans Union's responses.

9. I also spent several hours looking for documents related to my claims against Trans Union that I had kept and sent them to my attorneys, including documents concerning my interactions with both Safe Home Security and Trans Union. I further spent time on telephone calls with my attorneys reviewing and discussing the documents I provided.

10. I authorized the filing of the class action lawsuit against Trans Union and reviewed the legal documents associated with filing the case.

11. As the named plaintiff in this action, I provided assistance to my attorneys, Class Counsel, and the Class in this case. I provided my counsel with facts and details on my experience with Trans Union throughout the litigation. My understanding from reviewing various documents was that my facts and details helped my attorney draft the Class Action Complaint; to respond to discovery

requests made by Trans Union; providing context to Trans Union's discovery responses; and assisted in moving the case through the Court and in settlement negotiations.

12. I sat for my deposition in August 2019, in Center City Philadelphia which lasted approximately six hours. I took a day off work and spent two evenings meeting with my attorneys to prepare to testify. We reviewed the complaint, pleadings, and other documents. I traveled from my home in Chester County.

13. I received and reviewed dozens of emails from my attorneys, many with copies of motions or other documents for me to review as my lawyers kept me abreast of the progress of the case.

14. In November and December 2024, I worked with my attorneys to prepare for the trial set for January 21, 2025. I arranged to take three (3) weeks off work so that I could be present for the entire trial to represent the Class.

15. I understand my efforts were important in securing the favorable terms of the Settlement Agreement, which will provide monetary compensation to the Class as laid out in the Agreement submitted to the Court, as well as certain damages to the way Trans Union handles consumer disputes of improper credit pulls.

16. I agreed to participate in this case with no guarantee of personal benefit.

17. My attorneys informed me in November, 2024 Trans Union expressed interest in settlement negotiations to resolve this case. I believed it was in the best interest to attempt to resolve this case instead of engaging in ongoing litigation in Court, especially the risks of a jury trial and appeals, and considering that this case has been in litigation since 2018.

18. Throughout the settlement negotiations, I was kept updated of the status of potential settlement and the relative positions of the parties on money terms and the non-monetary aspects under discussion.

19. The settlement negotiations were successful and resulted in a resolution that I believe is fair and reasonable especially as I understood the time and risks involved if we had to proceed to have the various motions resolved and if it went to trial as scheduled.

20. I had an opportunity to review the Settlement Agreement draft with my attorneys and believe it was fair and reasonable. I spent significant time discussing and reviewing the settlement agreement with my attorney before signing it.

21. It is my opinion as the class representative that the proposed class action settlement achieved is fair, adequate and reasonable given the various risks.

22. I estimate I have spent over 40 hours working with my lawyers for over multiple years, performing the various tasks described in this declaration, including aiding in the drafting of legal documents, responding to discovery, sitting for a deposition, attending the class certification hearing, helping my attorneys prepare for trial, reviewing the class action settlement agreement, among numerous other tasks. I did this not only for my own benefit but for the benefit of all other Class Members. To this date, I continue to regularly communicate with my attorneys about the progress of the case, including through the Notice and Settlement processes outlined and approved by the Court.

23. I understand that the Settlement only resolves certain claims by Class Members against Trans Union regarding disputes of inquiries, and that Class Members remain able to bring claims about inaccurate reporting and disputes of other types of information, among other things.

24. I understand that I agreed to resolve all claims that I may have against Trans Union up through the date of the Settlement. In other words, I understand that I have agreed to a general release as to Trans Union, whereas the class members provide a more limited release.

25. In addition to my claims against Trans Union, I brought a separate individual lawsuit against Safe Home Security because they ran my credit without my permission, in fact after I expressly told them not to run my credit. *Norman v. Safe Home Security, Inc.*, C.C.P. Philadelphia County, February Term, 2020, No. 000333. After the class in this case was certified, and following consultation with Class Counsel, I made the decision to dismiss that case without compensation because I did not want the proceedings from that case to undermine the successful prosecution of this class action or create questions as to my adequacy or commitment as the class representative. I did not receive any payment in connection with the Safe Home Security lawsuit, and have foregone any right to recover any compensation.

26. In my case, I had specifically instructed Safe Home Security (SHS) not to pull my credit report. *See* ECF 23-2, p. 84 (“So I said, yo, no, you’re definitely not running my credit. I said no, just forget about it.” Then [the SHS rep.] said “I apologize. I don’t have to run your credit. I’m not going to run your credit.”) SHS then ran my credit report from Trans Union after I expressly told them not to, and they stated they would not. My privacy is important to me, and I do not and did not want all of my private financial information in the hands of a complete stranger. Too many bad things can happen, as a credit report includes all kinds of sensitive personal and private information about me, such as [my] credit history profile, pay histories, past addresses, employer information and such.

27. I am requesting the Court approve the \$50,000 individual settlement and service award for myself. I believe this amount is reasonable considering the significant amount of work, time and effort I have spent with my attorneys and on behalf of the class to achieve this settlement and what I went through with Defendant. The time and service I provided to the class resulted in the parties agreeing to settle the case and in a positive outcome to the entire Class, who will receive

