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Attorneys for Plaintiffs

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO
UNLIMITED CIVIL**

DAVID WALKER, MELISSA CLARK,
and BENJAMIN WILSON, individually
and as representatives of the Class,

Plaintiffs,

v.

INFLECTION RISK SOLUTIONS, LLC,

Defendant.

Case No.: 22-CIV-02954

**EXHIBIT 5 TO PLAINTIFFS'
SUPPLEMENTAL
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Assigned for all purposes to
Hon. V. Raymond Swope

Date: December 16, 2024
Time: 3:00 PM
Department: 23

Electronically
FILED

by Superior Court of California, County of San Mateo

ON

12/12/2024

By /s/ Ashlee Nelson
Deputy Clerk

Case No.: 22-CIV-02954

EXHIBIT

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Case No. 22-CIV-02954

DECLARATION OF MELISSA CLARK

Assigned for All Purposes to Hon. V.
Raymond Swope

Date: November 18, 2024

Time: 3:00 p.m.

Department: 23

I, Melissa Clark, declare as follows:

1. I am one of the Named Plaintiffs in the above-captioned matter. I am over 18 years of age and have personal knowledge of the facts described in this Declaration. If called as a witness, I could and would testify competently to these facts.

2. I first retained Berger Montague to represent me after I discovered that Defendant had inaccurately reported to Airbnb that I had a lengthy criminal record, which caused me to lose out on my travel arrangements, and caused me great embarrassment and distress.

1 3. Specifically, I had booked through Airbnb for the first time in connection with a
2 family trip, and as part of the booking process, I had to provide my drivers' license to set up my
3 account. Defendant then provided Airbnb with a consumer report on me that contained over 15
4 criminal records. I have never had a criminal history. I worked in healthcare for over 30 years and
5 had FBI, PA State Criminal and PA State Child Abuse security clearances. Defendant's inaccurate
6 report thus caused me significant panic and distress. Further, Airbnb cancelled my reserved stay,
7 and blocked me from accessing my booking account for any future use.

8 4. Before I reached out for counsel, I took it upon myself to contact Defendant and
9 Airbnb over the phone, and through established dispute processes, to dispute the inaccuracies.

10 5. I then worked with Berger Montague in further investigating my claims against
11 Defendant, including sharing all documents and communications I had in my records, with counsel,
12 and providing documentation of my identity to request my consumer files and the inaccurate report
13 from Defendant so counsel could research the underlying criminal records that were included there.

14 6. I was determined to hold Defendant accountable for its practices, to secure
15 compensation for other consumers who had been harmed by Defendant's conduct, and hopefully,
16 to initiate change so that what happened to me would not happen to others.

17 7. I agreed to serve as a Class Representative and to pursue my claims on a class basis.
18 I knowingly and fully accepted the risks involved in this decision, and made a long-term
19 commitment to actively participate in this case, to put the interests of class members ahead of my
20 own, and to take my duties as Class Representative seriously. I have remained determined to see
21 this case through to classwide resolution to secure relief for other aggrieved consumers.

22 8. During this litigation, I have spent time working with my attorneys, and carrying out
23 my responsibilities as a Class Representative. In particular, I (1) identified and contacted Berger
24 Montague about my potential claims, (2) reviewed and approved the amended complaint for filing,
25 (3) provided my personal documents and communications, including my previously submitted
26 dispute correspondence, my initial booking emails, and the initial inaccurate report, to counsel for
27 review, (4) regularly conferred with counsel, including participating in a lengthy initial interview
28 with intake staff and follow up calls with counsel, reviewing all updates provided to me throughout

1 litigation, exchanging consistent emails with counsel, (5) made myself available to counsel
2 throughout settlement negotiations, and (6) reviewed and approved the Settlement Agreement, and
3 the Amended Settlement Agreement.

4 9. In all, my best good faith estimate is that I spent approximately 45 hours in my
5 efforts in my initial dispute process, further investigation, litigation, and settlement of my claims.
6 I have invested my own time in this matter for over two years.

7 10. I was ready and willing to testify at deposition and/or trial, had the case continued
8 in litigation.

9 11. I have also agreed, as part of the Settlement, to provide a general release of all claims
10 against Defendant. The release to which I agreed is substantially broader than the release the
11 Settlement Class Members are to provide.

12 12. I understand that there are many risks and uncertainties involved in continuing to
13 pursue this case. I have been advised of the terms of the Settlement and, in light of the risks and
14 uncertainties in proceeding, as well as the relief provided by the Settlement, I believe it is fair,
15 reasonable, and in the best interests of the Settlement Class Members.

16
17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Executed on this 11 day of November, 2024, at Stony Point, NC.

20 Signed by:
21 Melissa Clark
22 4CC3EF64B4364B4...
23 Melissa Clark
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25
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27
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