

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JESSICA GUERRERO and JEFFREY  
MATHEWS, individually and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

MERRITT HEALTHCARE HOLDINGS,  
LLC d/b/a MERRITT HEALTHCARE  
ADVISORS,

Defendant.

Case No. 3:23-cv-00389

**CLASS COUNSEL LAURA VAN NOTE'S  
DECLARATION IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ATTORNEYS'  
FEES AND EXPENSES**

I, Laura Van Note, declare as follows:

1. I am an attorney-at-law, licensed to practice in California and admitted to practice before this Court Pro Hac Vice. I am a Shareholder at the law firm of Cole & Van Note ("CVN"), attorneys-of-record for Representative Plaintiff Jeffrey Mathews. I make these statements based on personal knowledge, would so testify if called as a witness and have personal knowledge of the foregoing.

2. I am filing this Declaration as factual support for the Court to consider in support of the attorney's fees and costs expended by me in the prosecution of the above-entitled action.

3. I am counsel of record for the class in the above-captioned matter along with Kevin Laukaitis of Laukaitis Law LLC, Erin Green Comite of Scott + Scott Attorneys at Law LLP, and Robert T. Naumes, Jr. of Jeffrey Glassman Injury Lawyers.

4. My firm acted as Class Counsel, and I was actively involved in the bulk of the proceedings on this case. I am familiar with this litigation and the proposed settlement. The experience of my firm helped inform the settlement negotiations in this case.

5. I have practiced law exclusively as a litigation attorney since 2013. I have a Bachelor of Arts Degree in History from the University of Missouri, Kansas City and graduated from the University of Missouri, Kansas City School of Law. I am admitted to practice law in Missouri, Kansas and California. I have also been admitted to practice before United States District Courts in California, Missouri and Kansas and have been admitted pro hac vice before the courts in several other states. I have personally handled over 100 class/PAGA actions in California since I devoted my practice to this area in 2018.

6. CVN, which current Shareholder Scott Edward Cole founded in 1992, is a specialized practice devoted almost exclusively to prosecuting class action matters. In its over 30-year history, CVN has prosecuted hundreds of class and/or complex/representative cases. Most of these cases involved many of the same legal issues as are presented in the current action. I was directly involved in much of the day-to-day work in this case.

7. While almost entirely devoted today to prosecuting cybersecurity class actions, CVN's past experiences run deep against various areas of the law—from employment wage and hour and discrimination cases, to consumer, personal injury and environmental class actions/mass tort cases. It has successfully achieved class certification in varied factual scenarios, some of the more unique or difficult situations being set forth in the firm's resume. Some better-known and/or "game changing" cases include: *Kurihara v. Best Buy Co., Inc.*, 2007 U.S. Dist. LEXIS 64224 (N.D. Cal. Aug. 29, 2007) (obtaining certification for a class of over 52,000 current and former store employees bringing bag check claims); *Tierno v. Rite Aid Corp.*, 2006 U.S. Dist.

LEXIS 71794 (N.D. Cal. Aug. 31, 2006) (oft-cited Order certifying a class of approximately 1,100 California retail store managers alleging overtime misclassification); *Torres v. ABC Security*, Case No. RG04158744 (Alameda County Superior Court 2006) (obtaining certification of a class of over 1,600 security guards working at scores of different work sites); *Fulton v. Sports and Fitness Clubs of America, dba 24 Hour Fitness, USA, Inc.*, San Diego County Superior Court Case No. GIC881669 (consolidated with Case No. GIC873193) (Order certifying class of over 7,000 fitness club group exercise instructors); *Rowe v. California Commerce Club*, Los Angeles County Superior Court Case No. BC321283 (consolidated with Case No. BC288079) (Order certifying tip-pooling claims on behalf of a class of approximately 2,000 card room dealers); *Rodriguez v. Pleasanton Fitness*, Contra Costa County Superior Court Case No. MSC17-00376) (Order certifying two classes of fitness club workers). This list is far from being exhaustive.

8. CVN is currently devoted almost entirely to the prosecution of data breach class actions, with the vast bulk of its caseload being cases involving almost identical legal and factual issues to those presented in the instant case. In these matters, CVN serves in a variety of roles, oftentimes in various leadership positions. For example, CVN has served as court-appointed lead or co-lead counsel in various data breach matters, including, but not necessarily limited to: *Henderson, et al. v. Reventics, LLC*, Case No. 1:23-cv-00586-MEH (D. Colo.) (appointed co-lead counsel); *Hinds, et al. v. Community Medical Centers, Inc.*, Case No. STK-CV-UNPI-2021-10404 (Super. Ct. Cal. San Joaquin Cnty.) (appointed co-lead counsel); *Tsvetanova, et al. v. UCSD Health*, Case No. 37-2021-00039888-CU-PO-CTL (Super. Ct. Cal. San Diego Cnty.) (appointed co-lead counsel); *In Re: Rackspace Data Security Litigation*, No.: SA-22-cv-01296-XR (W.D. Tex.) (appointed lead counsel); *Fedorys, et al. v. Ethos Group Inc.*, Case No. 3:22-cv-2573-M (N.D. Tex.) (appointed co-lead counsel); *Moreland, et al. v. 1st Franklin Financial Corporation*,

Case No. 2:23-cv-00038-SCJ (N.D. Ga.) (appointed co-lead counsel); *Domitrovich, et al. v. MC Dean, Inc.*, Case No. 1:23-cv-00210-CMH-JFA (E.D. Va) (appointed co-lead counsel); *Deevers, et al. v. Wing Financial Services, LLC.*, Case No. 4:22-cv-00550-CVE-MTS (N.D. Okla.) (appointed co-lead counsel); *Darrin v. Huntington Ingalls Industries, Inc.*, Case No. 4:23-cv-00053-JKW-DEM (E.D. Va.) (appointed co-lead counsel); *Guerrero v. Merritt Healthcare Holdings, LLC*, Case No. 3:23-cv-00389-MPS (D. Conn.) (appointed co-lead counsel); *Prutsman v. Nonstop Administration and Insurance Services, Inc.*, Case No. 3:23-Cv-01131-VC (N.D. Cal.) (appointed co-lead counsel); *In re DISH Network Data Security Incident Litigation*, Case No. 1:23-cv-01168-RMR-SBP (D. Colo.) (appointed co-lead counsel). CVN also serves in more informal (e.g., stipulated) leadership positions in numerous other data breach cases and in sole counsel roles in dozens more—actions currently venued across over roughly 30 states.

9. From the outset, prosecution of this case has involved significant financial risks for my firm. CVN's compensation in this action was and is wholly contingent. Unlike attorneys who are paid for all hours worked irrespective of the result that they might obtain for the client, any attorneys' fees and reimbursement of expenses CVN may collect in connection with this action, or any action we prosecute, are fully contingent upon the firm's ability to obtain compensation for its clients through success at trial or through settlement, as here (which, in the latter case, is further contingent upon Court approval).

10. While I believe that the claims in this case are meritorious, I recognize the factual and legal challenges involved in complex litigation of this type. The litigation risks and legal hurdles herein render my firm's success all the more contingent. In fact, through July 29, 2024 numerous attorneys at my firm, as well as paraprofessional staff have expended 195 hours on this litigation, totaling \$85,075. In addition, we advanced costs in the amount of \$8,645.

11. Laukaitis Law LLC's time expended as of today is 161.90 hours of time, totaling \$123,998.75. Laukaitis Law LLC advanced expenses in the amount of \$10,722.68.

12. Scott + Scott Attorneys at Law LLP's time expended as of today is 103.4 hours of time, totaling \$72,113. Scott + Scott Attorneys at Law LLP advanced expenses in the amount of \$1,551.65.

13. Jeffrey Glassman Injury Lawyers' time expended as of today is 5 hours of time, totaling \$5,825.

14. Although not commonly discussed in connection with requests for attorneys' fees and costs, it is also important to note there is often a significant amount of work to be done post-final approval of a class action settlement, none of which ever gets presented to the Court for consideration (and which is, thus, not directly compensable). Indeed, it is rare that CVN is not responding to email/calls/requests from class members, CPAs, attorneys, the press, etc., sometimes even years after final settlement approval. CVN staff routinely gets requests from settlement class members seeking information post-resolution about the settlement itself, factual and legal issues addressed in the case, the tax characteristics of the amounts class members received, and a host of other issues too numerous to list exhaustively here. Except by noting its near-inevitability, none of that future work or the attendant costs are reflected in anything filed thus far in this litigation, but that work will almost certainly be required by CVN here and should be factored into the equation regarding the appropriate fee and cost recovery.

15. Despite an enormous amount of work in this litigation, we seek an attorneys' fee award of \$508,283 of the common fund achieved through our efforts, a percentage equal to—and often less—than that awarded in other situations such as this.

16. The lodestar calculation of attorney fees for CVN's time expended as of today is \$85,075.

17. The lodestar calculation of attorney fees for Laukaitis Law LLC's time expended as of today is \$123,998.75.

18. The lodestar calculation of attorney fees for Scott + Scott Attorneys at Law LLP's time expended as of today is \$72,113.

19. The lodestar calculation of attorney fees for Jeffrey Glassman Injury Lawyers' time expended as of today is \$5,825.

I declare, under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on July 29, 2024, at Oakland, California.

*/s/ Laura Van Note*  
Laura Van Note, Esq.  
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