

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICIA MCINTYRE, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

REALPAGE, INC., d/b/a On-Site,

Defendant.

Civil Action No. 2:18-CV-03934-CFK

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

NOW COMES Plaintiff and Class Representative Patricia McIntyre, by her 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 expenses in accordance with the parties' settlement agreement. In support whereof, Plaintiff relies upon the contemporaneously filed memorandum of law and its exhibits.

Dated: February 3, 2022

Respectfully submitted,

PATRICIA MCINTYRE, *by her attorneys,*

/s/John Soumilas

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 3, 2023, 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/John Soumilas _____
John Soumilas

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**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR A SERVICE
AWARD TO PLAINTIFF AND FOR AN AWARD OF ATTORNEYS' FEES, AND
REIMBURSEMENT OF EXPENSES TO CLASS COUNSEL**

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I. INTRODUCTION

Plaintiff Patricia McIntyre (“Plaintiff” or “Class Representative”) respectfully requests that the Court enter an order approving her class action service award and awarding Class Counsel their reasonable attorneys’ fees and expenses in keeping with the parties’ class action settlement agreement. *See* ECF 147-2 at § 5.3. This is an uncontested motion. *Id.*

This Court need not act on this motion until the final approval hearing set in this matter for March 20, 2023 at 8:30 am. ECF 152. In advance of that final approval hearing, and pursuant to the parties’ agreement, *see* ECF 147-2 at 56-57, ¶ 15, and as is customary, Plaintiff also anticipates filing a separate motion in support of final approval, setting forth the bases why this Court should find the settlement here fair, reasonable, and adequate under Third Circuit standards. That final motion in this case is expected to be filed 21 days before the final approval hearing, *id.*, or by February 27, 2023.

Following a telephone hearing with Magistrate Judge Wells, the court preliminarily approved this settlement and ordered that notice of the nationwide class be directed to the settlement class members on December 16, 2022, ECF 151, and set a final approval hearing (sometimes alternatively called a “fairness hearing”) for March 20, 2023. *See* ECF 152 (adopting Magistrate Judge Wells’s Order and setting a final approval hearing date of March 20, 2023). The class administrator has provided notice in accordance with this Court’s Order.

Plaintiff’s request here for a class action service award is reasonable, in line with service awards in comparative cases, has been disclosed to the class, is not the subject of any objection to date, and should thus be approved. *See* Barkan Declaration, attached hereto.

Pursuant to the Court’s Order, Class Counsel now also move for an award of attorneys’ fees and reimbursement of litigation costs and expenses as provided by the agreement, ECF 147-2,

§ 5.3. The case has been hard-fought for over four (4) years, including over 20 motions resolved by this Court, over 20 depositions taken, an interlocutory appeal by Defendant (which the Third Circuit declined to take), and a run-up to trial which included several expert reports, before the case was ultimately settled at a private mediation. The amount Class Counsel seeks is reasonable under this Circuit's precedents, to date is without objection, *id.*, and should be approved.¹

In support of this motion, Class Counsel rely upon the declaration of Frank Barkan, the class administrator, and the declaration of Class Counsel John Soumilas, which summarizes Class Counsel's experience and their time and expense records in this matter, as well as the expert report of Abraham Reich of the Fox Rothchild law firm (attached to the Soumilas Declaration as Ex. B thereto), whose report provides support for Class Counsel's hourly rates; as well as other exhibits and expense records attached to the Soumilas Declaration.

This motion should be granted in its entirety at the March 20, 2023 final approval hearing.

II. NATURE OF THE CASE AND PROCEDURAL HISTORY

This class action involves the reporting of stale eviction records by Defendant RealPage, Inc. about tenant applicants to landlords and property managers. It demonstrates how for Class Representative Patricia McIntyre and for thousands of other tenant applicants across the country Defendant failed to "assure" the "maximum possible accuracy" of its reporting of eviction proceedings, as required by the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§1681-1681x, at section 1681e(b), as numerous such records were stale and/or outdated and nevertheless reported. *See also* ECF 41-1 (Memorandum of Law in Support of Plaintiff's Motion for Class Certification).

In McIntyre's case, Defendant reported three eviction cases from Philadelphia. One eviction had been voluntarily withdrawn, a second vacated and dismissed, and a third was satisfied

¹ Should any class member make a timely objection after this filing, such an objection will be addressed, as may be appropriate, at the final approval hearing.

according to Pennsylvania court records that were publicly available years before Defendant prepared its report.

Class discovery revealed thousands of additional consumers who disputed Defendant's reporting of eviction records about them and for whom Defendant needed to correct all or part of its reporting of the eviction record(s) at issue, generally after consulting the actual court records. Discovery was prolonged and contentious. *See generally* Soumilas Decl. at ¶¶ 13, 14. It involved extensive written discovery with thousands of records considered, over 20 depositions, over 20 motions in total, an interlocutory appeal, and expert discovery. *Id.*

A settlement was reached after a private mediation on June 22, 2022. The settlement Class comprises 11,823 individuals that meet the definition of the class that this Court certified on August 25, 2020 on contest. ECF 64.

The Settlement Agreement requires Defendant to institute certain practice changes to increase the accuracy and timeliness of records of Eviction Proceedings it includes in reports about consumers. *See* ECF 147-2 at § 4.2.1, Ex. A (Class Injunctive Relief Order).²

First, Defendant will cease reporting records of Eviction Proceedings that, after fourteen months from the date of the case filing, do not contain any information about the disposition of the action. ECF 147-2 at § 4.2.1.1. That is, the longest period in which Defendant will include records of the filing of Eviction Proceedings in its reports is 14 months from the date of filing if Defendant receives no updates from its vendor(s) of Eviction Proceeding information concerning the post-filing disposition of the Eviction Proceeding.

Second, Defendant shall generate monthly reports regarding the volume of disputes regarding Eviction Proceedings received from consumers and, so armed, take commercially

² Capitalized terms herein have the same definition as the Settlement Agreement.

reasonable action to address any identified trends or systemic issues regarding the accuracy of the records of Eviction Proceedings so identified. *Id.* at § 4.2.1.2.

Further, Defendant will communicate with its vendor(s) of records of Eviction Proceedings regarding the volume of those disputes that implicate the data of Eviction Proceedings provided to Defendant by the vendor(s). *Id.*

Defendant shall maintain the above-described practice changes for a period beginning sixty (60) days after the Effective Date and continuing for two (2) years thereafter. *Id.* at § 4.2.1.3.

The above-described practice changes are new to Defendant, which, prior to entering into the Settlement Agreement, reported the filing of Eviction Proceedings for the longest period allowed by the FCRA irrespective of the amount of time that had passed without receiving a disposition update from its vendor(s) and did not communicate the volume of disputes of Eviction Proceedings it received to its vendor(s).

The Settlement Agreement also creates a Settlement Fund of six million three hundred fifty thousand dollars (\$6,350,000.00) that includes attorneys' fees and costs, a service award, and class notice and administration expenses, and aa *pro rata* distribution to class members. *Id.* at §§ 2.27, 4.2.2, 5.1, 4.2.2.1, 5.3.1. If the Court grants Class Counsel's anticipated requests for those items in full and every Class Member cashes his or her check or claims his or her settlement distribution electronically, Class Counsel estimates that each Class Member will net more than three hundred dollars (\$300.00).

In the event that some Class Members fail to cash their checks or claim their distribution electronically before the expiration of 60 days after the date of issuance by the Settlement Administrator, the Settlement Administrator shall automatically distribute any money remaining in the Settlement Fund *pro rata* to Class Members who cashed their check if the amount of such

check would be at least twenty-five dollars (\$25.00).

Only after this second distribution would the Settlement Administrator make any distribution to the proposed *cy pres* recipient, Tenant Union Representative Network, a Philadelphia-based non-profit organization. *Id.* at § 5.3.1. As noted above, and in advance of the final approval hearing in this matter, Plaintiff will submit a separate motion explaining why the settlement here is fair, reasonable, and adequate, and should be finally approved.

III. ARGUMENT

A. Approval of a Service Award for Plaintiff Is Appropriate

This Court should approve a service award of \$10,000 for Class Representative McIntyre in recognition of her service to the class. Service awards to class representatives are routinely awarded within this Circuit, including in FCRA class actions. *See Sapp v. Experian Info. Sols., Inc.*, No. 10-cv-4312, 2013 WL 2130956, at *3 (E.D. Pa. May 15, 2013) (awarding \$15,000 to class representative in FCRA settlement). 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, a service award of \$10,000, which neither Defendant nor any class member opposes, is reasonable upon consideration of Plaintiff’s substantial participation in this litigation. Plaintiff assisted Class Counsel with the preparation of the complaint, in responding to Defendant’s written discovery and document requests, by preparing for and appearing for her lengthy deposition, by continuously communicating with Class Counsel throughout the prosecution of this matter, and by conferring with Class Counsel regarding the terms of the settlement reached with Defendant. Courts routinely approve service awards in similar FCRA class action matters. *See, e.g., Stewart v. LexisNexis, et al.*, No. 3:20-cv-00903-JAG, ECF 91 at 4, ¶ 12 (E.D. Va. July 27, 2022)

(approving service awards of \$10,000 each for two class representatives); *Deaton v. Trans Union LLC*, No. 2:20-cv-01380-AB, ECF 36 (E.D. Pa. Mar. 24, 2022) (approving service award of \$9,500); *Robinson v. National Student Clearinghouse*, No. 1:19-cv-10749-FDS, ECF 42 at 5, ¶ 15 (D. Mass. July 8, 2020) (approving service award of \$7,500 to class representative who was not deposited); *Wills v. Starbucks Corp.*, No. 1:17-cv-03654-CAP, ECF 58 at 2 (N.D. Ga. July 16, 2020) (approving service awards of \$10,000 each for two class representatives, one of whom was deposited); *Rodriguez v. Calvin Klein Inc, et. al*, No. 1:15-cv-2590-JSR, ECF 33 (S.D.N.Y. Mar. 21, 2016) (final approval order awarding \$15,000 to class representative); *Giddiens v. LexisNexis Risk Solutions, Inc.*, C.A. No. 12-2624, ECF 55 at ¶ I (E.D. Pa. Jan. 20, 2015) (approving service award of \$10,000); *Robinson v. General Info. Servs., Inc.*, No. 2:11-cv-07782-PBT, ECF 55 (E.D. Pa. Nov. 4, 2014) (final approval order awarding \$10,000 individual settlement to class representative).

A \$10,000 service award to Class Representative McIntyre, who has fulfilled her duties to the Class, is eminently appropriate here.

B. 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, 1681o. Also, the parties’ agreement provides for an award of attorneys’ fees incurred by Class Counsel in conjunction with its representation of the class. ECF 147-2 at § 5.3.

“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) (Diamond, J.) (“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 \$6,350,000.00. Class Counsel requests an award of \$2,116,666.67, or approximately one-third (1/3) of the common fund created by the parties' settlement, for their representation of the Class. *See* ECF 147-2 at § 5.3. This sum is reimbursement for both fees and costs. *Id.* Defendant does not oppose this request and neither does any class member to date. A slightly less than one-third fee, like the one requested here, is reasonable in this case.

“[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.”); *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 more than four years ago. First, this case benefits well over 11,000 class members and creates a fund \$6,350,000. Second, there have been no objection by any class member to date. *See* Barkan Decl. at ¶ 15. Third, Class Counsel are experienced and have successfully prosecuted this case and

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).

similar consumer protection cases, *see* Soumilas Decl. at Ex. A. Fourth, the case lasted well over four years and involved a high level of complexity typical of FCRA class actions. Fifth, Class Counsel worked on a contingency fee basis and the ran a high risk of nonpayment. Sixth, this risk was substantial given that Class Counsel devoted over 3,000 attorney and paralegal hours to this case. *See* Soumilas Decl. at ¶¶ 14, 18. Seventh, the \$300 per class member recovery is similar to other FCRA class cases, which are typically prosecuted for a statutory damages recovery that caps at \$1,000 per consumer.⁴ Eighth, Class Counsel secured one of the largest recoveries against this Defendant for inaccurate tenant screening reports, more than twice the amount of the largest known government or agency settlement for similar conduct.⁵ Ninth, a one-third contingency fee is standard in Pennsylvania. And finally, the settlement includes meaningful injunctive relief even though whether private parties may obtain an injunction in FCRA litigation it 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*

Furthermore, courts may award attorneys' fees through the lodestar method – multiplying “the number of hours class counsel worked on a case by a reasonable hourly billing rate for such services.” *Sullivan v. DB Inv. Inc.*, 667 F.3d 273, 330 (3d Cir. 2011) (citation omitted). Where the litigation creates a common fund, such as this case, however, the lodestar is a “cross-check of the

⁴ *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)).

⁵ *See* <https://www.ftc.gov/legal-library/browse/cases-proceedings/152-3059-realpage-inc> (“Texas Company Will Pay \$3 million to Settle FTC Charges That it Failed to Meet Accuracy Requirements for its Tenant Screening Reports”).

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. 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 Plaintiff's fee request is reasonable. As discussed in detail below, the total loadstar here is \$1,714,070.00, accounting for over 3,080 attorney and paralegal hours. Soumilas Decl. at ¶¶ 13-22. The lodestar cross check, therefore, yields a multiplier of 1.23, well within the acceptable range within the Third Circuit. This sum includes over \$60,000 in costs, *id.*, which, if taken into consideration, makes the multiplier even smaller, approximately 1.19, clearly within the reasonable range.

a. Hourly rates.

The hourly rates for the firms of Plaintiff's counsel are well within the range of what is reasonable and appropriate in this market. *See* Soumilas Decl., Ex. B (Oct. 18, 2022 expert report

of Abraham C. Reich, Esquire, Co-Chair and Partner for the law firm of Fox Rothschild, LP). 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 the firm'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.

The hourly rates are within the range charged by attorneys with comparable experience levels for consumer class action litigation of a similar nature. *See Flores v. Express Servs., Inc.*, No. CV 14-3298, 2017 WL 1177098, at *3 (E.D. Pa. Mar. 30, 2017) (analyzing similar fee request); *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); *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); *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 Soumilas Declaration.

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. Soumilas Decl. at ¶¶ 13-18. Class Counsel also submitted detailed charts that provide a

description of the task performed, the attorney performing the work, the amount of time spent, and the hourly rate charged for the tasks. *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). *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 Soumilas Declaration also sets forth the basis for the division of labor among the attorneys and paralegals in an efficient manner. *See* Soumilas Decl. at ¶¶ 13-18. All the time submitted was reasonably necessary to achieve the successful outcome for the Plaintiff and the Settlement Class. Fees should not be reduced simply because a plaintiff may not have been successful on every contention in the litigation. *Id.* at 436.

Class Counsel expended at a total of over 3,000 hours in prosecuting this action to a successful completion. Soumilas Decl. at ¶¶ 13-22. This amount is reasonable given the length and complexity of this litigation.

The fact that Class Counsel seek to recover a lodestar multiplier of approximately 1.2 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” and awarding 30% where the lodestar multiplier was 2.17); *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 \$2,116,666.67 for Class Counsel’s representation of the class. Given the fact that this figure is inclusive of over \$60,000 of litigation expenses, *see infra*, the request is actually slightly less than one-third (32.3%) and thus stands out as being even more reasonable.

C. 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: \$63,313.22 in litigation expenses, for filing, discovery, travel, expert expenses, mediator expenses and other related expenses. *See Soumilas Decl.* at ¶¶ 19-22, Exs. D, E. Here, Class Counsel seek reimbursement of these expenses in accordance with the parties’ settlement agreement. *See ECF 147-2* at § 5.3. 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). The \$63,313.22 sum is included within the \$2,116,666.67 requested herein. *See* ECF 147-2 at § 5.3.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court grant the instant motion and enter the proposed Order filed herewith.

DATED: February 3, 2023

Respectfully submitted,

PATRICIA MCINTYRE, *by her attorneys,*

/s/John Soumilas

James A. Francis, Esq.

John Soumilas, Esq.

Lauren KW Brennan, Esq.

Jordan M. Sartell, Esq. (admitted *pro hac vice*)

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

PATRICIA MCINTYRE, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

REALPAGE, INC., d/b/a On-Site,

Defendant.

Civil Action No. 2:18-CV-03934-CFK

**DECLARATION OF JOHN SOUMILAS IN SUPPORT OF PLAINTIFF'S MOTION
FOR A SERVICE AWARD TO PLAINTIFF AND FOR AN AWARD OF ATTORNEYS'
FEES AND REIMBURSEMENT OF EXPENSES TO CLASS COUNSEL**

I, John Soumilas, declare as follows:

I. INTRODUCTION

1. I am a shareholder and attorney at Francis Mailman Soumilas, P.C. ("FMS") and one of the attorneys representing Plaintiff Patricia McIntyre in the above-captioned matter. I submit this declaration in support of the firm's application for an award of attorneys' fees in connection with services rendered in this matter, as well as the reimbursement of costs and expenses incurred by my firm in connection with this litigation against Defendant RealPage, Inc.

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

3. Along with the attorneys working on this case, I oversaw staffing the case with appropriate, experienced of-counsel and 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.

II. 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. *See White v. Experian Info. Solutions*, No. 05-01070, 2014 WL 1716154, at *13, 19, 22 (C.D. Cal. May 1, 2014), *aff’d sub nom. Radcliffe v. Experian Info. Solutions, Inc.*, 818 F.3d 537, 548 (9th Cir. 2016) (finding FMS “FCRA specialists” and appointing firm and its team as interim class counsel over objections from a competing national law firm (Boies Schiller) because their team’s “credentials and experience [we]re significantly stronger in class action and FCRA litigation.”); *see also Patel v. Trans Union, LLC*, 308 F.R.D. 292, 307 (N.D. Cal. 2015) (Beeler, J.) (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[.]”); *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.”).

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

6. FMS is in the small minority of class action 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 Samuel-Bassett v. Kia Motors America, Inc.*, 34 A.3d 1

(Pa. 2011) (\$5.6 million verdict for class of Pennsylvania car purchasers, plus award of attorney's fees, which the Pennsylvania Supreme Court upheld); *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) (\$60 million jury verdict in FCRA case) (reversed for a portion of class members who lacked Article III standing, *Trans Union LLC v. Ramirez*, 141 S.Ct. 2190 (2021)).

7. As demonstrated by our firm's biography, **Exhibit A**, FMS has been certified to serve as class counsel (and/or is currently serving) on over 70 occasions by courts throughout the country, including some of the largest FCRA class settlements in this area of litigation. *See 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. Acxiom 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. My firm, and I personally, have been certified to serve as class counsel by numerous courts in cases throughout the country. *See, e.g., Berry v. LexisNexis Risk & Info. Analytics Group, Inc.*, 2014 WL 4403524, *11 (E.D. Va. Sept. 5, 2014), *aff'd sub nom. Berry v. Schulman*, 807 F.3d 600 (4th Cir. 2015); *Stokes v. RealPage, Inc.*, C.A. No. 15-1520 (E.D. Pa. Feb. 6, 2018) (ECF 63); *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 v. Trans Union, LLC*, 308 F.R.D. 292 (N.D. Ca. 2014); *Ramirez v. Trans Union, LLC*, 2014 WL 3734525 (N.D. Ca. July 24, 2014); *Sapp v. Experian Info. Solutions*, 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 (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, LCC*, 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. 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.”); *Martinez v. Avantus, LLC*, ___ F.R.D. ___, 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. Mar. 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).

10. My firm was appointed as a member of the team of interim class counsel over contest in the massive FCRA class action of *White v. Experian Info. Solutions, Inc.*, 993 F. Supp. 2d 1154, 1169, 1172 (C.D. Cal. 2014), *aff'd sub nom. Radcliffe v. Experian Info. Solutions, Inc.*, 818 F.3d 537, 548 (9th Cir. 2016).

11. I am a member in good standing of the bars of the Commonwealth of Pennsylvania and the State of New Jersey. I have practiced law for over 20 years, having been admitted to the Pennsylvania Bar in 1999.

12. I have personally litigated hundreds of FCRA cases, obtaining the highest jury verdicts in Pennsylvania, Michigan, and California. I have served as class counsel in numerous consumer protection class action cases, *see supra* ¶¶ 6-10; *see also Exhibit A*.

III. THE MCINTYRE LITIGATION

13. FMS originated and acted as lead class counsel in this matter, which was filed on September 12, 2018. I personally handled or was directly involved in virtually all attorney aspects of this litigation, along with my partner James A. Francis and other FMS attorneys, principally Jordan M. Sartell. We were also assisted in select respects by FMS paralegals. Co-counsel Caddell & Chapman also provided support on the case on select issues. 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. Drafting a well-pleaded class action complaint;
- c. Drafting, editing, and revising the joint report of the parties' FED. R. CIV. P. 26(f) conference; meeting and conferring with Defendant's counsel regarding same;
- d. Engaging in extensive disclosures and discovery, including drafting and editing Plaintiff's discovery requests; reviewing documents produced in this matter, reviewing data and documents concerning class members, engaging in confirmatory discovery after settlement, and meeting and conferring with counsel for Defendant regarding discovery and data-exchange;
- e. Taking and defending more than two dozen depositions, including:
 - The deposition of Matthew Davis on January 13, 2020;
 - The deposition of RealPage, Inc. by its representative Manjit Sohal on February 25, 2020;
 - The deposition of RealPage, Inc. by its representative Nancy Morlini on February 26, 2020.
 - The deposition of Manjit Sohal on January 20, 2022;

- The deposition of RealPage, Inc. by its representative Manjit Sohal on February 24, 2022;
- The deposition of RealPage, Inc. by its representative Michael Mauseth on February 24, 2022;
- The deposition of Nancy Morlini on February 25, 2022;
- The deposition of third party American Information Research Services, Inc. by its representative Sabrina Bower on January 13, 2022;
- The deposition of third party Metropolitan Management Corp. by its representative Robin Grzadzielwski on February 15, 2022;
- The deposition of third party LexisNexis by its representative Michael Williams on February 17, 2022;
- The deposition of third party Convergence Research, Inc. by its representative Andrew Wildner on February 19, 2022;
- The deposition of third party Cobb County Magistrate Court by its representative Anne Gordon on December 16, 2020;
- The deposition of third party Los Angeles Superior Court by its representative Nancy Bullock on January 13, 2021;
- The deposition of third party Los Angeles Superior Court by its representative Romulo Reyes on January 13, 2021;
- The deposition of third party Gwinnett County Magistrate Court by its representative Sherrie Lewis on January 26, 2021;
- The deposition of third party DeKalb County Court by its representative R. Javoyne Hicks on February 23, 2021;
- The deposition of third party Maricopa County Court by its representative Scott Davis on March 24, 2021;
- The deposition of third party American Information Research Services, Inc. by its representative Sabrina Bower on January 13, 2022;
- The deposition of third party De Paul Management Company, by its representative witness Brian Lennen on February 3, 2022;
- The deposition of third party BEK Management by its representative Noreen Cassidy on February 8, 2022;

- The deposition of third party Halfpenny Management Company by its representative witness Bernard Halfpenny on February 11, 2022;
 - The deposition of third party Park Bradford Apartments, L.P. by its representative Andrea Doran on February 11, 2022;
 - The deposition of third party Post Presidential by its representative Thomas C. Maduzia on February 14, 2022;
 - The deposition of third party LexisNexis by its representative Michael Williams on February 17, 2022;
 - The deposition of third party Convergence Research, Inc. by its representative Andrew Wildner on February 19, 2022;
- f. Engaging in extensive, substantive¹ motion practice, including:
- Plaintiff's Motion to Compel Answers to Interrogatories and the Production of Documents, filed on August 19, 2019 at ECF 25;
 - Plaintiff's Motion to Compel and for Sanctions, filed on March 17, 2020 at ECF 35;
 - Plaintiff's Motion for Class Certification, filed on March 20, 2020 at ECF 41;
 - Defendant's Motion to Compel Deposition of Jordan Sartell and Unidentified Paralegal and Documents Relied Upon for Sartell Declaration, filed on April 13, 2020 at ECF
 - Defendant's Motion to Strike Sartell Declaration, filed on May 1, 2020 at ECF 50;
 - Defendant's Motion to Stay Class Notice and Summary Judgment Deadlines, filed on January 20, 2021 at ECF 81;

¹ This litigation also involved a number of procedural and scheduling motions, including Plaintiff's Motion to Seal Exhibits in Support of Plaintiff's Motion to Compel and For Sanctions, filed on March 17, 2020 at ECF 34; Plaintiff's Motion to Seal Exhibits in Support of Plaintiff's Motion for Class Certification, filed on March 20, 2020 at ECF 40; a Consent Motion for Enlargement of Briefing Schedule, filed on February 1, 2021 at ECF 83; a Consent Motion for Enlargement of Time to Submit Scheduling Proposal, filed on July 20, 2021 at ECF 88; a Joint Motion for 30-Day Extension of Fact Discovery Deadline, filed on February 14, 2022 at ECF 107; Plaintiff's Motion to Seal Exhibits in Support of Motion to Compel Updated Class List and Consumer Dispute Documents, filed on February 18, 2022 at ECF 109; Defendant's Motion to Seal Exhibits in Support of Opposition to Motion to Compel Updated Class List, filed on February 25, 2022 at ECF 112; a Joint Motion to Modify Class Notice Deadlines in Light of Pending Motion to Compel, filed on March 7, 2022 at ECF 117; Plaintiff's Motion to Seal Documents in Support of Motion for Leave to File Reply, filed on March 10, 2022 at ECF 120; a Joint Motion to Briefly Extend Form of Class Notice Deadline, filed on March 21, 2022 at ECF 127; a Joint Motion to Stay All Pretrial Deadlines, filed on June 24, 2022 at ECF 141.

- Defendant's Motion for Reconsideration of the Court's Order Granting Plaintiff's Motion for Class Certification, filed on August 9, 2021 at ECF 90;
- Plaintiff's Motion to Continue January 13, 2022 Deposition, for Extension of Time to Complete Discovery of Defendant's Third-Party Vendors, and for Telephone Conference, filed on January 12, 2021 at ECF 100;
- Plaintiff's Motion to Compel Updated Class List and Consumer Dispute Documents, filed on February 18, 2022 at ECF 110;
- Plaintiff's Motion for Leave to File Reply in Support of Motion to Compel Updated Class List, filed on March 10, 2022 at ECF 119; and
- Plaintiff's Unopposed Motion for an Order Directing Notice to Settlement Class, filed on November 1, 2022 at ECF 147.

g. Opposing Defendant's Petition for Leave to Appeal to the Third Circuit Pursuant to FED. R. CIV. P. 23(f), *see* ECF 66;

h. Participating in settlement discussions, including attending an all-day mediation via videoconference and telephone on June 22, 2022, and participating in extensive follow-up conferences with counsel for Defendant and Mediator Ross W. Stoddard, III;

i. Conferring with Plaintiff McIntyre who provided detailed information, including about the facts of her case, and relevant documents, preparing her for a lengthy deposition, and assisting with other aspects of her full participation in this litigation, the mediation sessions, and the settlement drafting process;

j. Drafting, editing, and revising the settlement agreement and several short form and long form class notices, and

k. Conferring with counsel for Defendant regarding same, the administration of class notice, and the settlement website.

IV. FMS'S TIME INVESTED IN THIS LITIGATION

14. Along with me, the attorneys in my firm who have submitted billable time in this litigation are James A. Francis, David Searles, Jordan M. Sartell, Joseph Gentilcore and Lauren KW Brennan. Additionally, my firm seeks billable time for experienced paralegals who worked on the case. A detailed summary of the time expended by my firm in this matter, by activity categories maintained within our firm's Philadelphia 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. Estimates have been added for time expected to be spent in the future in connection with the final approval motion and hearing and for ongoing class administration and delivery of funds to class members. These estimates amount to 120.50 hours in total.² 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.

	James Francis	John Soumilas	David Searles	Joseph Gentilcore	Lauren Brennan	Jordan Sartell	Paralegals
File Administration	5.60	1.50	0.00	1.70	0.20	0.50	17.40
Pre-Suit Investigation	18.10	16.90	0.00	6.10	1.50	9.70	13.00
Pleadings & Service	5.90	11.50	0.00	1.20	0.60	18.00	16.60
Disclosures, Court Confs.	0.20	40.90	0.00	2.60	7.30	11.00	14.80
Written Discovery	1.90	181.20	0.50	0.00	28.80	188.80	228.90
Depositions	31.60	176.80	0.00	0.00	47.90	150.10	66.50
Motion Practice	95.80	362.70	0.00	0.00	13.80	307.90	252.60

² Should this Court wish to review the individual time entry records themselves, they can be exported from our computer systems and made available in paper format for an *in camera* review, but they are not attached hereto in order to protect the attorney-client and work-product privileges as the individual records themselves are unredacted and unreviewed for privilege.

17. The lodestar figure above does not include out of pocket expenses and the costs of the litigation, which are billed separately.

18. In addition to FMS, the Caddell & Chapman law firm assisted with select aspects of this case, particularly the litigated discovery issues surrounding Defendant's acquisition of another tenant screening company and whether the separately incorporated subsidiary shielded Defendant from a portion of liability here or reduced the size of the class. Caddell & Chapman expended **\$71,940** of attorney time (83.1 hours) in this matter, which is summarized in that firm's billing summary set forth as **Exhibit C**.³

VI. EXPENSES

19. As detailed in **Exhibit D** hereto, my firm has incurred a total of **\$60,154.88** in unreimbursed expenses in connection with the prosecution of this litigation. Each of the expenses described therein would typically be billed to paying clients.

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

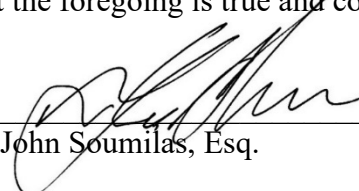
21. Caddell & Chapman's expense summary sheet, listing that firm's expenses of **\$3,158.34**, is attached hereto as **Exhibit E**.

22. In summary, the total attorney time devoted and expected to be devoted going forward by FMS and Caddell & Chapman in this litigation amounts to **\$1,714,070.00** in fees and **\$63,313.22** in costs and expenses, for a grand total of **\$1,777,383.22**.

³ As with FMS's time sheets, should this Court wish to review the individual Caddell & Chapman time entry records themselves, they can be exported in paper format for an *in camera* review, but they are not attached hereto in order to protect the attorney-client and work-product privileges as the individual records themselves are unredacted and unreviewed for privilege.

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

Executed on February 3, 2022



John Soumilas, Esq.

EXHIBIT A



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 70 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.”); *Martinez v. Avantus, LLC*, ___ F.R.D. ___, 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 Superlawyer in Pennsylvania in *Philadelphia Magazine* and *Pennsylvania Super Lawyers* magazine. He has been ranked in the Top 100 for Pennsylvania or Philadelphia many times since. 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 2021, Jim was selected to join the American Institute of Trial Lawyers as Litigator of the Year, and again named to the Top 100 Pennsylvania Super Lawyers, as well as the Top 100 Philadelphia Super 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

- 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

- United States Supreme Court

NOTABLE CASES

- *Ramirez v. Trans Union, LLC*, 951 F.3d 1008 (9th Cir. 2020). 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;
- *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.
- *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

Martinez v. Avantus, LLC et al., ___ F.R.D. ___, 2023 WL 112807 (D. Conn. January 5th, 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 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, *Data Protection at the Federal Level*, Nevada Bar Association, January 17th, 2023
Speaker, *27th Annual Consumer Financial Services Institute*, Practising Law Institute, *Debt Collection and Credit Reporting Update*, December 7th, 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

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, Managing Shareholder and one of the firm's founders, is a tenacious and passionate consumer litigator who has for more than 24 years help secure over \$300 million dollars in verdicts and settlements on behalf of more than 8,000 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. He has also appeared on various news programs to discuss trending consumer issues and recently published an article in The Legal Intelligencer, "*Your clients' consumer rights legal issues may be hiding in plain sight*".

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

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 2020 (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

COMMITTEE APPOINTMENTS AND POSITIONS

Mark is a certified arbitration panelist with the Federal Arbitration Panel and serves on the Editorial Board of the Consumer Financial Services Law Report. Additionally, he 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 firm shareholder resident in Philadelphia. A seasoned litigator, John has represented thousands of consumers in individual cases and class actions. He currently represents persons defamed and otherwise harmed by credit and background screening errors, victims of identity theft, individuals harassed and deceived by collectors and other businesses, as well as consumers who are subjected to unwelcome invasions of their privacy, fraud, overcharging, and other deceptive or unfair 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 Old City Philadelphia with his wife and 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 recent cases is set forth below:

False Terrorist Alerts on Credit Reports

- *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 “terrorist” alerts appearing on the credit reports of innocent American consumers) (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) 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)).

Unlawful College Charges and Student Loans

- *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);
- *Weiman v. Miami Univ.*, Case Nos. 2020-00614JD, 2020-00644JD (OH Ct. of Claims, Dec. 13, 2021) (certifying class of students seeking Covid-19 related refunds from university following campus shutdown due to pandemic) and *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).

Negligent Recalls of Defective Products

- *Dukich v. IKEA US Retail LLC*, No. 20-2182, 2021 WL 1534520 (E.D. Pa. Apr. 19, 2021) (recognizing negligent recall theory in class case involving the recall of tens of millions of defective dressers which can tip over and injure or kill small children).

Credit Reporting Errors and Problems

- *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).

Tenant and Employment Screening Violations

- *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);
- *Kelly v. Business Information Group*, No. 15-6668, 2019 WL 414915 (E.D. Pa. Feb. 1, 2019) (as part of approval of multi-million-dollar class settlement requiring employment background

screeners 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);
- *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).

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:

- *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);
- *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);
- *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 cannot be reported to the credit agencies after seven-and-a-half years);
- *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);
- *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);
- *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);
- *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 FCRA over information in specialty Accurant 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 one of largest consumer class action settlements with LexisNexis);
- *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 *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).

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 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 and the District of New Mexico, as well as the state courts of Pennsylvania and New Jersey.

Geoffrey is an active member of his community and volunteers his time by serving on his local Historic Preservation Commission. He is also an avid amateur photographer.

LAUREN KW BRENNAN

LAUREN KW BRENNAN joined Francis Mailman Soumilas in 2013 and 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 is a 2008 graduate of Swarthmore College and received her J.D. *cum laude* from Temple University's Beasley School of Law in 2013. She is a member of the National Association of Consumer Advocates (NACA) and is a regular speaker for NACA and the National Consumer Law Center (NCLC).

ADMISSIONS

Lauren is admitted to practice in the state courts of Pennsylvania and New Jersey, as well as before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. She is also admitted to practice before the United States Courts of Appeals for the Third, Seventh, Ninth, and Eleventh Circuits and before the United States Supreme Court.

CLASS COUNSEL CERTIFICATIONS

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)
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)

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.

A *summa cum laude* graduate of the DePaul University College of Law in Chicago and 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 children where he is a member of the DuPage County Bar Association (“DCBA”). Jordan has served on the Editorial Board of the DCBA’s legal journal, *The Brief*, since 2014, including as its Editor in Chief (‘21 to ‘22) and Associate Editor (‘20 to ‘21). 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

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.

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 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



Fox Rothschild LLP
ATTORNEYS AT LAW

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October 18, 2022

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 August 19, 2020, 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 August 2020 opinion, are within market rates and whether any adjustment is warranted. You have also asked me to consider rates for other jurisdictions where the Firm now has offices: New York, Chicago, and San Francisco. This serves as a supplement to that 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 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.



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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-seven 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 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

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



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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 seventeen 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.

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. 49th Annual Survey of Law Firm Economics (2021 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. Consumer Price Index, 2022.



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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-four 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 60 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 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 its finding only a portion of the certified class had Article III jurisdiction. The Firm achieved a \$9 million dollar settlement which is currently scheduled for final approval in the Northern District of California on December 15th, 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.



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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 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. Acxiom 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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Finally, 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. Since my last opinion, the Firm has been certified as class counsel in the following matters²:

- *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)
- *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:

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



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(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 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. They also presented at the 2014, 2015, and 2016 Consumer Rights Litigation Conference, National Consumer Law Center.

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. 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 <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.



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Mark Mailman, also a founding partner, 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".

John Soumilas 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.

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 and comparable local areas.

The hourly rates of lawyers listed in the Updated Laffey Matrix was a source I consulted.³ For the period of June 2021 through May 2022, the hourly billing rates identified were: (i) \$919 for an attorney with twenty or more years of experience; (ii) \$764 for an attorney with eleven to nineteen years of experience; (iii) \$676 for an attorney with eight to ten years of experience; (iv) \$468 for an attorney with four to seven years of experience; (v) \$381 for an attorney with one to three years of experience; and (vi) \$208 for a paralegal or law clerk. These numbers reflect an increase of approximately 9% from the 2017 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

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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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 7.9% from February 2021 – February 2022 and then increased 8.5% from July 2021 – July 2022.

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 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



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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 Number 8 ["The expertise, 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	Philadelphia Hourly Billing Rate	New York Hourly Billing Rate	Date of Admission
James A. Francis	\$665	\$831.25	1995
Mark D. Mailman	\$665	\$831.25	1995
David A. Searles	\$800	\$1000	1975
Geoffrey H. Baskerville	\$575	\$718.75	1992
John Soumilas	\$635	\$793.75	1999
Lauren KW Brennan	\$255	\$318.75	2013
Jordan M. Sartell	\$255	\$318.75	2012
Joseph Gentilcore	\$305	\$381.25	2011
Siobhan McGreal	\$305	\$381.25	2008
Experienced paralegal	\$180		
Inexperienced paralegal	\$150		



Fox Rothschild LLP
ATTORNEYS AT LAW

James A. Francis, Esquire
October 18, 2022
Page 11

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 August 19, 2020. The additional experience and years practiced by the Firm's attorneys, the increase in legal fees and the dramatic 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 and San Francisco 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)
James A. Francis	\$785 - \$825	\$1045 - \$1085	\$900 - \$945	\$865 - \$905
Mark D. Mailman	\$785 - \$825	\$1045 - \$1085	\$900 - \$945	\$865 - \$905
David A. Searles	\$815 - \$855	\$1135 - \$1175	\$975 - \$1015	\$895 - \$935
Geoffrey H. Baskerville	\$655 - \$695	\$915 - \$955	\$785 - \$825	\$720 - \$760
John Soumilas	\$695 - \$735	\$975 - \$1015	\$835 - \$875	\$765 - \$805
Lauren KW Brennan	\$385 - \$425	\$565 - \$605	\$460 - \$500	\$425 - \$465
Jordan Sartell	\$385 - \$425	\$565 - \$605	\$460 - \$500	\$425 - \$465
Joseph Gentilcore	\$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	\$425 - \$465	\$595 - \$635	\$520 - \$560	\$490 - \$530
Experienced paralegal	\$305	\$305	\$305	\$305
Inexperienced paralegal	\$265	\$265	\$265	\$265



Fox Rothschild LLP
ATTORNEYS AT LAW

James A. Francis, Esquire
October 18, 2022
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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 \$995. I have been assisted in preparing this opinion by my partner, Beth Weisser, whose hourly rate is \$625.00. We spent approximately \$6,000.00 in preparing this opinion.

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', written over the typed name.

Abraham C. Reich

ACR:cah

ABRAHAM C. REICH

2000 Market Street | 20th Floor | Philadelphia, PA 19103-3291
(215) 299-2090 | Fax: (215) 299-2150 | Email: areich@foxrothschild.com

PROFESSIONAL ASSOCIATION

FOX ROTHSCHILD LLP

- Chair Emeritus, Fox Rothschild LLP (April 2017 to Present)
- Co-Chairman, Fox Rothschild LLP (April 2005 to March, 2017)
- 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; 2018-2020)
- 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 2007-2022
- 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

- 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 1981
- *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

Timekeeper	
Sum of Hours	
Caddell, Michael	26.8
Chapman, Cynthia	16.7
Kersh, Kathy	1.8
Tabor, Amy	37.8
Sum of Lodestar	
Caddell, Michael	\$28,810.00
Chapman, Cynthia	\$14,195.00
Kersh, Kathy	\$585.00
Tabor, Amy	\$28,350.00
Total Sum of Hours	83.1
Total Sum of Lodestar	\$71,940.00

EXHIBIT D

Francis Mailman Soumilas, P.C.
Expenses in *McIntyre v. RealPage, Inc.*

	Date	Vendor	Memo/Description	Amount
Court Transcripts	03/17/2020	Neal R. Gross & Co., Inc.	Transcript of November 18, 2019 status conference	239.60
	07/02/2020	Ann Marie Mitchell	Transcript of June 4, 2020 oral argument on motion for class certification and record status conference	313.90
	01/14/2022	Neal R. Gross & Co., Inc.	Transcript of March 16, 2022 oral argument	192.00
	04/01/2022	Neal R. Gross & Co., Inc.	Transcript of March 31, 2022 hearing on motion to compel	208.00
	04/05/2022	Neal R. Gross & Co., Inc.	refund	-70.40
	04/05/2022	Neal R. Gross & Co., Inc.	refund	-96.00
	04/12/2022	Neal R. Gross & Co., Inc.	Transcript of April 12, 2022 case management conference	128.00
Subtotal				\$ 915.10
Deposition Transcripts	07/15/2020	Summit Court Reporting	Transcript of deposition of Matthew Davis	1,469.02
	09/09/2020	Veritext	Transcript of deposition of Patricia McIntyre	1,299.94
	11/24/2020	Summit Court Reporting	Transcript of deposition of Manjit Sohal	2,201.15
	11/24/2020	Summit Court Reporting	Transcript of deposition of Nancy Crouch Morlini	1,803.35
	01/28/2021	Veritext	Transcript of deposition of Nancy Bullock	775.25
	02/04/2021	Veritext	Transcript of deposition of Anne U. Gordon	532.57
	02/19/2021	Veritext	Transcript of deposition of Sherrie Lewis	528.60
	03/12/2021	Veritext	Transcript of deposition of R. Javoyne Hicks	496.50
	04/06/2021	Veritext	Transcript of deposition of Scott Davis	565.10
	03/16/2022	Veritext	Transcript of deposition of Thomas Charles Maduzia	448.65
	03/16/2022	Veritext	Transcript of deposition of Brian Lennen	980.30
	03/16/2022	Veritext	Transcript of deposition of Sabrina Bower	1,109.80
	03/23/2022	Veritext	Transcript of deposition of Michael Williams	2,325.70
	03/23/2022	Veritext	Transcript of deposition of Robin Grzadzielewski	823.55
	03/23/2022	Veritext	Transcripts of depositions of Andrea Doran; Bernie Halfpenny	1,073.05
	04/08/2022	Veritext	Transcript of deposition of Noreen Cassidy-Eastwick	725.22
	07/15/2022	Summit Court Reporting	Transcript of deposition of Manjit Sohal	496.45
	08/17/2022	Summit Court Reporting	Transcripts of depositions of Michael Mauseh; Manjit Sohal	1,936.45
	08/17/2022	Summit Court Reporting	Transcript of deposition of Nancy Crouch Morlini	837.00
	09/26/2022	Veritext	Transcript of deposition of Andrew Wildner	1,032.61
Subtotal				\$ 21,460.26

	Date	Vendor	Memo/Description	Amount
Expert Witnesses	02/18/2022	Andrew Scherer, Esq.	Merits Expert Witness Retainer	8,500.00
	07/07/2022	Andrew Scherer, Esq.	Merits Expert Witness Report	18,275.00
	11/03/2022	Privacy Times (Evan D. Hendricks)	Rule 23 Expert Witness Report	7,200.00
Subtotal				\$ 33,975.00
Filing Fees	09/12/2018	COURTS/USDC-PA-E-PG	Complaint	400.00
	08/26/2019	COURTS/USDC-PA-E-PG	Jordan Sartell Pro Hac Vice	40.00
Subtotal				\$ 440.00
Hand Delivery	07/01/2020	One Hour Messenger	delivery of motion for class certification materials to John Soumilas	11.25
	11/04/2020	One Hour Messenger	delivery of respondent's opposition to Rule 23(f) petition to courthouse	50.87
Subtotal				\$ 62.12
Outside Copying	04/13/2020	Reliable	printing motion for class certification	62.82
	07/21/2020	Reliable	printing briefing on motion for class certification	112.37
	11/19/2020	Reliable	printing respondent's opposition to Rule 23(f) petition	16.80
	11/19/2020	Reliable	printing respondent's opposition to Rule 23(f) petition	27.00
	12/21/2020	Reliable	printing respondent's opposition to Rule 23(f) petition	45.93
	04/22/2021	Digital Dog Direct	mail to potential fact witnesses	825.00
	04/22/2021	US Postal Service	mail to potential fact witnesses	260.10
	05/04/2021	Digital Dog Direct	mail to potential fact witnesses	0.54
	08/15/2022	Reliable	printing/shipping materials to expert Andrew Scherer	432.22
Subtotal				\$ 1,782.78

	Date	Vendor	Memo/Description	Amount
Records	10/09/2018	Texas Secretary of State	electronic corporate records re Defendant	1.03
	01/12/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/12/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	4.75
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	4.75
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	4.75
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	1.00
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	4.75
	01/13/2021	Los Angeles Superior Court	electronic court records re 3d party deposition of Romulo Reyes	4.75
	10/10/2022	PACER	electronic court records	46.40
	Subtotal			\$ 81.18
	Service	11/01/2018	Dennis Richman's Services	Service of summons and complaint upon Defendant
07/14/2020		Dennis Richman's Services	Service of subpoena upon LexisNexis Risk Data Retrieval Services, LLC	120.00
07/14/2020		Dennis Richman's Services	Service of subpoena upon American Information Research Services (AIRS)	120.00
07/24/2020		Dennis Richman's Services	Service of subpoena upon Convergence Research, Inc.	190.00
02/09/2021		Dennis Richman's Services	Service of subpoena upon Metropolitan Management Corporation	80.00
02/09/2021		Dennis Richman's Services	Service of subpoena upon Metropolitan Management Corporation	25.00
02/09/2021		Dennis Richman's Services	Service of subpoena upon Robin Grzadziewski	25.00
04/20/2022		Dennis Richman's Services	Service of subpoena upon LexisNexis Risk Data Retrieval Services LLC	145.00
04/20/2022		Dennis Richman's Services	Service of subpoena upon Metropolitan Management Corporation	135.00
05/18/2022		Dennis Richman's Services	Service of subpoena upon Robin Grzadziewski	28.00
05/18/2022		Dennis Richman's Services	Service of subpoena upon Metropolitan Management Corporation	28.00
05/18/2022		Dennis Richman's Services	Service of subpoena upon Metropolitan Management Corporation	104.00
Subtotal				\$ 1,120.00

	Date	Vendor	Memo/Description	Amount
eDiscovery Serivces/ Hosting	02/09/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	18.27
	03/09/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	18.27
	04/08/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	18.37
	05/10/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	13.55
	08/08/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	12.72
	09/11/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	17.08
	10/12/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	13.95
	01/14/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	19.42
	01/14/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	21.35
	02/14/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	17.00
	02/15/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	12.74
	04/11/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	15.38
	05/06/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	13.54
	06/06/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	13.54
	06/09/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	13.17
	07/12/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	12.98
	08/10/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	12.71
	09/09/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	12.96
	06/08/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	13.54
	07/09/2021	Lexbe, Inc.	monthly eDiscovery hosting charges	13.05
11/11/2022	Lexbe, Inc.	monthly eDiscovery hosting charges	14.85	
Subtotal				\$ 318.44
Grand Total for Expenses				\$60,154.88

EXHIBIT E

Case	Sum of Amount
RealPage-McIntyre - R34.194	\$3,158.34
2746-Expert Witness adv	\$1,732.50
2760-Reproduction	\$82.60
2765-Research Materials	\$1,339.49
2780-Telephone/Facsimile	\$3.75
Grand Total	\$3,158.34

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

PATRICIA MCINTYRE,

Plaintiff,

v.

REALPAGE, INC.,

Defendant.

Case No. 2:18-cv-03934

**DECLARATION OF FRANK BARKAN
IN CONNECTION WITH NOTICE DISSEMINATION**

Frank Barkan, pursuant to 28 U. S. C. § 1746, hereby declares and states as follows:

1. I am member of Continental DataLogix LLC (“Continental”), which was appointed to aid in giving notice to potential Class Members and I was responsible for overseeing the dissemination of notices to members of the Class.

2. Pursuant to the Order dated December 16, 2022, which granted the Plaintiff’s Unopposed Motion for Notice to the Settlement Class, Continental was appointed as the Settlement Administrator in this case.

3. Continental was provided with data containing names and addresses for 11,823 Class Members.

CAFA Notice

4. On December 2, 2022, pursuant to 28 U.S.C. §1715, at the direction of counsel for the Defendant RealPage, Inc., Continental caused Notice of this Settlement and related materials (“CAFA Notice”) to be sent to the Attorneys General of 56 states and territories, as well as the Attorney General of the United States.

Mailing of the Notice

5. In preparation for the notice mailing, Continental processed the mailing addresses through the search firm LexisNexis in an effort to locate updated addresses. This process resulted in 11,101 updated addresses. In addition, the addresses were also run through the United States Postal Service's ("USPS") National Change of Address ("NCOA") database. The NCOA process provided updated addresses for Class Members who have submitted a change of address with the USPS in the last 48 months, and the process also standardized the addresses for mailing. Continental then prepared a mail file of Class Members that were to receive the notices via First Class Mail.

6. Continental coordinated the mailing of the Notice ("Exhibit A") on January 6, 2023 to 11,823 Class Members.

Emailing of the Notice

7. Of the 11,823 names that appeared on the mailing list, valid email addresses were provided for 10,753 Class members. Continental arranged for the transmission of the Email Notice ("Exhibit B") to 10,753 Class Members via email on January 6, 2023.

Mailed Notice Undeliverables

8. As of the close of business on February 2, 2023, Continental received 1,080 Notices returned by the USPS as undeliverable with no forwarding address, which have been processed and their addresses were sent to Accurint, a LexisNexis search service, in an attempt to locate an updated mailing address. Notices were re-mailed to 706 records with updated addresses.

9. As of the close of business on February 2, 2023, Continental received 6 Notices returned by the USPS as undeliverable with a forwarding address and they were promptly re-mailed.

Email Notice Undeliverables

10. Continental continuously monitored the delivery status of all email Notices to identify those that were returned undeliverable. As of February 2, 2023, of the 10,753 emails sent, 519 were identified as undeliverable.

Notice Summary

11. In summary, the total number of Class Members who are presumed to have successfully received Notice is as follows:

Total Original Mailing List:	<u>11,823</u>	
<u>Mail Notice Only (No Email):</u>		
Mailing:	1,070	
Less: Undeliverable:	(42)	
Total presumed delivered:	1,028	
<u>E-mail Notice Only (No Mail):</u>	0	
<u>Mail Notice and E-mail Notice:</u>		
Mailing/Emailing:	10,753	
Less: Undeliverable:	(21)	
Total presumed delivered:	<u>10,732</u>	
<u>Total Class Members:</u>	<u>11,760</u>	99.5%

Website

12. An informational website (<https://www.McIntyreClassAction.com>) was created and made available on January 1, 2023. The website provides Class Members with the ability to send email inquiries and contains the following:

- Plaintiff's Class Action Complaint
- Settlement Agreement
- Preliminary Approval Order
- [Proposed] Consent Injunctive Relief Order
- Notice
- Notice (En Español)
- Contact Information for the Settlement Administrator and Class Counsel
- Important Dates

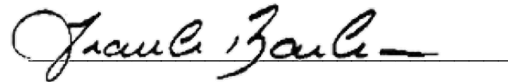
Exclusion and Objection Requests

13. The postmark deadline for requesting exclusion from the Class or filing a written notice of objection is February 18, 2023.

14. As of the close of business on February 2, 2023, Continental has received 1 exclusion request. Pursuant to Section 4.3.4.2 of the Settlement Agreement, prior to the Final Approval Hearing, a listing of all valid opt-outs will be provided with the required declaration verifying that notice has been provided to the Class.

15. As of the close of business on February 2, 2023, Continental has not received any objections to the Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 3rd day of February 2023.

A handwritten signature in cursive script, appearing to read "Frank Barkan", is written over a horizontal line.

Frank Barkan

EXHIBIT A

A proposed class action settlement may affect your rights.

A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

- There is a proposed settlement in a class action lawsuit entitled *Patricia McIntyre v. RealPage, Inc., d/b/a On-Site*, No. 2:18-CV-03934, which claims that RealPage, Inc. and/or RP On-Site LLC (collectively, “RealPage”) violated the Fair Credit Reporting Act (“FCRA”).
- The plaintiff alleges claims on behalf of a certified class (the “Class”) asserting that RealPage willfully violated the FCRA by failing to report up-to-date information pertaining to the disposition of certain eviction cases. RealPage denies plaintiff’s allegations, and it denies that RealPage is liable to plaintiff or any of the class members.
- If you do not opt-out of the proposed settlement, then you will receive a cash payment. Whether you act or not, your legal rights are affected by the proposed settlement. Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this notice carefully in its entirety.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT		
Your Rights and Options	What to Do	Deadlines to Do It
Object to the settlement	Write to the Court about why you do not like the proposed settlement; for more information regarding objecting, please read Section 9 below.	Postmarked on or before February 18, 2023
Opt-out of the settlement	Write to the Settlement Administrator stating that you do not wish to participate in the proposed settlement. If you validly opt-out, you will not receive any monetary payments from the settlement.	Postmarked on or before February 18, 2023
Do Nothing	You are not required to take any action to receive the benefits of the proposed settlement. If the proposed settlement is finally approved and you do not opt-out, then you will receive payment and be bound by the Court’s final judgment and the release of claims in the Settlement Agreement.	None

1. Does this Notice apply to me?

If, from September 12, 2016 to February 28, 2022, you were the subject of a tenant screening report sold by RealPage that contained information about an eviction proceeding, but which failed to state that the eviction proceeding had been withdrawn, dismissed, vacated, satisfied or otherwise resulted in a favorable disposition or had no judicial finding against you, as that eviction proceeding is reflected in court records publicly available at the time of the report, then you are included in this settlement as a “Class Member.” Records from RealPage reflect that you are a Class Member.

This notice informs you about the proposed settlement and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to finally approve the proposed settlement. The proposed settlement will be only finally approved after any objections or appeals are resolved. If the proposed settlement is finally approved, then you will benefit from the relief provided by the proposed settlement. If the proposed settlement is final approved, then you will also be bound by the release and other provisions of the proposed settlement. This notice is only a summary of the proposed settlement. More details about the proposed settlement are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.McIntyreClassAction.com.

2. What is this lawsuit about?

The class action lawsuit is known as *Patricia McIntyre v. RealPage, Inc., d/b/a On-Site*, Case No. 2:18-CV-03934, and is pending in the United States District Court for the Eastern District of Pennsylvania, with Judge Chad Kenney presiding. The individual who sued is called the Plaintiff; the company that she sued is called the Defendant. The Plaintiff is Patricia McIntyre. The Defendant is RealPage, Inc. d/b/a On-Site.

The lawsuit alleges that RealPage willfully violated the FCRA by failing to report up-to-date information pertaining to the disposition of certain eviction cases. RealPage denies plaintiff’s allegations and denies that RealPage is liable to plaintiff or any of the class members. RealPage has asserted many defenses, including that it followed reasonable procedures in obtaining and reporting eviction information. The Court has not decided whether either side is right or wrong. Instead, both sides agreed to the settlement to resolve the case and provide benefits to the class.

3. How do I know if I am part of the proposed settlement?

The Court previously decided that everyone who fits the following description is a Class Member:

For the period beginning two (2) years prior to the filing of the Class Action Complaint and continuing through February 28, 2022, all natural persons with an address in the United States and its Territories who were (a) the subject of a tenant screening report prepared by Defendant that (b) contained information about an eviction proceeding, but which (c) failed to state that the eviction proceeding had been withdrawn, dismissed, vacated, satisfied or otherwise resulted in a favorable disposition or had no judicial finding against the consumer who was the subject of a tenant screening report, as that eviction proceeding is reflected in court records publicly available at the time of Defendant’s tenant screening report (the “Class”).

Because you have received this notice, you have been identified as a Class Member based on the business records maintained by RealPage.

4. What benefits does the proposed settlement provide?

The proposed settlement benefits include both monetary and injunctive relief. An injunction occurs when a court orders a person to do or not to do something. In particular, the settlement provides for the following benefits.

The proposed settlement establishes a settlement fund (the “Settlement Fund”) for payments to Class Members. The Settlement Fund will contain \$6,350,000.00 and, net of any award of attorneys’ fees and costs, costs of notice and administration, and service award, shall be automatically divided between all Class Members. Your estimated payment will be at least \$300.00. The proposed settlement also provides that RealPage will agree to make the certain changes to its practices, which are described in the “Consent Injunctive Relief Order” available on the settlement website.

No class members will have to pay or buy anything to benefit from the relief provided by the settlement.

5. How does the proposed settlement affect my rights?

In general terms, if the proposed settlement is finally approved by the Court, then you will be giving up the right to file a lawsuit against RealPage, Inc. or its related companies (including RP On-Site LLC) for certain claims regarding the reporting of up-to-date information pertaining to the disposition of certain eviction cases. Specifically, you will be giving up the right to bring any claims resulting from, arising out of, or regarding the accuracy of certain eviction cases disposition information, in tenant screening reports published by RealPage during the class period. You will be giving up all such claims whether or not you know about them.

The precise terms of the dismissal and release are explained in the full Settlement Agreement, which you can view on the settlement website, www.McIntyreClassAction.com.

The Court’s order will apply to you even if you object to the settlement or have any other claim, lawsuit, or proceeding pending against RealPage. If you have any questions about the release, then you should visit www.McIntyreClassAction.com for more information or consult with a lawyer. See Section 7 below for more information regarding your options in seeking legal advice concerning the settlement.

6. Can I choose not to be in the proposed settlement?

Yes. You have the opportunity to “opt-out” of the proposed settlement by submitting a written request for exclusion to McIntyre v. RealPage, Inc., c/o Settlement Administrator at P.O. Box 16, West Point, Pennsylvania 19486, postmarked no later than February 18, 2023. To be valid, a request for exclusion must be personally signed and must include: (i) your name, address and telephone number; (ii) and a statement substantially to the effect that: “I request to be excluded from the Class in *Patricia McIntyre v. RealPage, Inc., d/b/a On-Site*, No. 2:18-CV-03934, United States District Court, Eastern District of Pennsylvania.” Notwithstanding the foregoing, no person within the Class may submit a request for exclusion for any other person in the Class.

If you timely submit a valid request for exclusion, then you will exclude yourself from the Class and will not be bound by further orders or judgments in the Litigation, subject to Court approval. You will preserve your ability to independently pursue, at your own expense, any individual, non-class, non-representative claims that you claim to have against RealPage. No person who has opted out of the settlement may object to any part of the settlement or its proposed approval.

Additionally, because the settlement is being reached as a compromise to resolve this litigation, including before a final determination of the merits of any issue in this case, if you exclude yourself from the class, you will not be able to invoke the doctrines of *res judicata*, collateral estoppel, or any state law equivalents to those doctrines in connection with any further litigation against RealPage in connection with the claims being settled. Please consult legal counsel for further clarification in this regard, as needed.

7. Do I have a lawyer in this case?

Yes. The Court approved the following individuals to represent you and the other Class Members: James A. Francis, John Soumilas, Lauren KW Brennan, and Jordan M. Sartell of Francis Mailman Soumilas, P.C. at 1600 Market Street, Suite 2510, Philadelphia, Pennsylvania 19103. They can be reached by telephone at (877) 735-8600.

The Court has appointed these lawyers as “Class Counsel.” You will not be charged for these lawyers.

You may hire your own attorney, if you so choose, but you will be personally responsible for your attorney’s fees and expenses.

8. How will the lawyers be paid? What will the Named Plaintiff receive?

The attorneys representing the Class have handled this case on a contingency basis. To date, they have not been paid anything for their work. Class Counsel will request that the Court award attorneys’ fees and expenses for the time and effort they have spent on this case.

The amount requested by Class Counsel will be \$2,116,666.67. Class Counsel will also request a service award for the Named Plaintiff of \$10,000.00.

Any approved amount of attorneys’ fees and expenses or Named Plaintiff service awards will be paid from the settlement fund, and no Class Member will owe or pay anything directly for the attorneys’ fees and expenses of Class Counsel.

9. How do I tell the Court if I do not agree with the proposed settlement?

If you are a Class Member, then you can object to the proposed settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object to the settlement, you must file your objection in writing with the Clerk of Court no later than February 18, 2023. You must also provide a copy of your objection to McIntyre v. RealPage, Inc., c/o Settlement Administrator at P.O. Box 16, West Point, Pennsylvania 19486. The objection must include the following: (1) your full name, address and current telephone number; (2) the name and telephone number of your counsel, if you are represented by an attorney; (3) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (4) the identity of any witnesses you may call to testify; (5) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, if any, as well as true and correct copies of all exhibits; and (6) a statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel.

If you fail to timely file and serve a written objection, you shall not be permitted to object to the approval of the settlement and shall be foreclosed from seeking any review of the settlement or the terms of the Settlement Agreement by appeal or other means.

You will not be permitted to object to the settlement if you decide to timely exclude yourself from the settlement.

10. When and where will the Court decide whether to finally approve the proposed settlement?

The Court will hold a final approval hearing on March 20, 2023, at 8:30 a.m., before the Hon. Chad Kenney, in the United States District Court for the Eastern District of Pennsylvania in Philadelphia, Pennsylvania. At this hearing, the Court will consider whether the proposed settlement is fair, reasonable, and adequate. The Court will consider all timely and proper objections. You do not have to attend the hearing.

The Court may also decide how much to award Class Counsel and the Named Plaintiff. After the hearing, the Court will decide whether to finally approve the proposed settlement.

The Court may change the date of the final approval hearing without further notice to the Class. You should regularly check the website to check on the hearing date, the court-approval process, and the Effective Date.

11. How do I get more information?

This notice is only a summary of the proposed settlement. More details about the proposed settlement, the date when appeals are no longer allowed and the settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.McIntyreClassAction.com. The website also contains answers to common questions about the proposed settlement. In addition, some of the key documents in the case will be posted on the website. You can also write or call Class Counsel at the contact information listed above.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT'S COUNSEL.

**PLEASE DIRECT ALL INQUIRIES TO THE SETTLEMENT ADMINISTRATOR AND/OR
CLASS COUNSEL LISTED ABOVE.**

EXHIBIT B

From: [McIntyre v. RealPage Settlement Administrator](#)
To: [Class Member](#)
Subject: You could receive up to \$300 in a class action settlement - Legal Notice re: McIntyre v. RealPage
Date: Friday, January 6, 2023 9:00:00 AM

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

A proposed class action settlement may affect your rights.

A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

Your Access Code: MC-ABCD123

Your Contact Information: JOHN DOE
 1234 MAIN STREET APT 44
 PHILADELPHIA, PA 19001-1234

ID 00001

Please visit the website, www.McIntyreClassAction.com to update your contact information.

- There is a proposed settlement in a class action lawsuit entitled *Patricia McIntyre v. RealPage, Inc., d/b/a On-Site*, No. 2:18-CV-03934, which claims that RealPage, Inc. and/or RP On-Site LLC (collectively, “RealPage”) violated the Fair Credit Reporting Act (“FCRA”).
- The plaintiff alleges claims on behalf of a certified class (the “Class”) asserting that RealPage willfully violated the FCRA by failing to report up-to-date information pertaining to the disposition of certain eviction cases. RealPage denies plaintiff’s allegations, and it denies that RealPage is liable to plaintiff or any of the class members.
- If you do not opt-out of the proposed settlement, then you will receive a cash payment. Whether you act or not, your legal rights are affected by the proposed settlement. Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this notice carefully in its entirety.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT		
Your Rights and Options	What to Do	Deadline to Do It
Object to the settlement	Write to the Court about why you do not like the proposed settlement; for more information regarding objecting, please read Section 9 below.	Postmarked on or before February 18, 2023
Opt-out of the settlement	Write to the Settlement Administrator stating that you do not wish to participate in the proposed settlement. If you validly opt-out, you will not receive any monetary payments from the settlement.	Postmarked on or before February 18, 2023
Do Nothing	You are not required to take any action to receive the benefits of the proposed settlement. If the proposed settlement is	None

	finally approved and you do not opt-out, then you will receive payment and be bound by the Court's final judgment and the release of claims in the Settlement Agreement.	
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1. Does this Notice apply to me?

If, from September 12, 2016 to February 28, 2022, you were the subject of a tenant screening report sold by RealPage that contained information about an eviction proceeding, but which failed to state that the eviction proceeding had been withdrawn, dismissed, vacated, satisfied or otherwise resulted in a favorable disposition or had no judicial finding against you, as that eviction proceeding is reflected in court records publicly available at the time of the report, then you are included in this settlement as a “Class Member.” Records from RealPage reflect that you are a Class Member.

This notice informs you about the proposed settlement and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to finally approve the proposed settlement. The proposed settlement will be only finally approved after any objections or appeals are resolved. If the proposed settlement is finally approved, then you will benefit from the relief provided by the proposed settlement. If the proposed settlement is final approved, then you will also be bound by the release and other provisions of the proposed settlement. This notice is only a summary of the proposed settlement. More details about the proposed settlement are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.McIntyreClassAction.com.

2. What is this lawsuit about?

The class action lawsuit is known as *Patricia McIntyre v. RealPage, Inc., d/b/a On-Site*, Case No. 2:18-CV-03934, and is pending in the United States District Court for the Eastern District of Pennsylvania, with Judge Chad Kenney presiding. The individual who sued is called the Plaintiff; the company that she sued is called the Defendant. The Plaintiff is Patricia McIntyre. The Defendant is RealPage, Inc. d/b/a On-Site.

The lawsuit alleges that RealPage willfully violated the FCRA by failing to report up-to-date information pertaining to the disposition of certain eviction cases. RealPage denies plaintiff's allegations and denies that RealPage is liable to plaintiff or any of the class members. RealPage has asserted many defenses, including that it followed reasonable procedures in obtaining and reporting eviction information. The Court has not decided whether either side is right or wrong. Instead, both sides agreed to the settlement to resolve the case and provide benefits to the class.

3. How do I know if I am part of the proposed settlement?

The Court previously decided that everyone who fits the following description is a Class Member:

For the period beginning two (2) years prior to the filing of the Class Action Complaint and continuing through February 28, 2022, all natural persons with an address in the United States and its Territories who were (a) the subject of a tenant screening report prepared by Defendant that (b) contained information about an eviction proceeding, but which (c) failed to state that the eviction proceeding had been withdrawn, dismissed, vacated, satisfied or otherwise resulted in a favorable disposition or had no judicial finding against the consumer who was the subject of a tenant screening report, as that eviction proceeding is reflected in court records publicly available at the time of Defendant's tenant screening report (the “Class”).

Because you have received this notice, you have been identified as a Class Member based on the business records maintained by RealPage.

4. What benefits does the proposed settlement provide?

The proposed settlement benefits include both monetary and injunctive relief. An injunction occurs when a court orders a person to do or not to do something. In particular, the settlement provides for the following benefits.

The proposed settlement establishes a settlement fund (the “Settlement Fund”) for payments to Class Members. The Settlement Fund will contain \$6,350,000.00 and, net of any award of attorneys’ fees and costs, costs of notice and administration, and service award, shall be automatically divided between all Class Members. Your estimated payment will be at least \$300.00. The proposed settlement also provides that RealPage will agree to make the certain changes to its practices, which are described in the “Consent Injunctive Relief Order” available on the settlement website.

No class members will have to pay or buy anything to benefit from the relief provided by the settlement.

5. How does the proposed settlement affect my rights?

In general terms, if the proposed settlement is finally approved by the Court, then you will be giving up the right to file a lawsuit against RealPage, Inc. or its related companies (including RP On-Site LLC) for certain claims regarding the reporting of up-to-date information pertaining to the disposition of certain eviction cases. Specifically, you will be giving up the right to bring any claims resulting from, arising out of, or regarding the accuracy of certain eviction cases disposition information, in tenant screening reports published by RealPage during the class period. You will be giving up all such claims whether or not you know about them.

The precise terms of the dismissal and release are explained in the full Settlement Agreement, which you can view on the settlement website, www.McIntyreClassAction.com.

The Court’s order will apply to you even if you object to the settlement or have any other claim, lawsuit, or proceeding pending against RealPage. If you have any questions about the release, then you should visit www.McIntyreClassAction.com for more information or consult with a lawyer. See Section 7 below for more information regarding your options in seeking legal advice concerning the settlement.

6. Can I choose not to be in the proposed settlement?

Yes. You have the opportunity to “opt-out” of the proposed settlement by submitting a written request for exclusion to McIntyre v. RealPage, Inc., c/o Settlement Administrator at P.O. Box 16, West Point, Pennsylvania 19486, postmarked no later than February 18, 2023. To be valid, a request for exclusion must be personally signed and must include: (i) your name, address and telephone number; (ii) and a statement substantially to the effect that: “I request to be excluded from the Class in *Patricia McIntyre v. RealPage, Inc., d/b/a On-Site*, No. 2:18-CV-03934, United States District Court, Eastern District of Pennsylvania.” Notwithstanding the foregoing, no person within the Class may submit a request for exclusion for any other person in the Class.

If you timely submit a valid request for exclusion, then you will exclude yourself from the Class and will not be bound by further orders or judgments in the Litigation, subject to Court approval. You will preserve your ability to independently pursue, at your own expense, any individual, non-class, non-representative claims that you claim to have against RealPage. No person who has opted out of the settlement may object to any part of the settlement or its proposed approval.

Additionally, because the settlement is being reached as a compromise to resolve this litigation, including before a final determination of the merits of any issue in this case, if you exclude yourself from the class, you will not be able to invoke the doctrines of *res judicata*, collateral estoppel, or any state law equivalents to those doctrines in connection with any further litigation against RealPage in connection with the claims being settled. Please consult legal counsel for further clarification in this regard, as needed.

7. Do I have a lawyer in this case?

Yes. The Court approved the following individuals to represent you and the other Class Members: James A. Francis, John Soumilas, Lauren KW Brennan, and Jordan M. Sartell of Francis Mailman Soumilas, P.C. at 1600 Market Street, Suite 2510, Philadelphia, Pennsylvania 19103. They can be reached by telephone at (877) 735 8600.

The Court has appointed these lawyers as “Class Counsel.” You will not be charged for these lawyers.

You may hire your own attorney, if you so choose, but you will be personally responsible for your attorney’s fees and expenses.

8. How will the lawyers be paid? What will the Named Plaintiff receive?

The attorneys representing the Class have handled this case on a contingency basis. To date, they have not been paid anything for their work. Class Counsel will request that the Court award attorneys’ fees and expenses for the time and effort they have spent on this case.

The amount requested by Class Counsel will be \$2,116,666.67. Class Counsel will also request a service award for the Named Plaintiff of \$10,000.00.

Any approved amount of attorneys’ fees and expenses or Named Plaintiff service awards will be paid from the settlement fund, and no Class Member will owe or pay anything directly for the attorneys’ fees and expenses of Class Counsel.

9. How do I tell the Court if I do not agree with the proposed settlement?

If you are a Class Member, then you can object to the proposed settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object to the settlement, you must file your objection in writing with the Clerk of Court no later than February 18, 2023. You must also provide a copy of your objection to McIntyre v. RealPage, Inc., c/o Settlement Administrator at P.O. Box 16, West Point, Pennsylvania 19486. The objection must include the following: (1) your full name, address and current telephone number; (2) the name and telephone number of your counsel, if you are represented by an attorney; (3) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (4) the identity of any witnesses you may call to testify; (5) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, if any, as well as true and correct copies of all exhibits; and (6) a statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel.

If you fail to timely file and serve a written objection, you shall not be permitted to object to the approval of the settlement and shall be foreclosed from seeking any review of the settlement or the terms of the Settlement Agreement by appeal or other means.

You will not be permitted to object to the settlement if you decide to timely exclude yourself from the settlement.

10. When and where will the Court decide whether to finally approve the proposed settlement?

The Court will hold a final approval hearing on March 20, 2023, at 8:30 a.m., before the Hon. Chad Kenney, in the United States District Court for the Eastern District of Pennsylvania in Philadelphia, Pennsylvania. At this hearing, the Court will consider whether the proposed settlement is fair, reasonable, and adequate. The Court will consider all timely and proper objections. You do not have to attend the hearing.

The Court may also decide how much to award Class Counsel and the Named Plaintiff. After the hearing, the Court will decide whether to finally approve the proposed settlement.

The Court may change the date of the final approval hearing without further notice to the Class. You should regularly check the website to check on the hearing date, the court-approval process, and the Effective Date.

11. How do I get more information?

This notice is only a summary of the proposed settlement. More details about the proposed settlement, the date when appeals are no longer allowed and the settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.McIntyreClassAction.com. The website also contains answers to common questions about the proposed settlement. In addition, some of the key documents in the case will be posted on the website. You can also write or call Class Counsel at the contact information listed above.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT'S COUNSEL.

PLEASE DIRECT ALL INQUIRIES TO THE SETTLEMENT ADMINISTRATOR AND/OR CLASS COUNSEL LISTED ABOVE.

Questions -- call toll-free (877) 735-8600 or visit www.McIntyreClassAction.com
Para una notificación en Español, llamar o visitar nuestro sitio web

Click [here](#) to unsubscribe from future emails regarding *McIntyre v. RealPage, Inc.*

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

PATRICIA MCINTYRE, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

REALPAGE, INC., d/b/a On-Site,

Defendant.

Civil Action No. 2:18-CV-03934-CFK

**[PROPOSED] ORDER FOR A SERVICE
AWARD TO PLAINTIFF AND FOR AN
AWARD OF ATTORNEYS' FEES, AND
REIMBURSEMENT OF EXPENSES TO
CLASS COUNSEL**

Following a hearing held on March 20, 2023 considering Plaintiff and Class Representative Patricia McIntyre's unopposed Motion for a Service Award to Plaintiff and for an Award of Attorneys' Fees, and Reimbursement of Expenses to Class Counsel, it is therefore
HEREBY ORDERED:

- A. Class Representative McIntyre's Service Award of \$10,000 is approved;
- B. Class Counsel's request for attorneys' fees for their representation of the Settlement Class, of \$2,116,667.67, which includes reimbursement of litigation expenses, is approved; and
- C. Defendant shall pay the above sums in accordance with the terms of the parties' Settlement Agreement.

Dated: _____

BY THE COURT:

HON. CHAD F. KENNEY
United States District Judge