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IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**BONNIE MAGALLON, on behalf of
herself and all others similarly situated,**

Plaintiff,

v.

**ROBERT HALF INTERNATIONAL,
INC., a foreign corporation,**

Defendant.

Civil No. 6:13-cv-01478-SI

**PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEYS' FEES,
COSTS, AND LITIGATION
EXPENSES**

LOCAL RULE 7-1 CERTIFICATION

Plaintiff Bonnie Magallon and the Certified Class and Defendant Robert Half International, Inc. (the Parties), through the Settlement preliminarily approved by the Court on December 11, 2024, anticipated the filing of this motion for an award of attorneys' fees and litigation costs and expenses and set forth specific procedures for a good faith effort to resolve any dispute concerning such an award. ECF 298-1 at ¶ 48, 101-107. Pursuant to the terms of the Settlement Agreement, the Parties met via Zoom on December 17, 2024 with Judge Henry Kantor in an effort to reach an agreement, but were unable to do so. Plaintiff now therefore files this motion, consistent with the Settlement Agreement. ECF 298-1 at ¶ 104.

MOTION

Plaintiff Bonnie Magallon hereby moves for an order awarding Class Counsel in this matter their reasonable attorneys' fees, costs, and litigation expenses pursuant to 15 U.S.C. §§ 1681n & 1681o, Fed. R. Civ. P. 23(h), and the Parties' Settlement Agreement (ECF 298-1).

Dated: January 24, 2025

Respectfully submitted,

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LOCAL RULE 7-11

I. INTRODUCTION

After more than a decade of litigation, Class Counsel seek to recover their attorney's fees, costs, and litigation expenses in this consumer protection case brought under the Fair Credit Reporting Act (FCRA), a fee-shifting statute, which was resolved via settlement on October 10, 2024. This Court granted preliminary approval of the Settlement Agreement on December 11, 2024. ECF 304. In the Settlement Agreement (ECF 298-1), Defendant Robert Half International, Inc.¹ has agreed to pay Class Counsel's reasonable attorneys' fees, costs and expenses on a lodestar basis, as awarded by the Court pursuant to 15 U.S.C. §§ 1681n & 1681o. ECF 298-1 at ¶ 46. Consistent with the terms of the settlement, the Parties have attempted to reach agreement concerning the appropriate amount of fees, costs and expenses, including by participating in a mediation with the assistance of Judge Henry Kantor on December 17, 2024. The Parties were not able to reach an agreement as a result of these discussions.

Plaintiff therefore seeks a total award, encompassing fees, costs, and litigation expenses of \$4,375,719.32. The total lodestar at counsel's current hourly rates (the proper benchmark for a fee petition) is \$4,281,278.80, and counsel have expended an additional \$94,440.52 in litigation costs and expenses to prosecute this matter. As will be discussed below, counsel's request is reasonable under the circumstances here and should be approved.

Plaintiff therefore respectfully requests that the Court enter an order awarding her counsel reasonable attorneys' fees, costs, and litigation expenses.

¹ Now known as Robert Half Inc.

II. PROVISIONS OF THE SETTLEMENT FOR ESTABLISHING AN AWARD OF ATTORNEYS' FEES AND EXPENSES

The October 10, 2024 Settlement Agreement entered into by the Parties makes clear that the Settlement does not establish a common fund, and that RHI has agreed to pay Class Counsel's reasonable attorneys' fees as awarded by the Court on a lodestar basis. ECF 298-1 at ¶¶ 46, 101, 105. The Agreement furthermore sets forth a detailed process for establishing the award of attorneys' fees and litigation costs and expenses. *Id.* at ¶ 48.

First, the Settlement Agreement calls for Class Counsel to provide an outline of its proposed fee petition to RHI, including "detailed identification of Class Counsel's lodestar," including anticipated time necessary to complete the process of settlement approval and administration. *Id.* at ¶¶ 48, 101. Class Counsel provided a detailed ten (10) page summary of their lodestar to RHI's counsel on November 12, 2024, which identified the time expended by the attorneys and paralegals working on behalf of Plaintiff and the Class for twelve (12) distinct phases of the case, and each timekeeper's hourly rate. Declaration of John Soumilas ("Soumilas Decl.") at ¶ 15 and Ex. B thereto. This summary furthermore explained that the hourly rates were set based upon the 2022 Oregon State Bar Economic Survey, adjusted for inflation consistent with the local civil rules. *Id.*

Although the Settlement Agreement does not require the production of Class Counsel's complete time sheets at any stage of the fee proceedings, RHI's counsel requested production of such records on November 15, 2024. Soumilas Decl. at ¶ 16 and Ex. B thereto. Class Counsel offered to produce their complete time sheets for the purpose of evaluating the reasonableness of time billed for particular tasks if RHI agreed to do the same for the firms that have conducted those or similar tasks in defending this matter. *Id.* at ¶ 17 and Ex. B thereto. RHI did not respond to this proposal. *Id.* at ¶¶ 18-19 and Exs. B-C thereto.

The Parties proceeded to the next phase of the fee process provided for in the Settlement Agreement – a good faith attempt to address any concerns by RHI regarding Class Counsel’s fees, including a mediation with the assistance of Judge Kantor to occur by December 25, 2024 (seventy-five days after the Parties provided notice to the Court of the Settlement). ECF 298-1 at ¶ 102. The fee mediation took place on December 17, 2024, and the Parties were unable to reach an agreement. Soumilas Decl. at ¶ 20.

The Settlement Agreement required RHI to “notify Plaintiff as to whether it intends to oppose the fee petition once filed” by December 25, 2024. *Id.* at ¶ 103. RHI did not do so by December 25, or thereafter. Soumilas Decl. at ¶ 21.

Class Counsel therefore submit this fee petition for resolution by the Court. ECF 298-1 at ¶ 104. Pursuant to the Settlement Agreement, unless the Parties reach an agreement, “RHI shall pay the total amount of attorneys’ fees, costs, and expenses award by the Court” as a result of the resolution of this motion. *Id.* at ¶ 105.

III. CLASS COUNSEL’S SUPPORTING RECORDS FOR THIS FEE PETITION AND AVAILABILITY OF DETAILED TIME SHEETS

Class Counsel supports this fee petition with the declarations of counsel filed herewith, which provide substantial detail concerning the history of the litigation, the tasks conducted, how tasks and assignments were apportioned among counsel and support staff, and counsel’s timekeeping practices. Soumilas Decl. at ¶¶ 2-3, 13; Sola Decl. at ¶¶ 2-13. These declarations also explain that Class Counsel have already excluded duplicative and redundant time, time expended by law student interns spent on factual and legal research, and time expended by one partner of Francis Mailman Soumilas, P.C. *See* Soumilas Decl. at ¶ 13, 15; Sola Decl. at ¶ 13.

The declarations submitted herewith provide a detailed breakdown of the time expended by each attorney and paralegal who was involved in the litigation, identifying the timekeeper, their

hourly rate, and the amount of time expended during each of the twelve phases of the litigation set explained in detail in section IV below. Soumilas Decl. at ¶ 23; Sola Decl. at ¶ 19.² These declarations also attach supporting documentation derived from each firm's books and records concerning the litigation expenses sought in this motion. Soumilas Decl. at ¶ 32 and Ex. D thereto; Sola Decl. at ¶ 43.

Class Counsel does not submit herewith the detailed time sheets themselves because they include entries which contain information subject to work product protection and/or attorney client privilege, and which could jeopardize the interests of Plaintiff and the Class if filed publicly or revealed to RHI, particularly in the event that the Settlement does not become final. *See* 298-1 at ¶¶ 13(c), 82, 108(c)-(e), 110, 111) (Settlement only becomes effective after resolution of any appeals; return to litigation posture if Settlement is not ultimately approved). Additionally, Class Counsel does not have any basis to believe that RHI intends to oppose this fee petition based upon the contents of Class Counsel's detailed timesheets, because RHI did not accept Class Counsel's offer to exchange time sheets, and RHI did not notify Class Counsel by December 25, 2024 that it intends to oppose this fee petition as required by ¶ 103 of the Settlement Agreement.

Class Counsel estimate that review and redactions of their time sheets for privileged material would require approximately 45 additional hours to review over eleven thousand (11,000) time entries, even assuming only 15 seconds of review per entry. Soumilas Decl. at ¶ 25; Sola Decl. at ¶ 11. Class Counsel have not conducted such a review in order to avoid unnecessary additional expenditure of time in an already lengthy case.

² The same level of detail, including the same twelve phases, were set forth in the November 2024 version of the chart provided in RHI in November 2024. Soumilas Decl. at ¶ 15. Class Counsel's charts have now been updated to reflect time expended since November 12, 2024, and to reflect the further review of counsel's time records to remove duplicative and redundant time entries, and to properly estimate time going forward from January 22, 2025 through the end of the case.

To the extent the Court wishes to review these detailed time sheets, Class Counsel are prepared to provide them to the Court upon request via overnight delivery for an *in camera* review.

IV. THE HISTORY OF THE LITIGATION SUPPORTS THE REQUESTED AWARD

Class Counsel's lodestar is entirely justified in this case in light of the work and skill needed to prosecute it, the result obtained, and the history of this case, including the sustained pattern by RHI's original out-of-state counsel of forcing unnecessary motion practice, resistance to producing relevant information, and decade-long refusal to discuss settlement. As detailed below, all of the time Class Counsel expended was necessary to achieve the excellent result for the Class provided by the Settlement.

A. Phase 1 - Pre-Suit Investigation And Pleadings³

On August 22, 2013, Plaintiff filed a Complaint alleging a willful violation of section 1681b(b)(3) of the FCRA. The Complaint followed a period of detailed pre-suit investigation. In her Complaint, Plaintiff alleged that Defendant violated the FCRA by taking adverse action against candidates for employment based upon the results of consumer reports, without first providing the consumer with notice and a copy of the relevant report. On December 16, 2013, Defendant filed an Answer to the Complaint. ECF 5.

B. Phase 2 - Class Certification Discovery

The Parties then began a first phase of discovery, including negotiation and entry of a Rule 26(a)(1) agreement (ECF 4) and stipulated protective order (ECF 17), and service of written discovery requests by both parties. During this phase of the case, Plaintiff took the depositions of 4 witnesses, as well as preparing for and defending Plaintiff's Magallon's deposition. In addition to discovery between the Parties, Plaintiff sought and reviewed third-party discovery from General

³ As noted in the Soumilas Decl., these phases are intended to broadly summarize the progress the case, and are not intended to be strict or exclusive. Soumilas Decl. at fn. 2.

Information Services, Inc., Defendant's source of consumer reports during the relevant time period.

C. Phase 3 – Class Certification Briefing

The Parties then extensively briefed the issue of class certification, including Plaintiff's Motion for Class Certification (ECF 31) and Defendant's separate Motion to Deny Class Certification (ECF 34). On November 10, 2014, the Court granted the motion for class certification, certifying a class defined as:

All natural persons residing in the United States (including territories and other political subdivisions) who: (i) applied for temporary employment placement through RHI; (ii) about whom RHI obtained a consumer report for employment purposes from the General Information Services, Inc., from August 22, 2008, until the present; (iii) the consumer report contained either a "red flag" or a "yellow flag"; and (iv) RHI determined the applicant was "not placeable." The class does not include any person who applied for placement through RHI in June 2012 or later, signed the arbitration agreement acknowledgment form, and did not opt out of the arbitration agreement within 30 days.

ECF 45 at p. 35.

D. Phase 3 – RHI's Failed Efforts To Identify Class Members

The Parties then spent substantial time and resources on the identification of class members. After multiple requests by Class Counsel and an application to the Court to set a deadline for production of the class list, RHI first produced information about class membership in May 2016, six months after the certification order. ECF 52. But instead of producing a full list, RHI produced a spreadsheet identifying 4,600 applicants (less than 10% of the number of applicants with a red or yellow flag during the class period), and stating for the vast majority of them that their status as class members was "to be determined." ECF 60-1. In order to understand precisely what RHI did (and did not) do to compile this purported class list, Plaintiff took depositions of three RHI witnesses, only after approval of a limiting protective order submitted at

RHI's insistence. ECF 56. These depositions revealed that RHI failed to take key steps to identify class members, leading to a motion to compel by Plaintiff. ECF 59.

The Court permitted RHI a second opportunity to consult the relevant records and compile a "complete and accurate" class list by May 15, 2017 (later extended to June 2017) and warned RHI that if it failed to do so, it would compel a production of documents for Class Counsel's review. ECF 62; ECF 69. In June 2017, RHI produced an "Amended Class List" identifying only 1,382 individuals. ECF 81. Plaintiff again sought discovery about RHI's efforts to compile this list, and once again learned that RHI had failed to consult available records relevant to the objective criteria in the class definition. *Id.* Consequently, Plaintiff filed another motion to compel. *Id.* The Court found that RHI's process suffered from "serious gaps and errors," and therefore granted the motion, ordering RHI to produce relevant documents for Class Counsel's review. ECF 89.

E. Phase 5 – Class Counsel's Review Of Records And Briefing Regarding Class List And Notice

The resulting production spanned over 35,000 documents, which Class Counsel exhaustively reviewed to identify class members excluded by RHI. *See* ECF 133 (detailing review process). During this period, Plaintiff also took depositions concerning the nature and sources of the records produced to confirm the completeness and relevance of the production. On April 1, 2020, Plaintiff provided RHI's counsel with the "Updated Class List" resulting from this review, and an explanation of the objective criteria used to compile it. ECF 133-3. Despite expressing an interest in mediation during a May 28, 2020 status conference with the Court, and multiple efforts by Class Counsel to reach out regarding the class list and settlement discussions, RHI's counsel failed to provide any response whatsoever until the date a status report was due to the Court. ECF 139-1 at ¶¶ 5-15.

Class Counsel subsequently reached out to RHI concerning the Updated Class List and the potential for settlement and did not receive any substantive response. *Id.* at ¶¶ 18-21. RHI ultimately declined to engage in any settlement discussions concerning the Updated Class List, instead insisting upon briefing the validity of the list before the Court in late 2020. ECF 133; ECF 138; ECF 139. On March 10, 2021, the Court ruled on this briefing, confirming that Class Counsel's objective review of RHI records identified 2,363 class members. ECF 147.

During the same time period, RHI's counsel also refused to engage with Class Counsel concerning the form of Notice to be sent to class members, insisting on briefing the form of Notice before the Court. ECF 133; ECF 138; ECF 139; ECF 139-1 at ¶¶ 9, 12-17. The Court approved Plaintiff's proposed Notice, which was sent to class members on June 30, 2021.

F. Phase 6 – Merits Discovery And Supervision Of Notice To The Class

The Parties then conducted merits discovery, including 2 depositions and had negotiations concerning stipulations regarding RHI's net worth, and resolved certain merits discovery disputes including with the assistance of the Court. *See* ECF 153 (Transcript of June 4, 2021 status conference). The parties proposed to conduct dispositive motion practice after the close of fact discovery on the merits, with expert discovery to follow resolution of dispositive motions. ECF 159. During this time period, Class Counsel also supervised the activities of the Settlement Administrator in providing Notice to the individuals on the Updated Class List.

G. Phase 7 – RHI's Motion For Summary Judgment

RHI moved for summary judgment on January 7, 2022, asserting that Plaintiff lacks Article III standing, that RHI complied with FCRA section 1681b(b)(3), and that Plaintiff had not shown a willful violation sufficient to recover FCRA statutory and punitive damages. ECF 161. On February 7, 2023, the Court denied RHI's motion in all respects. *Magallon v. Robert Half Int'l*,

Inc., 2023 WL 1796422 at *6-7 (D. Or. Feb. 7, 2023). Just over two weeks later, RHI's current counsel entered their appearances. ECF 171-173.

H. Phase 8 – First Mediation And Expert Discovery

The Parties participated in a court-ordered mediation, but were unable to resolve the case, and therefore proceeded to the final stage of discovery in this matter: expert discovery on merits issues. ECF 185, 192. RHI and Plaintiff each disclosed two expert witnesses, and each was deposed.

I. Phase 9 – Motions To Exclude Experts

Each of the four disclosed experts was the subject of a motion to exclude, which was fully briefed. ECFs 198, 199, 201, 202, 203, 205, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217.

J. Phase 10 – Trial Preparation, Second Mediation, And Motion To Decertify

While the motions to exclude experts were pending, the Parties began preparation of pre-trial materials pursuant to the Court's Order. ECF 192. The trial preparations included submission of numerous pre-trial documents and conducting trial depositions of several RHI witnesses as permitted by the Court. ECFs 232-252; 254-262; 267; 271-272; 276-278; 282; 289-294. At the same time, the Parties also participated in another mediation with Judge Henry Kantor on August 30, 2024, but the case again did not settle.

On August 5, 2024, RHI filed its Motion to Decertify the Class, and the Parties submitted detailed briefing on decertification. ECFs 273-275; 279-281; 283-284. The motion to decertify was denied on September 13, 2024. ECF 287.

K. Phase 11 – Further Trial Preparation, Successful Third Mediation, And Drafting Of Settlement Documents

Following denial of the decertification motion, the Parties scheduled a mediation with Judge Kantor on September 28, 2024, but continued to prepare for the trial scheduled to begin

October 21, 2024. These preparations included preparing submitting further trial documents including Plaintiff's Objections to Defendant's Exhibit List and supporting material (ECF 290; ECF 291), Plaintiff's Supplemental Deposition Designations (ECF 292), and Plaintiff's Request for Judicial Notice (ECF 293), and negotiating possible stipulations regarding evidence, preparing to examine trial witnesses, and preparing demonstrative exhibits. The September 28 mediation and subsequent discussions with Judge Kantor's assistance resulted in a class-wide settlement, and the Parties filed a Notice of Settlement with the Court on October 11, 2024. ECF 294.

L. Phase 12 – Conclusion Of The Case: Settlement Approval And Administration, Fee Negotiations, And Fee Petition

After further detailed discussions and the exchange of multiple drafts of the Settlement Agreement and Exhibits, Class Counsel filed the Motion for Preliminary Approval on November 12, 2024. ECF 298. The Court initially denied preliminary approval, directing the Parties to make certain specific modifications to the proposed notices to the Class and submit an Amended Motion for Preliminary Approval. ECF 299. Class Counsel made modifications to the proposed notices and proposed Preliminary Approval Order, including in consultation with the Settlement Administrator, and filed the Amended Motion for Preliminary Approval on December 4, 2024. ECF 303. The Court granted preliminary approval of the Settlement on December 11, 2024. ECF 304.

Consistent with the terms of the Settlement Agreement, Class Counsel compiled and summarized more than ten years of time records and provided this summary to RHI's counsel on November 12, 2024 in preparation for the contemplated mediation regarding fees. ECF 298-1 at

¶¶ 48, 101-107; Soumilas Decl. at ¶ 15.⁴ The Parties conducted the mediation regarding attorneys' fees and expenses on December 17, 2024, but were not able to reach agreement. *Id.* at ¶ 20.

Class Counsel have included in this submission their time spent preparing this Fee Petition, as well as time they anticipate spending preparing a reply brief to respond to RHI's opposition. *See Clark v. City of L.A.*, 803 F.2d 987, 992 (9th Cir. 1986) (time spent preparing fee application is compensable). Consistent with the terms of the Settlement Agreement, this Fee Petition further includes estimates for the time Class Counsel anticipate they will expend through the conclusion of this case, on supervising Notice to the Class, responding to any class member communications, preparing the Motion for Final Approval, attending the Final Approval Hearing, and supervising the delivery of payments pursuant to the Settlement Agreement if final approval is granted. *See* ECF 298-1 at ¶ 101.

M. Litigation Costs And Expenses

In addition to Class Counsel's reasonable attorneys' fees, RHI has also agreed through the Settlement Agreement to pay Class Counsel's costs and expenses as awarded by the Court. ECF 298-1 at ¶ 46. Litigation costs under the FCRA include not just taxable costs, but any out-of-pocket expenses that would normally be charged to a paying client. *Grove v. Wells Fargo Fin. California, Inc.*, 606 F.3d 577, 579-82 (9th Cir. 2010); *Gutierrez v. Wells Fargo Bank, N.A.*, 2015 WL 2438274, at *9 (N.D. Cal. May 21, 2015) (awarding reasonable non-taxable litigation expenses). Class Counsel incurred \$94,440.52 in litigation expenses in connection with this case. The costs

⁴ The summary of time provided to RHI's counsel on November 12, 2024 included actual time expended through November 11, 2024, and estimates for time going forward from November 12, 2024 through the conclusion of the case. The summary charts included in the Soumilas Decl. and Sola Decl. filed herewith have been updated to reflect actual time expended through January 22, 2025, and revised estimates of time going forward from January 23, 2025 to the conclusion of the case.

expended by counsel are detailed in the Soumilas Decl. at ¶ 32 and Exhibit D thereto, and the Sola Decl. at ¶ 43.

V. LEGAL STANDARD

While the proposed settlement preliminarily approved by this Court provides a contractual basis for an award of attorneys' fees and costs here, the underlying justification for that award in this case arises from the fee-shifting provisions of the FCRA. 15 U.S.C. §§ 1681n(a)(3). Indeed, this case was not settled as a common fund, or any type of fund, and compensation for Plaintiff's attorneys was not disclosed or negotiated while the parties were negotiating compensation per class member. ECF 298-1 at ¶¶ 46, 48. Nor are attorneys' fees reducing the compensation of any class member; they are being paid separately by Defendant. *Id.*

Congress provided the FCRA's fee-shifting provisions "to enhance enforcement of important civil rights, consumer-protection, and environmental policies," *Tolentino v. Friedman*, 46 F.3d 645, 6523 (7th Cir. 1995), by private litigants like Plaintiff here. *See also City of Riverside v. Rivera*, 477 U.S. 561, 574–575 (1986) ("A fee-shifting provision's purpose is to encourage private litigants to enforce the laws that protect the public in areas like civil rights, consumer protection and the environment.") (emphasis added); *Perdue v. Kenny A. ex rel Winn*, 559 U.S. 542, 558 (2010); *Bryant v. TRW, Inc.*, 689 F.2d 72, 80 (6th Cir. 1982) ("We have no doubt that Congress intended in authorizing attorney's fees in lawsuits under the FCRA . . . to make use of the private attorney general concept."). Courts consider an award of attorneys' fees and costs mandatory in successful FCRA cases. *Holman v. Experian Info. Sols., Inc.*, No. 11-CV-0180 CW (DMR), 2014 WL 7186207, at *3-4 (N.D. Cal. Dec. 12, 2014) (FCRA fee-shifting provision "virtually identical to the fee provisions in the Truth in Lending Act and the Fair Debt Collection

Practices Act, which the Supreme Court and various Circuits have held to be mandatory.”) (citations omitted).

The Ninth Circuit has instructed that, “[t]he lodestar method is generally the correct method for calculating attorneys’ fees under a fee-shifting statute such as the FCRA.” *Yeagley v. Wells Fargo & Co.*, 365 F. App’x 886, 886–87 (9th Cir. 2010) (citing *Staton v. Boeing Co.*, 327 F.3d 938, 965 (9th Cir. 2003)); *In re Bluetooth Headset Prods. Liability Litig.*, 654 F.3d 935, 941-42 (9th Cir 2011) *see also* *Jordan v. Multnomah County*, 815 F.2d 1258, 1262 (9th Cir. 1987) (“The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.”) (citation omitted). There is a strong presumption that the lodestar figure represents a reasonable fee. *Hensley v. Eckerhart*, 461 U.S. 424, 434 n.9 (1983). Indeed, the U.S. Supreme Court has upheld counsel fees many times the amount of the plaintiff’s recovery cases brought pursuant to federal fee statutes providing for fee shifting. *See City of Riverside v. Rivera*, 477 U.S. at 578 (rejecting the notion that a reasonable fee in a fee-shifting case must be proportionate to the plaintiffs’ recovery and awarding attorneys’ fees more than seven (7) times the value of plaintiffs’ recovery because “[a] rule of proportionality would make it difficult, if not impossible, for individuals with meritorious civil rights claims but relatively small potential damages to obtain redress from the courts.”

Courts addressing FCRA class action settlements routinely award attorneys’ fees and costs on such a lodestar basis rather than as a percentage of recovery, particularly in connection with protracted litigation such as the present case. *See Ramirez v. Trans Union, LLC*, 2022, WL 17722395, at *7-8 (N.D. Cal. Dec. 15, 2022) (awarding attorneys’ fees on a lodestar basis in FCRA class action pending for ten years in settlement following trial and multiple appeals); *see also Watkins v. Hireright, Inc.*, No. 13-CV-1432-BAS-BLM, 2016 WL 5719813, at *2 (S.D. Cal. Sept.

30, 2016) (approving request for \$655,000 in attorneys' fees, and \$60,000 in costs, when class's recovery was a separate \$460,000); *Syed v. M-I LLC*, No. 1:14-cv-00742-WBS-BAM, 2019 WL 3564467, at *8 (E.D. Cal. Aug. 6, 2019) (awarding \$299,809 in attorneys' fees when class's recovery was approximately \$256,000); *Lopez v. CIT Bank, N.A.*, No. 15-cv-00759-BLF, 2016 WL 3163175, at *9 (N.D. Cal. June 7, 2016) (granting \$78,795 in attorneys' fees when class's recovery was \$50,000); *Taylor v. GFK Custom Research, LLC*, No. 1:16-cv-09968 (S.D.N.Y) at ECF 46 (granting motion for attorneys' fees in FCRA class settlement "based upon reasonable hours expended and reasonable hourly rates" rather than as percentage of recovery).

VI. ARGUMENTS AND AUTHORITIES

A. The Court Should Approve The Requested Attorneys' Fees In Full

In light of the mandatory fee shifting provision of the FCRA, the excellent result achieved for the Settlement Class which provides near the maximum available statutory damages for each Settlement Class Member, and the necessity of the work conducted to achieve this result regardless of the class size, a lodestar calculation is the appropriate method to analyze the fee request here. *See* section V *supra*; *see also Six Mexican Workers v. Ariz. Citrus Growers*, 904 F.2d 1301, 1311 (9th Cir. 1990) (lodestar calculation for class settlement can be warranted by specific circumstances). There is a "strong presumption" that the lodestar amount constitutes a reasonable fee. *City of Burlington v. Dague*, 505 U.S. 557, 562 (1992); *Prison Legal News v. Columbia County*, 2014 WL 1225100, at *4 (D. Or. Mar. 24, 2014). Furthermore, the Settlement Agreement entered into by the Parties explicitly states that the Settlement does not establish a common fund, and that fees will be awarded pursuant to FCRA §§ 1681n and 1681o following a fee petition on a lodestar basis. ECF 298-1 at ¶¶ 46, 48.

As detailed below and the declarations of counsel, the lodestar for Plaintiff's counsel here is as follows: \$3,505,976.30 reflecting 4975.3 hours expended by the attorneys and paralegals of
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Francis Mailman Soumilas, P.C. (Soumilas Decl. at ¶ 30), and \$775,302.5 reflecting 1520 hours expended by the attorneys of Robert S. Sola P.C. (Sola Decl. at ¶¶ 11, 19), for a total of \$4,281,278.80 over the fourteen-year duration of this case.

1. Hours Expended And Sufficiency Of Lodestar Documentation

The attorneys, paralegals, and staff at Francis Mailman Soumilas, P.C. and Robert S. Sola, P.C. who worked on this case all kept detailed time records, tracking the tasks completed, the amount of time expended, the date the work was completed, and specifying the nature of the work. Soumilas Decl. at ¶ 23; Sola Decl. at ¶ 11. In support of this Fee Petition, Class Counsel submit an updated version of the detailed summary of the time expended during the twelve stages of the case outlined above, detailing their work on this matter broken down by time keeper. Soumilas Decl. at ¶ 23; Sola Decl. at ¶ 19.

This submission provides the necessary degree of specificity required in order to evaluate a fee petition under applicable Supreme Court and Ninth Circuit case law. *See Hensley*, 461 U.S. at 437, n.12 (noting that counsel are “not required to record in great detail how each minute of his time was expended,” but should “identify the general subject matter of his time expenditures.”); *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1122 (9th Cir. 2000) (holding that summary of time spend on categories of tasks was sufficient to support fee petition); *Paeste v. Gov’t of Guam*, 624 F. App’x 488, 490 (9th Cir. 2015) (same).⁵ The declarations of counsel submitted herewith also set forth the basis for the division of labor among the attorneys and paralegals in an efficient manner.

⁵ As noted in section III above, Class Counsel are prepared to promptly submit the time records underlying the detailed summaries filed herewith for *in camera* review upon the Court’s request. These records do not include “block” billing and provide substantial detail concerning the work conducted, including the subjects and participants of conferences, telephone calls, and correspondence, consistent with this Court’s guidance regarding fee petitions. *See* <https://www.ord.uscourts.gov/index.php/rules-orders-and-notices/public-notices/355-fee-petitions>; *Prison Legal News*, 2014 WL 1225100, at *2-3 (citing guidance and case law regarding block billing).

See Declarations of counsel. There was no time for which compensation is now requested in this case that was “excessive, redundant, or otherwise unnecessary.” *Hensley*, 461 U.S. at 433.

Plaintiff’s counsel handled this matter in a streamlined and cost-effective manner. The attorneys apportioned tasks and assignments to avoid duplicative work, and achieved excellent results in all phases of litigation, in the face of sustained resistance by RHI. Furthermore, Class Counsel have already excluded time for certain timekeepers including a partner at Francis Mailman Soumilas, P.C., and time expended by student interns on factual and legal research. Soumilas Decl. at ¶ 23.

All the time set forth in the declarations of counsel was reasonably necessary to achieve the successful outcome for the Plaintiff and the Class against RHI, including overcoming the duplicative motion practice and recalcitrant tactics of RHI’s former counsel, and prevailing on virtually every motion presented to the Court. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008) (“By and large, the court should defer to the winning lawyer’s professional judgment as to how much time he was required to spend on the case; after all, he won, and might not have, had he been more of a slacker.”).

2. Hourly Rates

The hourly rates charged for Plaintiff’s counsel here are reasonable and appropriate in the Portland, Oregon legal market and in light of counsel’s qualifications and experience. It is well established that appropriate hourly rates are “the prevailing market rate in the relevant community,” and that the relevant community is the forum in which the district court sits. *Camacho v. Bridgeport Fin. Inc.*, 523 F.3d 973, 978-79 (9th Cir. 2008).

Class Counsel have set their hourly rates based upon the 2022 Oregon State Bar Economic Survey. Soumilas Decl. at ¶¶ 27-30; Sola Decl. at ¶¶ 14-18. Because the 2022 Survey reflects 2021 rates, Plaintiff’s counsel here have made an adjustment for inflation consistent with the local

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civil rules.⁶ *See also Missouri v. Jenkins by Agyei*, 491 U.S. 274, 283-84 (1989) (hourly rate to be used in lodestar analysis is current market rate at the time of the fee petition; increase over rates charged at time services provided is appropriate to account for delays in payment); *Gates v. Deukmejian*, 987 F.2d 1392, 1406-07 (9th Cir. 1992) (same).

These hourly rates appropriately reflect the high degree of skill, experience, and expertise of Class Counsel. The attorneys who worked on this litigation all concentrate their practice in the area of consumer protection litigation – indeed, Class Counsel has decades of experience in consumer class actions in general and those brought under the FCRA in particular, and have been commended by federal courts throughout the country over many years for their litigation proficiency, expertise, and high quality work product.⁷ The history and biography of the attorneys are set forth in Exhibit A to the Soumilas Declaration, and in paragraphs 20-42 of the Sola Declaration.

⁶ <https://www.ord.uscourts.gov/index.php/rules-orders-and-notice/local-rules/civil-procedure/1805-lr-54-bill-of-costs-and-attorney-fees>.

⁷ *See, e.g., 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*, 343 F.R.D. 254, 266 (D. Conn. 2023)(firm “has substantial experience in class action litigation, including FCRA class actions...[and] demonstrated proficiency at all stages of suit”); *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* (ECF 66) (D. Md., Nov. 23, 2020 Hearing Transcript) (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*, 2017 WL 1177098, at *3 (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 FMS, Caddell & Chapman, and their 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.”); and *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).

3. The Strong Result Obtained For The Class Emphasizes The Reasonableness Of The Requested Fee Award

Once it has determined the lodestar, a district court may adjust it either upwards or downwards based upon “reasonableness” factors first announced in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975).⁸ Although Class Counsel does not seek an upward adjustment of their lodestar and does not believe that a downward adjustment is appropriate, a survey of these factors underscore the reasonableness of Class Counsel’s request.

The most important *Kerr* factor is the benefit obtained for the class. *In re Bluetooth Headset Prod. Liab. Litig.*, 654 F.3d 935, 941-942 (9th Cir. 2011) (citing *Hensley*, 461 U.S. at 434–36). Having obtained a recovery for all Settlement Class Members at the highest end of the statutory damages range under the FCRA, without the need to make a claim, and avoiding the risk of trial and further litigation including on appeal, it is plain that Class Counsel’s efforts resulted in a substantial benefit for the Class.

Because both the hours expended and hourly rates charged are reasonable in light of the history and nature of this case, and the skill, experience, and expertise of Class Counsel, and in light of the excellent result obtained for Class Members, the Court should award the requested lodestar figure in full.

B. The Court Should Award \$94,440.52 In Litigation Expenses

Non-taxable costs are appropriately awarded as part of the requested award of attorneys’ fees under the FCRA’s fee-shifting provision. *Grove v. Wells Fargo Fin. California, Inc.*, 606 F.3d

⁸ These are (1) the time and labor required; (2) the novelty and difficulty of the questions involved; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and the ability of the attorneys; (10) the ‘undesirability’ of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *Kerr*, 526 F.2d at 70.

577, 583 (9th Cir. 2010). In a class action, the court may award reasonable litigation costs “that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h).

As set forth in the declarations of counsel, Class Counsel incurred \$94,440.52 in litigation expenses, primarily to cover expenses related to filing, depositions and hearing transcripts, travel-related expenses, mediation and expert fees, and administrative costs such as mailing, and messenger expenses. Soumilas Decl. ¶ 32 and Exhibit D thereto; Sola Decl. ¶ 43. These out-of-pocket costs were necessary to secure the resolution of this litigation and should be recouped. *Prison Legal News*, 2014 WL 1225100, at *11 (litigation expenses recoverable where provided for by statute and consistent with prevailing practice); *see also In re Immune Response Sec. Litig.*, 497 F. Supp. 2d 1166, 1177–78 (S.D. Cal. 2007) (finding that costs such as filing fees, photocopy costs, travel expenses, postage, telephone and fax costs, computerized legal research fees, and mediation expenses are relevant and necessary expenses in a class action litigation). The out-of-pocket expenses here were reasonably incurred and should be reimbursed consistent with the Settlement Agreement.

VII. CONCLUSION

For all of the reasons set forth above, the Motions for Awards of Attorneys’ Fees, Costs and Litigation Expenses should be granted, and Plaintiff respectfully requests that the Court enter an Order awarding Class Counsel a total of \$4,375,719.32 in attorneys’ fees and litigation costs and expenses.

Dated: January 24, 2025

Respectfully,

BONNIE MAGALLON, *by her attorneys,*

/s/ John Soumilas

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John Soumilas

Lauren KW Brennan

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Attorneys for Plaintiff and the certified Class

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants.

Dated: January 24, 2025

/s/ John Soumilas

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

JAMES A. FRANCIS

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

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

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

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

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

EDUCATION

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

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

ADMISSIONS

- Pennsylvania and New Jersey state courts
- United States Courts of Appeal for the First, Second, Third, Fourth, Sixth, Seventh, Ninth and Eleventh Circuits
- United States District Courts for the Eastern District of Pennsylvania, Middle District of Pennsylvania, District of New Jersey, Eastern District of Michigan, Northern District of Oklahoma, Central District of Illinois

- United States Supreme Court

HONORS/AWARD/DISTINCTIONS

- Top 100 Superlawyer for Pennsylvania-2004, 2005, 2007, 2008, 2012, 2014, 2015, 2021, 2022, 2023, 2024
- Top 100 Superlawyer for Philadelphia-2006, 2007, 2008, 2011, 2012, 2014, 2015, 2016, 2018, 2019, 2021, 2022, 2023, 2024
- Law 360's *Titan of the Plaintiff's Bar*-2014
- *Equal Justice Award* by Community Legal Services of Philadelphia-2014
- Elected as a Fellow into the American College of Consumer Financial Services—April 29th, 2023
- Selected as a Member of the Nation's Top One Percent by The National Association of Distinguished Counsel

NOTABLE CASES

- *Teran v. Navient Solutions, LLC et al.*, __ B.R. __, 2023 WL 2721904 (Bankr. N.D. Cal. Mar. 30, 2023). Appointed Class Counsel to represent national injunctive relief class.
- *Ramirez v. Trans Union, LLC*, 951 F.3d 1008 (9th Cir. 2020), 141 S.Ct. 2190 (2021); 2022 WL 17740302 (N.D. Cal. Dec. 22, 2022); . Served as trial and appellate counsel in record \$60 million jury verdict for a case brought under the Fair Credit Reporting Act; argued appeal against former Solicitor General of the United States affirming verdict (with remittitur), upon certiorari, remanded by US Supreme; later settled for \$9 million
- *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

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

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

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

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

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

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

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

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

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

Patel v. Trans Union, LLC, 308 F.R.D. 292 (N.D. Cal. 2014)
Goode v. First Advantage LNS Screening Sols., Inc., No. 11-cv-02950 (E.D. Pa. Dec. 29, 2014)
Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014)
King v. General Information Services, Inc., C.A. No. 11-06850 (E.D. Pa. Nov. 4, 2014)
Robinson v. General Information Services, Inc., C.A. No. 11-07782 (E.D. Pa. Nov. 4, 2014)
Ramirez v. Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014)
White v. Experian Information Solutions, 993 F. Supp. 2d 1154, 1172 (C.D. Ca. 2014)
Sapp v. Experian Information Solutions, Inc., 2:10-04312 (E.D. Pa. Jan. 29, 2013)
LaRocque v. TRS Recovery Services, Inc., 2012 WL 291191 (D. Me. July 17, 2012)
Ryals et al. v. Hireright Solutions, Inc., C.A. No. 3:09-625 (E.D. Va. July 7, 2011)
Serrano v. Sterling Testing Systems, Inc., 711 F. Supp. 2d 402 (E.D. Pa. 2010)
Summerfield v. Equifax Information Services, LCC, 264 F.R.D. 133 (D. N.J. 2009)
Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492 (E.D. Pa. 2009)
Jones v. Midland Funding, LLC, C.A. No. 3:08-802 (RNC) (D. Conn. October 13, 2009)
Barel v. Bank of America, 255 F.R.D. 393 (E.D. Pa. 2009)
Mann v. Verizon, C.A. No. 06-5370 (E.D. Pa. Sept. 26, 2008)
Smith v. Grayling Corp., 2008 WL 3861286, C.A. No. 07-1905 (E.D. Pa. 2008)
Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa. March 28, 2008)
Nienaber v. Citibank (South Dakota), N.A., 2007 WL 2003761 (D.S.D. July 5, 2007)
Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132, (E.D. Pa. 2006)
Marino v. UDR, 2006 WL 1687026, C.A. No. 05-2268 (E.D. Pa. June 14, 2006)
Seawell v. Universal Fidelity Corp, 235 F.R.D. 64 (E.D. Pa. 2006)
Perry v. FleetBoston Financial Corp., 229 F.R.D.105 (E.D. Pa. 2005)
Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. 2005)
Beck v. Maximus, 457 F. 3d 291, 2006 WL 2193603 (3d Cir. Aug. 4, 2006)
Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)
Bittner v. Trans Union, LLC, C.A. No. 04-2562 (E.D. Pa. January 4, 2005)
Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)
Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004)
Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa 2004)
Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003)
Gaumer v. The Bon-Ton Stores, C.A. No. 02-8611 (E.D. Pa. Dec. 30, 2003)
Street v. Portfolio Recovery Associates, C.A. No. 01-3684 (E.D. Pa. July 30, 2003)
Samuel-Bassett v. Kia Motors America, Inc., 212 F.R.D. 271 (E.D. Pa. 2000)
Oslan v. Law Offices of Mitchell N. Kay, 232 F. Supp. 2d 436 (E.D. Pa. 2002)
Oslan v. Collection Bureau of Hudson Valley, 206 F.R.D. 109 (E.D. Pa. 2002)

Saunders v. Berks Credit & Collections, 2002 WL 1497374 (E.D. Pa. 2002)
Schilling v. Let's Talk Cellular and Wireless, 2002 U.S. Dist. LEXIS 3352 (E.D. Pa. 2002)
Fry v. Hayt, Hayt and Landau, 198 F.R.D. 461 (E.D. Pa. 2000)
Smith v. First Union Mortgage Corporation, 1999 WL 509967 (E.D. Pa. 1999)
Miller v. Inovision, December Term, 1999, No. 3504 (C.P. Phila. County).

LECTURES/PRESENTATIONS BY INVITATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Faculty, 16th Annual Consumer Financial Services Litigation Institute (CLE-accredited), *Collection Issues Including The TCPA & Hot Topics*, Practising 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, is the managing partner of FMS and one of the firm's founders. He is a tenacious and passionate consumer litigator who has for more than 26 years helped secure over \$350 million dollars in verdicts and settlements on behalf of more than 8,500 victimized consumers across the nation. Mark concentrates his practice primarily in federal courts, in the areas of Fair Debt Collection, Fair Credit Reporting, False Employment/Background Checks, Identity Theft, Unwanted Auto Calls and Texts, and Consumer Class Actions.

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

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

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

CLASS COUNSEL CERTIFICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Henderson v. Acxiom Risk Mitigation, Inc., C.A. No. 12-589 (E.D. Va., Aug. 7, 2015)
Magallon v. Robert Half International, Inc. WL 8778398 (D. Or. Nov. 10, 2015)
Carter v. McDonald's Restaurants, 15-01531-MWF (March 15, 2015)
Patel v. Trans Union, LLC, 308 F.R.D. 292 (N.D. Cal. 2014)
Goode v. First Advantage LNS Screening Sols., Inc., No. 11-cv-02950 (E.D. Pa. Dec. 29, 2014)
Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014)
King v. General Information Services, Inc., C.A. No. 11-06850 (E.D. Pa. Nov. 4, 2014)
Robinson v. General Information Services, Inc., C.A. No. 11-07782 (E.D. Pa. Nov. 4, 2014)
Ramirez v. Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014)
White v. Experian Information Solutions, 993 F. Supp. 2d 1154, 1172 (C.D. Ca. 2014)
Sapp v. Experian Information Solutions, Inc., 2:10-04312 (E.D. Pa. Jan. 29, 2013)
LaRocque v. TRS Recovery Services, Inc., 2012 WL 291191 (D. Me. July 17, 2012)
Ryals et al. v. Hireright Solutions, Inc., C.A. No. 3:09-625 (E.D. Va. July 7, 2011)
Serrano v. Sterling Testing Systems, Inc., 711 F. Supp. 2d 402 (E.D. Pa. 2010)
Summerfield v. Equifax Info. Services, LCC, 2009 WL 3234191 (D. N.J. Sept. 30, 2009)
Chakejian v. Equifax Info. Services, LLC, 256 F.R.D. 492, 2009 WL 764656 (E.D. Pa. 2009)
Barel v. Bank of America, ___ F.R.D. ___, 2009 WL 122805 (E.D. Pa. 2009)
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Smith v. Grayling Corp., 2008 WL 3861286, C.A. No. 07-1905 (E.D. Pa. 2008)
Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa., March 28, 2008)
Nienaber v. Citibank (South Dakota), N.A., 2007 WL 2003761 (D.S.D., July 5, 2007)
Jordan v. Commonwealth Financial Sys., Inc., 237 F.R.D. 132, 2006 WL 2294855 (E.D. Pa. 2006)
Seawell v. Universal Fidelity Corp., 235 F.R.D. 64 (E.D. Pa. 2006)
Perry v. FleetBoston Financial Corp., 299 F.R.D. 105, 2005 WL 1527694 (E.D. Pa. 2005)
Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. 2005); *vacated on other grounds, Beck v. Maximus*, 457 F. 3d 291, 2006 WL 2193603 (3d. Cir. Aug. 4, 2006)
Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)
Bittner v. Trans Union, LLC, C.A. No. 04-2562 (E.D. Pa. January 4, 2005)
Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)
Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004)
Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa. 2004)
Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003)
Gaumer v. The Bon-Ton Stores, C.A. No. 02-8611 (E.D. Pa. Dec. 30, 2003)
Street v. Portfolio Recovery Associates, C.A. No. 01-3684 (E.D. Pa. July 30, 2003)

Samuel-Bassett v. Kia Motors America, Inc., 212 F.R.D. 271 (E.D. Pa. 2000), *vacated on other grounds*

Oslan v. Law Offices of Mitchell N. Kay, 232 F. Supp. 2d 436 (E.D. Pa. 2002)

Oslan v. Collection Bureau of Hudson Valley, 206 F.R.D. 109 (E.D. Pa. 2002)

Saunders v. Berks Credit & Collections, 2002 WL 1497374 (E.D. Pa. 2002)

Schilling v. Let's Talk Cellular and Wireless, 2002 U.S. Dist. LEXIS 3352 (E.D. Pa. 2002)

Fry v. Hayt, Hayt and Landau, 198 F.R.D. 461 (E.D. Pa. 2000)

Smith v. First Union Mortgage Corporation, 1999 WL 509967 (E.D. Pa. 1999)

Miller v. Inovision, C.P. Phila. County, December Term, 1999, No. 3504

NOTABLE CASES

- *Schwartz v. Aracor Search & Abstract, Inc.*, 2014 WL 4493662 (E.D. Pa. Sept. 11, 2014) (upholding compensatory and punitive damages judgment against title company that misappropriated certain funds at real estate closing)
- *Ferguson v. Wells Fargo Bank, NA*, 538 Fed. Appx. 782 (9th Cir. 2013) (reversing summary judgment for bank that failed to properly remove bankruptcy notation)
- *King v. General Info. Servs., Inc.*, 903 F. Supp. 2d 303 (E.D. Pa. 2012) (first court to uphold constitutionality of FCRA's obsolescence provision)
- *Seamans v. Temple University*, Civil No. 11-6774 (E.D. Pa., Oct. 28, 2011) — precedential case of first impression before U.S. Court of Appeals for the Third Circuit addressing duties of furnishers and interplay between the FCRA and HCA.
- *Adams v. LexisNexis Risk & Info. Analytics Group, Inc.*, 2010 WL 1931135 (D.N.J. May 12, 2010) (first court to find that consumers may sue under FRCA over information in specialty Accurint report used by debt collectors)
- *Dixon-Rollins v. Trans Union, LLC*, Civil No. 09-646 (E.D. Pa., April 10, 2010) – \$530,000 jury verdict against a credit reporting agency that falsely reported an old landlord collection claim for rent (remitted to \$300,000)
- *Shames-Yeakel v. Citizens Financial Bank*, 677 F. Supp. 2d 994 (N.D. Ill. 2009) (first court to rule that consumer may proceed to jury trial on claim that bank breached its duty to sufficiently secure its online banking system).
- *Cortez v. Trans Union, LLC*, Civil No. 05-5684 (E.D. Pa., April 26, 2007)—\$800,000 jury verdict against Trans Union in fair credit reporting case (remitted to \$150,000)
- *Samuel-Bassett v. Kia Motors America, Inc.*, C.P. Phila. County, January Term, 2001, No. 2199—5.6 million dollar verdict for class of Pennsylvania car purchasers
- *Little v. Kia Motors America, Inc.*, 2003 WL 25568765 (N.J.Super.L. 2003)—6 million dollar (approximate) verdict for class of New Jersey car purchasers, damages later decertified

- *Serrano v. Sterling Testing Systems, Inc.*, —F.Supp.2d—, 2008 WL 2223007 (E.D. Pa. May 30, 2008)—federal court finding as a matter of first impression what defines a record of arrest under the FCRA
- *Stoner v. CBA Information Services*, 352 F. Supp. 2d 549 (E.D. Pa. 2005)—obtained \$772,500 settlement for class of consumers who disputed errors in their credit reports
- *Perry v. FleetBoston Financial Corp.*, 2004 WL 1508518 (E.D. Pa. 2004)—defeated motion to compel arbitration in class action brought under Fair Credit Reporting Act
- *Crane v. Trans Union, LLC*, 282 F. Supp. 2d 311 (E.D. Pa. 2003)—federal court held that credit reporting agencies that merely parrot information from credit furnishers and fail to forward dispute documentation face claims for punitive damages under the Fair Credit Reporting Act; violation of the Fair Credit Reporting Act presents a violation of Pennsylvania’s Consumer Protection Law); *Lawrence v. Trans Union, LLC*, 296 F. Supp. 2d 582 (E.D. Pa. 2003)—same
- *Wisneski v. Nationwide Collections, Inc.*, 227 F.R.D. 259 (E.D. Pa. 2004)—in fair debt class action, Pennsylvania federal court held for the first time that statutory net worth limitation is not limited to balance sheet net worth, and includes equity, capital stock and goodwill
- *Evantash v. G.E. Capital Mortgage Services, Inc.*, 2003 WL 22844198 (E.D. Pa. 2003)—in fair credit reporting case, court held that technical accuracy is not a defense
- *Sheffer v. Experian Information Solutions, Inc.*, 2003 WL 21710573 (E.D. Pa. 2003)—federal court held that Fair Credit Reporting Act permits as recoverable damage emotional distress in trying to correct errors in a consumer’s credit file, even where no pecuniary or out-of-pocket losses
- *Sheffer v. Experian Information Solutions Inc.*, 249 F. Supp. 2d 560 (E.D. Pa. 2003)—federal court held that FCRA provides a private right of action against furnishers of information
- *Sullivan v. Equifax, Inc. et al.*, 2002 U.S. Dist. LEXIS 7884 (E.D. Pa. 2002)—federal court held that reporting a debt to a credit reporting agency is a communication covered by the Fair Debt Collection Practices Act
- *Wenrich v. Cole*, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. 2000)—federal court held that FDCPA provides protection for all persons, not just consumers
- *Jaramillo v. Experian Information Solutions, Inc.*, 155 F. Supp. 2d 356 (E.D. Pa. 2001); 2001 U.S. Dist. LEXIS 10221 (E.D. Pa. 2001)—federal court held that single publication rule does not apply to actions brought for violation of the Fair Credit Reporting Act

PRESENTATIONS/LECTURES BY INVITATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLICATIONS

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

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

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

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

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

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

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

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

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

COMMITTEE APPOINTMENTS AND POSITIONS

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

JOHN SOUMILAS

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

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

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

ADMISSIONS

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

RECENT WORK

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

False Terrorist Alerts on Credit Reports

- *Martinez v. Avantus, LLC*, 343 F.R.D. 254 (D. Conn. 2023) (certified class of mortgage applicants in case involving the reporting of inaccurate OFAC “terrorist” alerts appearing on the credit reports of innocent American consumers); later settled for \$6.7M; *Kang v. Credit Bureau Connection, Inc.*, No. 18-01359, 2022 WL 658105 (E.D. Cal. Mar. 4, 2022) (certified class of car buyers in case involving the reporting of inaccurate OFAC alerts) (also appointed class counsel and represented classes of similar consumers for false OFAC alert claims in *Patel v. Trans Union, LLC*, 308 F.R.D. 292 (N.D. Cal. 2015); later settled for \$8M; and *Ramirez v. Trans Union, LLC*, 301 F.R.D. 408 (N.D. Cal. 2014); *see also Ramirez v. Trans Union LLC*, 951 F.3d 1008 (9th Cir. 2020) (upholding certification of entire class, but reversed for portion of class that lacked Article III standing per *Trans Union LLC v. Ramirez*, 141 S. Ct. 2190 (2021); later settled for over \$9M.

Unlawful College Charges and Student Loan Collections

- *Teran v. Navient Sols. (In re Teran)*, No. 10-31718, 2022 Bankr. LEXIS 381 (Bankr. N.D. Cal. Feb. 15, 2022) (summary judgment ruling siding with class of student debtors who had collection efforts taken against them even though certain of their student loans were discharged in their bankruptcies); later certified and settled as part of nationwide \$28M damages and

\$54M debt forgiveness deal, *Woodard v. Navient Sols.*, No. 8:23-cv-301, 2024 WL 94468 (D. Neb. Jan. 9, 2024);

- *Botts v. Johns Hopkins Univ.*, No. 20-1335, 2021 WL 1561520 (D. Md. Apr. 21, 2021) (leading decision in litigation against universities for class of undergraduate and graduate students claiming overcharging during the Covid-19 pandemic, upholding breach of contract and unjust enrichment claims) later settled for over \$10M;
- *Seamans v. Temple University*, 744 F.3d 853 (3d Cir. 2014) (reversing summary judgment for credit furnisher concerning improperly reported old student loan debt, and setting standard for certain delinquent student debt that cannot be reported to the credit agencies after seven-and-a-half years).

Credit Reporting Errors and Problems

- *Norman v. Trans Union, LLC*, 669 F. Supp. 3d 351 (E.D. Pa. 2023) (finding that credit reporting agency must reinvestigate consumers' disputes of contested "hard inquiries" (credit applications) and refusing agency's request to de-certify class); *Norman v. Trans Union, LLC*, 479 F.Supp.3d 98 (E.D. Pa. Aug. 14, 2020) (first court to certify class action for credit report agency's failure to investigate hundreds of thousands of consumer disputes of certain inquiries disputed as unauthorized); followed by *Rivera v. Equifax Info. Servs., LLC*, 341 F.R.D. 328 (N.D. Ga. 2022) (certifying even larger class of over 300,000 consumers for same claim);
- *Adams v. LexisNexis Risk & Info. Analytics Group, Inc.*, No. 08-4708, 2010 WL 1931135 (D.N.J. May 12, 2010) (first court to find that consumers may sue under FRCA over personal information in specialty Accurint credit report used by debt collectors and others) (leading to *Berry v. LexisNexis Risk & Info. Analytics Group, Inc.*, No. 11-754, 2014 WL 4403524 (E.D. Va. Sept. 5, 2014) and resulting in \$13.5M class action settlements with LexisNexis);
- *Ferguson v. Wells Fargo Bank, NA*, 538 Fed. Appx. 782 (9th Cir. 2013) (reversing summary judgment for bank that failed to remove bankruptcy notation from consumer's credit report).

Tenant and Employment Screening Violations

- *In re TransUnion Rental Screening Sols., Inc., Fair Credit Reporting Act Litig.*, 437 F. Supp. 3d 1377, 1378 (U.S. Jud. Pan. Mult. Lit. 2020) (later settled in 2023 for over \$11M to compensate victims of inaccurate data on tenant screening reports);
- *McIntyre v. RealPage, Inc.*, 336 F.R.D. 422 (E.D. Pa. Aug. 25, 2020) (certifying claim on behalf of tenant applicants for improper reporting of stale eviction records against them in largest tenant screening class to date); later settled for over \$6.3M;
- *Kelly v. Business Information Group*, No. 15-6668, 2019 WL 414915 (E.D. Pa. Feb. 1, 2019) (as part of approval of over \$3.1M class settlement requiring employment background screener to provide important "same time" notice to job candidates of any adverse information being included in their background reports);
- *Leo v. AppFolio, Inc.*, No. 17-5771, 2018 WL 623647 (W.D. Wash. Jan. 30, 2018) (upholding class action claims against start-up tenant screening company); later settled for \$4.5M;

- *Flores v. Express Personnel*, No. 14-03298, 2017 WL 1177098 (E.D. Pa. Mar. 30, 2017) (certifying settlement class regarding improper background screening practices by a job placement agency); later settled for over \$6M;
- *Magallon v. Robert Half International, Inc.*, 311 F.R.D. 626 (D. Or. Nov. 10, 2015) (one of few cases certifying a 5-year FCRA class on contest for failure to timely disclose adverse temp-placement decisions against job placement agency).

NOTEWORTHY CASES

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

- *Teran v. Navient Sols. (In re Teran)*, 649 B.R. 794 (Bankr. N.D. Cal. March 30, 2023) (certifying circuit-wide damages class and also nationwide injunctive class of student loan borrowers of non-Title IV loans subjected to unlawful post-bankruptcy collection efforts);
- *Clark v. Trans Union, LLC*, No. 15-391, 2017 WL 814252 (E.D. Va. Mar. 1, 2017) (certifying one of first misreported public records FCRA classes);
- *Schwartz v. Aracor Search & Abstract, Inc.*, No. 13-870, 2014 WL 4493662 (E.D. Pa. Sept. 11, 2014) (upholding compensatory and punitive damages judgment against title company that misappropriated certain funds at real estate closing);
- *King v. General Info. Servs., Inc.*, 903 F. Supp. 2d 303 (E.D. Pa. 2012) (first court to uphold constitutionality of FCRA's obsolescence provision for old or outdated background history);
- *Howley v. Experian Info. Solutions, Inc.*, 813 F. Supp. 2d 629 (D.N.J. 2011) (first court to find that consumer may sue agency that improperly disclosed information to an identity thief);
- *Cortez v. Trans Union, LLC*, 617 F.3d 688 (3d Cir. 2010) (upholding first ever court finding that false terrorist/OFAC alerts are subject to the FCRA, also upholding punitive damages of case tried by same counsel before a jury at the district court level, *Cortez v. Trans Union, LLC*, No. 05-5684 (E.D. Pa. Apr. 26, 2007));
- *Chakejian v. Equifax Info. Servs., LLC*, 256 F.R.D. 492 (E.D. Pa. 2009) (first certified class action under FCRA section 1681i regarding consumer disputes);
- *Shames-Yeakel v. Citizens Financial Bank*, 677 F. Supp. 2d 994 (N.D. Ill. 2009) (first court to rule that consumer may proceed to jury trial on claim that bank breached its duty to sufficiently secure its online banking system).

LECTURES / PUBLICATIONS

John is also a regular lecturer on consumer matters, including for the National Business Institute, National Consumer Law Center, Practicing Law Institute, National Association of Consumer Advocates, and other organizations. John has been interviewed and quoted concerning many legal issues affecting consumers by a wide range of media outlets, from the Wall Street Journal and Forbes Magazine to Consumer Reports and Free Speech Radio. He has authored several popular and scholarly articles, including *Third Circuit Refuses to Allow Litigant to Sidestep*

Its Chosen Arbitration Body's Rules (The Legal Intelligencer Feb. 2, 2024); *CFPB Tries to Nip New Wave of Unlawful Medical Debt Collection in the Bud* (The Legal Intelligencer Apr. 1, 2022), *Predatory Lending, the FCRA and the FDCPA* (NBI 2009), and *How Can I Combat Identity Theft* (Philadelphia Magazine, Dec. 2008).

LAUREN KW BRENNAN

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

EDUCATION

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

Swarthmore College, B.A. 2008

ADMISSIONS

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

NOTABLE CASES

- *Hernandez v. MicroBilt Corporation*, 88 F.4th 215 (3d Cir. 2023) (upholding denial of CRA's motion to compel arbitration of claims regarding misreporting of terrorist watch list information, confirming that claims return to court where AAA declined to administer dispute).
- *Kelly v. RealPage, Inc.*, 47 F.4th 202 (3d Cir. 2022) (after granting Plaintiff's Rule 23(f) petition for permission to appeal, holding that consumers had Article III standing for claim that tenant screening company failed to disclose sources of information, that consumers are not required to use term "file" in order to trigger disclosure obligations, and that class is ascertainable under Rule 23 even where individual review of objective records is required).
- *Healy v. Milliman, Inc.*, No. 2:20-cv-01473-JCC (W.D. Wash. 2022) at ECF 126 (Apr. 29, 2022 order certifying FCRA accuracy claims of over 300,000 consumers who were the subject of inaccurate reports regarding medical and prescription history)

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

CLASS COUNSEL CERTIFICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LECTURES/PUBLICATIONS

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

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

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

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

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

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

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

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

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

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

DAVID A. SEARLES

DAVID A. SEARLES, of counsel to the firm, is admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the Third, Fourth and Sixth Circuits, and the United States District Courts for the District of Maryland, the District of Colorado, the Northern District of Oklahoma, and Eastern and Middle Districts of Pennsylvania, as well as the state courts of Pennsylvania. He is a graduate of the American University School of Law, Washington, D.C., where he served on law review.

Following graduation from law school, Mr. Searles was an attorney for Community Legal Services of Philadelphia, where he specialized in consumer and bankruptcy law. In 1990, he successfully argued the first consumer reorganization bankruptcy case considered by the U.S. Supreme Court, *Pennsylvania v. Davenport*, 495 U.S. 552 (1990), and has served as lead counsel

and presented arguments in numerous consumer law cases before the United States Court of Appeals for the Third Circuit. From 1992 through 1997, Mr. Searles was associated with the Philadelphia law firm of Drinker Biddle & Reath LLP, where his practice focused on Chapter 11 bankruptcy and creditors' rights. Thereafter, he was a member of Donovan Searles, LLC until 2011, specializing in consumer class action litigation.

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

CLASS ACTIONS

Lucas v. Accutrace, Inc., No. 18-9059 (S.D.N.Y. June 29, 2020);
Kelly v. Business Information Group, 2019 WL 414915 (E.D. Pa. 2019);
Gibbons v. Weltman, Weinberg & Reis Co., LPA, 2018 WL 5720749 (E.D. Pa. Oct. 31, 2018);
Patel v. Trans Union, LLC, 2018 WL 1258194 (N.D. Ca. March 11, 2018);
Carter v. Shalhoub Management Company, Inc., 2017 WL 5634300 (C.D. Ca. March 15, 2017);
Flores v. Express Services, Inc., 2017 WL 1177098 (E.D. Pa. March 30, 2017);
Miller v. Trans Union, LLC, 2017 WL 412641 (M.D. Pa. Jan. 18, 2017);
Larson v. Trans Union, LLC, No. 12-5726 (N.D. Ca. June 26, 2015);
Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014);
King v. General Information Services, Inc., C.A. No. 2:11-cv-06850 (E.D. Pa. Nov. 4, 2014);
Robinson v. General Information Services, Inc., C.A. No. 2:11-cv-07782 (E.D. Pa. Nov. 4, 2014);
Jones v. Midland Funding, LLC, 2013 WL 12286081 (D. Conn. Dec. 3, 2013);
Sapp v. Experian Information Solutions, Inc., 2:10-cv-04312 (E.D. Pa. Jan. 29, 2013);
Reibstein v. Rite Aid Corporation, 2011 WL 192512 (E.D. Pa. Jan. 18, 2011);
McCall v. Drive Financial, January Term 2006, No. 0005 (C.P. Phila. July 20, 2010);
Serrano v. Sterling Testing Systems, Inc., 711 F.Supp.2d 402 (E.D. Pa. 2010);
Summerfield v. Equifax Information Services, LLC, 264 F.R.D. 133 (D.N.J. 2009);
Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492 (E.D. Pa. 2009);
Barel v. Bank of America, 255 F.R.D. 393 (E.D. Pa. 2009);
Markocki v. Old Republic National Title Ins. Co., 254 F.R.D. 242 (E.D. Pa. 2008);

Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa. Mar. 28, 2008);
Allen v. Holiday Universal, Inc., 249 F.R.D. 166 (E.D. Pa. 2008);
Cohen v. Chicago Title Insurance Company, 242 F.R.D. 295 (E.D. Pa. 2007);
Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132 (E.D. Pa. 2006);
Braun v. Wal-Mart Stores, Inc., 2005 WL 3623389 (C.P. Phila. Dec. 27, 2005);
Perry v. FleetBoston Financial Corp., 229 F.R.D. 105 (E.D. Pa. 2005);
Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. March 11, 2005);
Stoner v. CBA Information Services, 352 F.Supp.2d 549 (E.D. Pa. 2005);
Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa. April 22, 2004);
Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004);
Piper v. Portnoff Law Associates, Ltd., 216 F.R.D. 325 (E.D. Pa. 2003);
Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003).

GEOFFREY H. BASKERVILLE

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

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

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

Geoffrey is an avid amateur photographer.

JORDAN M. SARTELL

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

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

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

CLASS COUNSEL CERTIFICATIONS

Schultz v. Emory University, No. 1:20-cv-02002-TWT, ECF 98 (N.D. Ga. June 15, 2023)

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

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

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

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

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

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

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

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

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

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

JOSEPH GENTILCORE

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

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

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

SIOBHÁN MCGREAL

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

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

ERIKA HEATH

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

Erika is a 2002 graduate of Southern Methodist University, where she majored in business. She worked in finance in both Texas and Germany before earning her J.D. from

Northeastern University School of Law in 2009. After graduating, Erika got her start as an attorney at Atlanta Legal Aid Society, where she focused on protecting low-income consumers from abusive business practices.

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

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

KEVIN MALLON

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

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

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

THE FIRM'S STAFF

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

EXHIBIT B

From: John Soumilas <jSoumilas@consumerlawfirm.com>

Sent: Wednesday, November 20, 2024 4:08 PM

To: Paschal, Evangeline C. <epaschal@hunton.com>; Crooks, Sarah J. (POR) <SCrooks@perkinscoie.com>; Quackenboss, Bob <rquackenboss@hunton.com>

Cc: Robert S. Sola, Esquire (rssola@msn.com) <rssola@msn.com>; Lauren Brennan <LBrennan@consumerlawfirm.com>; Jim Francis <jfrancis@consumerlawfirm.com>; Matthew Woodward <mwoodward@CONSUMERLAWFIRM.COM>

Subject: Re: Magallon v. RHI -- summary of P's fees, costs and expenses

Evangeline:

We'll be happy to set up a call to discuss this matter. Robert Sola is out of the country so this call might need to be in early December when he returns. If you would like to discuss just with me, I'm available early next week.

Per our settlement agreement, we have provided to RHI a detailed outline (indeed a 15-page detailed summary) of our lodestar. Timesheets are not required for this step of the process, and our agreement leaves it up to plaintiff as to how to support her fee request (contested or not) once a formal fee petition is filed. We may or may not submit timesheets with any such filing, or we may submit them for an *in camera* review only.

At any rate, this initial part of the process (before a filing of a formal fee petition) was intended to be less formal than a full-blown and contested fee petition. If you are now of the view that you will need to review line-by-line all of the underlying timesheets we will consider that request if RHI will also turn over, at the same time, all of its lawyers' time sheets for all of the firms that have billed it in this matter since 2013. Indeed, such a review of reasonableness, should it become necessary, is how several courts resolve whether certain fees are reasonable (by comparing them to the hours and rates charged by the opponent for the same case/tasks). Please let me know whether RHI will turn over its timesheets for such a discussion.

Also, please let me know whether you think it wise to schedule another meeting with Judge Kantor at this time.

We will write to you separately about the class administrator, introducing you and asking them to provide you with a W-9.

Thank you.

John Soumilas, Esquire ([Bio](#))

FRANCIS • MAILMAN • SOUMILAS, P.C.

Consumer Law Firm

1600 Market St., Suite 2510

Philadelphia, PA 19103

P 215-735-8600

F 215-940-8000

[E jsoumilas@consumerlawfirm.com](mailto:jsoumilas@consumerlawfirm.com)
www.consumerlawfirm.com

From: Paschal, Evangeline C. <epaschal@hunton.com>
Sent: Friday, November 15, 2024 3:30 PM
To: John Soumilas <jSoumilas@consumerlawfirm.com>; Crooks, Sarah J. (POR) <SCrooks@perkinscoie.com>; Quackenboss, Bob <rquackenboss@hunton.com>
Cc: Robert S. Sola, Esquire (rssola@msn.com) <rssola@msn.com>; Lauren Brennan <LBrennan@consumerlawfirm.com>; Jim Francis <jfrancis@consumerlawfirm.com>; Matthew Woodward <mwoodward@CONSUMERLAWFIRM.COM>
Subject: RE: Magallon v. RHI -- summary of P's fees, costs and expenses

John:

Thank you for sending the fees summary. Can you and Robert please also forward the billing records for your respective firms? We would like to schedule time for an initial discussion of fees, but for that discussion to be meaningful we need first to review the records to assess the reasonableness of the time billed, including for time spent on projects that were ultimately not successful. These records must accompany any petition filed with the court, so we do not anticipate that there would be any reason not to share them now.

Also, can you please provide contact information and wiring instructions for the settlement administrator (as well as a W9)? We need this for the initial payment.

Thank you,

Evangeline

From: John Soumilas <jSoumilas@consumerlawfirm.com>
Sent: Tuesday, November 12, 2024 4:40 PM
To: Crooks, Sarah J. (POR) <SCrooks@perkinscoie.com>; Quackenboss, Bob <rquackenboss@hunton.com>; Paschal, Evangeline C. <epaschal@hunton.com>
Cc: Robert S. Sola, Esquire (rssola@msn.com) <rssola@msn.com>; Lauren Brennan <LBrennan@consumerlawfirm.com>; Jim Francis <jfrancis@consumerlawfirm.com>; Matthew Woodward <mwoodward@CONSUMERLAWFIRM.COM>
Subject: Magallon v. RHI -- summary of P's fees, costs and expenses

This Message Is From An External Sender

Hunton Andrews Kurth warning: This message came from outside the firm.

Sarah, Bob and Evangeline: Per our agreement, please see the attached.

John Soumilas, Esquire [\(Bio\)](#)
FRANCIS • MAILMAN • SOUMILAS, P.C.
Consumer Law Firm
1600 Market St., Suite 2510
Philadelphia, PA 19103

P 215-735-8600

F 215-940-8000

E jsoumilas@consumerlawfirm.com

www.consumerlawfirm.com

EXHIBIT C

From: Paschal, Evangeline C. <epaschal@hunton.com>

Sent: Friday, November 22, 2024 4:38 PM

To: John Soumilas <jSoumilas@consumerlawfirm.com>

Cc: Robert Sola <rssola@msn.com>; Quackenboss, Bob <rquackenboss@hunton.com>; White, Kevin J. <kwhite@hunton.com>; Crooks, Sarah J. (Perkins Coie) <SCrooks@perkinscoie.com>; Lauren Brennan <LBrennan@consumerlawfirm.com>

Subject: mediation

John:

We are amendable to scheduling a mediation with Judge Kantor regarding plaintiff's fee request and believe it can be handled by Zoom. We are available on December 17 and 18 if either of those dates work for plaintiff (and Judge Kantor). Please let us know your availability.

Thank you.

Evangeline



Evangeline C. Paschal

Counsel

epaschal@HuntonAK.com

p 202.419.2174

[bio](#) | [vCard](#)

Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

HuntonAK.com

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

BONNIE MAGALLON, *on behalf of herself
and all others similarly situated*,

Plaintiff,

v.

ROBERT HALF INTERNATIONAL, INC.,
a foreign corporation,

Defendant.

CIVIL NO. 6:13-CV-01478-SI

**DECLARATION OF CRYSTAL ROSADO
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES
COSTS, AND LITIGATION EXPENSES**

I, Crystal Rosado, declare as follows:

1. I am the office manager at Francis Mailman Soumilas, P.C. ("FMS"), one of the firms representing Plaintiff Bonnie Magallon. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees and litigation expenses incurred in connection with services rendered in this matter.

2. As part of my regular duties and responsibilities as office manager, I also serve as the firm's bookkeeper. I am responsible for receiving and reviewing all invoices and expense reports submitted to the firm in connection with litigation costs and expenses incurred in connection with litigation matters.

3. These invoices and expense reports do not themselves indicate whether FMS made a payment.

4. When FMS makes a payment in connection with any invoice or expense report, I contemporaneously record the amount paid in our bookkeeping software Quickbooks, assigned to a specific litigation matter. In addition to the amount of any payment and the recipient, Quickbooks records memorialize the of the payment, the payment type, an invoice number where applicable, a category, and a description.

5. The existing functionality of Quickbooks allows me to generate a true and accurate report of all payments FMS has made in connection with a particular litigation matter.

6. I used this functionality to create a report for this litigation and export it to an Excel spreadsheet. I then formatted the spreadsheet to organize it by the category assigned in Quickbooks and to make it easier to read. The resulting spreadsheet is attached hereto as **Exhibit 1**.

7. Exhibit 1 is a true and accurate report of all of the costs and expenses paid by FMS and recorded in FMS's Quickbooks records for this litigation. According to our records, FMS has not received any reimbursement for the costs and expenses listed in Exhibit 1.

8. As shown in Exhibit 1 hereto, FMS has incurred a total of \$ 69,725.25 in unreimbursed costs and expenses in connection with the prosecution of this litigation.

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

Dated: January 24, 2025

/s/ Crystal Rosado
Crystal Rosado

EXHIBIT 1

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Charges</u>	<u>Subtotal</u>
Class Action Notice and Administration				
09/29/2021	Class Action Administration, LLC	Invoice 145987, class notice costs	9,424.88	
10/27/2021	Class Action Administration, LLC	Invoice 146164, class notice costs	315.53	
11/24/2021	Class Action Administration, LLC	Invoice 146503, class notice costs	196.91	
04/19/2022	Class Action Administration, LLC	Invoice 142772, class notice costs	373.29	
04/19/2022	Class Action Administration, LLC	Invoice 143701, class notice costs	173.15	
04/19/2022	Class Action Administration, LLC	Invoice 142966, class notice costs	175.11	
				\$ 10,658.87
Deposition Transcripts				
1/5/2015	Summit Court Reporting	Transcript and exhibits for Deposition of Lyn Irish on 09/16/2014	1,993.70	
3/31/2015	Schmitt Reporting	Appearance fees re Deposition of Louisa Waldman and Jennie Joiner on 02/26/2015	300.00	
5/1/2015	Schmitt Reporting	Transcript of Deposition of Louisa Waldman and Jennie Joiner on 02/26/2015	461.30	
12/21/2017	Summit Court Reporting	Transcript of Deposition of Michael Hoffman on 11/03/2017	936.10	
7/15/2020	Summit Court Reporting	Transcript of Deposition of Cindy Fuller on 01/16/2020	527.45	
10/19/2020	Summit Court Reporting	Transcript of Deposition of Sunny Sanghani on 01/29/2020	695.00	
10/19/2020	Summit Court Reporting	Transcript of Deposition of Aparna Viswnath on 01/27/2020	775.00	
1/22/2021	Summit Court Reporting	Electronic Exhibits re Deposition of Michael Hoffman on 03/09/2020	166.40	
9/22/2021	Summit Court Reporting	Transcript of Deposition of Michael Hoffman on 06/17/2021	366.45	
2/14/2022	Summit Court Reporting	Transcript of Deposition of Lyn Irish on 10/14/2021	198.65	
4/20/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Rebecca E. Keuhn on 02/28/2024	707.60	
5/20/2024	Veritext Legal Solutions	Transcript of Deposition of Dr. Linsey Willis	1,298.70	
5/21/2024	U.S. Legal Support, Inc.	Video Deposition of Rebecca E. Keuhn on 02/28/2024	625.00	
5/21/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Jonathan Eric Guryan, Ph.D. on 02/27/2024	1,300.00	
5/21/2024	U.S. Legal Support, Inc.	Video Deposition of Jonathan Eric Guryan, Ph.D. on 02/27/2024	1,780.15	
10/17/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Berenice Braithwaite on 08/09/2024	554.25	
10/17/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Kathleen Cattani on 08/06/2024	1,838.78	
10/17/2024	U.S. Legal Support, Inc.	Transcript of Deposition of JoLynn Conway-James on 09/11/2024	1,456.93	
10/17/2024	U.S. Legal Support, Inc.	Video Deposition of Leyth Ted Mawla on 08/07/2024	1,265.25	
10/17/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Leyth Ted Mawla on 08/07/2025	1,182.80	
10/17/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Megan Slabinski on 08/16/2024	662.65	

10/17/2024	U.S. Legal Support, Inc.	Video Deposition of Berenice Braithwaite on 08/09/2024	405.00
10/17/2024	U.S. Legal Support, Inc.	Transcript of Deposition of Kathleen Cattani on 08/06/2024	317.50
			\$ 19,814.66
Court Transcripts			
7/15/2024	Dennis W. Apodaca, RDR, CRR	Rough court transcript of hearing on Daubert motions on 07/11/2024	1,443.75
7/30/2024	Dennis W. Apodaca, RDR, CRR	Court transcript of pretrial conference hearing on 7/29/2024	752.00
			\$ 2,195.75
Expert Witness Fees			
03/07/2023	L.J. CRAIG & Associates, Inc.	Initial retainer	6,800.00
05/09/2023	L.J. CRAIG & Associates, Inc.	Complete third draft of expert report	6,991.25
05/09/2023	L.J. CRAIG & Associates, Inc.	Hours worked past retainer	3,612.50
01/23/2024	L.J. CRAIG & Associates, Inc.	Final report	1,700.00
02/16/2024	L.J. CRAIG & Associates, Inc.	Deposition prep and deposition attendance	3,825.00
			\$ 22,928.75
Outside Copying & Delivery Fees			
3/2/2018	Federal Express		53.55
3/2/2018	Federal Express		25.35
4/12/2023	Federal Express		68.30
			\$ 147.20
Mediation Fees			
11/10/2023	Hon. Henry Kantor	Mediation preparation	3,482.50
09/17/2024	Hon. Henry Kantor	Mediation preparation	2,500.00
01/21/2025	Hon. Henry Kantor	Mediation participation	1,250.00
			\$ 7,232.50
e-Discovery			
02/12/2020	JND eDiscovery	Large volume data storage and processing	288.40
02/12/2020	JND eDiscovery	Large volume data storage and processing	213.40
04/10/2020	JND eDiscovery	Large volume data storage and processing	268.40
04/10/2020	JND eDiscovery	Large volume data storage and processing	118.40
			\$ 888.60
Travel			
Airfare			
7/28/2014	American Airlines	Travel to San Francisco for deposition of Lyn Irish on 09/16/2014	769.20
10/01/2014	American Airlines	wifi reimbursement for travel to San Francisco for deposition of Lyn Irish on 09/16/2014	11.20
10/13/2023	American Airlines	Travel to Portland for Mediation on 10/23/2023	950.39
07/17/2024	American Airlines	Travel to Portland for Oral Argument on 9/9/2024	1,792.46
			\$ 3,523.25
Lodging			
10/1/2014	Hotwire, John Soumilas	Reimbursement for travel to San Francisco for deposition of Lyn Irish on 9/16/2024	258.24
10/25/2023	Hotel Lucia, Portland	Travel to Portland for Mediation on 10/23/2023	759.14
10/25/2023	Hotel Lucia	Travel to Portland for Mediation on 10/23/2023	7.00

9/11/2024	Hotel Lucia, Portland	Travel to Portland for Oral Argument on 9/9/2024	563.76
9/10/2024	Hotel Lucia, Portland	Travel to Portland for Oral Argument on 9/9/2024	7.00
			\$ 1,595.14
Cabs and Ubers			
09/24/2014	John Soumilas	Reimbursement for travel to San Francisco for deposition of Lyn Irish on 9/16/2014	60.00
09/24/2014	John Soumilas	Reimbursement for travel to San Francisco for deposition of Lyn Irish on 9/16/2014	25.00
09/24/2014	John Soumilas	Reimbursement for travel to San Francisco for deposition of Lyn Irish on 9/16/2014	30.00
09/24/2014	John Soumilas	Reimbursement for travel to San Francisco for deposition of Lyn Irish on 9/16/2014	55.00
10/17/2023	Curb Taxi	Travel to Portland for Mediation on 10/23/2023	11.90
9/11/2024	Uber	Travel associated with trip to Portland, OR for Oral Argument on 9/9/2024	48.57
9/11/2024	Uber	Travel associated with trip to Portland, OR for Oral Argument on 9/9/2024	68.11
9/13/2024	Uber	Travel associated with trip to Portland, OR for Oral Argument on 9/9/2024	29.17
			\$ 327.75
Meals			
09/24/2014	John Soumilas	Meals associated with travel to San Francisco for deposition of Lyn Irish on 9/16/2014	35.40
09/24/2014	John Soumilas	Meals associated with travel to San Francisco for deposition of Lyn Irish on 9/16/2014	11.88
10/23/2023	Tusk Portland OR	Meals associated with Mediation travel on 10/23/2023	196.40
10/24/2023	Saint Honore Boulangerie	Meals associated with Mediation travel on 10/23/2023	38.75
10/25/2023	Saint Honore Boulangerie	Meals associated with Mediation travel on 10/23/2023	29.44
10/25/2023	Poor Your NW Travel Portland	Meals associated with Mediation travel on 10/23/2023	9.97
10/25/2023	Auntie Anne's Airport	Meals associated with Mediation travel on 10/23/2023	10.05
9/10/2024	Poor Your NW Travel Portland	Meals associated with trip to Portland, OR for Oral Argument on 9/9/2024	9.77
9/10/2024	Cheryl's on 12th	Meals associated with trip to Portland, OR for Oral Argument on 9/9/2024	22.81
9/11/2024	Cheryl's on 12th	Meals associated with trip to Portland, OR for Oral Argument on 9/9/2024	18.90
9/10/2024	Brioche Doree	Meals associated with trip to Portland, OR for Oral Argument on 9/9/2024	29.41
			\$ 412.78
TOTAL EXPENSES			\$ 69,725.25

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

BONNIE MAGALLON, *on behalf of herself
and all others similarly situated*,

Plaintiff,

v.

ROBERT HALF INTERNATIONAL, INC.,
a foreign corporation,

Defendant.

CIVIL NO. 6:13-CV-01478-SI

**DECLARATION OF JOHN SOUMILAS
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES
COSTS, AND LITIGATION EXPENSES**

I, John Soumilas, declare as follows:

INTRODUCTION

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

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

3. Along with the attorneys working on this case, I oversaw this litigation as well as staffing the case with appropriate attorneys 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.

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, 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) (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 McIntyre v. RealPage, Inc.*, 2023 WL 2643201, at *3 n.5 (E.D. Pa. Mar. 23, 2023) (referencing FMS’s “significant experience litigating FCRA class actions” and “particular skill and efficiency” in prosecuting FCRA section 1681e(b) class action, as well as “counsel’s overwhelming experience in consumer litigation and class actions”); *Ramirez v. Trans Union, LLC*, 2022 WL 17722395 (N.D. Cal. Dec. 15, 2022) (“Courts have consistently recognized Francis Mailman Soumilas ‘for its expertise in FCRA litigation and the high caliber of its work for the classes it represents.’”); *Martinez v. Avantus, LLC*, 343 F.R.D. 254, 266 (D. Conn. 2023) (firm “has substantial experience in class action litigation, including FCRA class actions ... [and] demonstrated proficiency at all stages of suit”); *Der Hacopian v. SentryLink*, C.A. 18-3001 (D. Md. Nov. 23, 2020) (firm “many, many times in the past has been found to be not just qualified or competent, but extremely well-qualified and competent to represent consumer classes in many, many other jurisdictions, not only this particular jurisdiction”); *see also Patel v. Trans Union, LLC*, 308 F.R.D. 292, 307 (N.D. Cal. 2015) (noting counsel have “extensive experience in litigating

[FCRA cases] ... have represented consumer classes in many cases in many districts ... [and] have shown their proficiency in this case[.]”); *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 law firms that has actual experience in trying consumer class actions. We have brought several actions to trial and obtained several noteworthy verdicts and settlements. *See, e.g., Samuel-Bassett v. Kia Motors America, Inc.*, 34 A.3d 1 (Pa. 2011) (upholding \$5.6 million verdict for class of Pennsylvania car purchasers plus award of attorney’s fees); *Little v. Kia Motors America, Inc.*, 2003 WL 25568765 (N.J. Super. L. 2003) (approximately \$6 million verdict for a class of New Jersey consumers); *Chakejian v. Equifax Information Services, LLC*, 275 F.R.D. 201 (E.D. Pa. 2011) (favorable FCRA disclosure claim class settlement following opening statements to the jury); *Ramirez v. Trans Union LLC*, 951 F.3d 1008 (9th Cir. 2020) (affirming liability in \$60 million FCRA jury verdict but reducing punitive damages award to 4:1 ratio of statutory damages) *rev’d in part*, *Trans Union LLC v. Ramirez*, 141 S.Ct. 2190 (2021) (announcing new standard for Article III standing and finding insufficient evidence thereof for approximately three-quarters of class members).

7. FMS and I have 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 generally* Exhibit A; *see also Ryals, et al. v. Hireright Solutions, Inc.*, C.A. No. 3:09-cv-625 (E.D. Va. Dec. 22, 2011) (\$28.3 million); *Henderson v. Axiom Risk Mitigation, Inc.*, C.A. No. 12-589 (E.D. Va. Aug. 7, 2015) (\$20.8 million); *Thomas*

v. BackgroundChecks.com, C.A. No. 13-029 (E.D. Va. Aug. 11, 2015) (\$18 million); *Berry v. LexisNexis Risk & Info. Analytics Group, Inc.*, No. 3:11-cv-754, 2014 WL 4403524, at *11 (E.D. Va. Sept. 5, 2014) (\$13.5 million plus national injunctive relief).

8. Other recent instances in which FMS has been appointed to serve as class counsel include *Brauer v. ExamOne World Wide Inc. et al*, No. 2:22-cv-07760-MEMF-JC (C.D. Cal.) at ECF 126 (Jan. 14, 2015 Order); *Brooks v. Trans Union, LLC*, ___ F. Supp. 3d ___, 2024 WL 3625142, at *14 (E.D. Pa. Aug. 1, 2024); *Samson v. United Healthcare Servs. Inc.*, 2023 WL 6793973, at *8 (W.D. Wash. Oct. 13, 2023); *Martinez v. Avantus, LLC*, 343 F.R.D. 254, 266 (D. Conn. 2023); *Healy v. Milliman, Inc.*, No. 2:20-cv-01473-JCC (W.D. Wash.) at ECF 126 (Apr. 29, 2022 order granting class certification); *Kang v. Credit Bureau Connection*, 2022 WL 658105, at *5 (E.D. Cal. Mar. 4, 2022); *McIntyre v. RealPage, Inc.*, 336 F.R.D. 422, 436 (E.D. Pa. 2020); *Norman v. Trans Union, LLC*, 479 F. Supp. 3d 98, 137 (E.D. Pa. 2020); *Stokes v. RealPage, Inc.*, C.A. No. 15-1520, ECF 63 (E.D. Pa. Feb. 6, 2018); *Flores v. Express Services Inc.*, 2017 WL 1177098 (E.D. Pa. Mar. 29, 2017); *Miller v. Trans Union, LLC*, 2017 WL 412641 (M.D. Pa. Jan. 18, 2017); *Larson v. Trans Union, LLC*, 2016 WL 4367253 (N.D. Ca. Aug. 11, 2016); *Magallon v. Robert Half International, Inc.*, 2015 WL 8778398 (D. Or. Nov. 10, 2015); *Patel*, 308 F.R.D. 292; *Ramirez v. Trans Union, LLC*, 2014 WL 3734525 (N.D. Cal. July 24, 2014); *Sapp v. Experian Info. Solutions, Inc.*, 2013 WL 2130956 (E.D. Pa. May 15, 2013); *LaRocque v. TRS Recovery Services, Inc.*, 285 F.R.D. 139 (D. Me. 2012); *Giddiens v. First Advantage LNS Screening Solutions, Inc.*, No. 2:12-cv-2624, ECF 55 (E.D. Pa. Jan. 20, 2015); *Serrano v. Sterling Testing Systems, Inc.*, 711 F. Supp. 2d 402, 412 (E.D. Pa. 2010); *Summerfield v. Equifax Info. Services, LLC*, 264 F.R.D. 133 (D.N.J. 2009); *Chakejian v. Equifax Info. Services, LLC*, 256 F.R.D. 492 (E.D. Pa. 2009).

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

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

10. I have been practicing consumer litigation, with an emphasis on Fair Credit Reporting litigation and consumer class actions, for the past 25 years. I have repeatedly been recognized by Philadelphia Magazine as a “SuperLawyer,” a recognition received by only 5% of attorneys in Pennsylvania. I have been nationally recognized for my work in protecting consumer rights under the federal Fair Credit Reporting Act (FCRA). Throughout my career, I have obtained some of the highest consumer jury verdicts, including the highest known FCRA verdicts in Pennsylvania, California, and Michigan, and have been appointed by federal judges as class counsel in some of the largest FCRA class cases and settlements.

THE INSTANT LITIGATION

11. This matter was originated by local counsel, Robert S. Sola. The instant action was filed on August 22, 2013.

12. FMS joined Robert S. Sola as counsel in March 2014.

13. Since becoming counsel for Plaintiff Bonnie Magallon and the Class, I personally handled or was directly involved in virtually all attorney aspects of this litigation, along with my

partners James A. Francis and Lauren KW Brennan. We were also assisted in select respects by other FMS attorneys and FMS paralegals. The tasks FMS performed in this litigation were substantial and are summarized below:

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

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

c. Drafting deposition notices;

d. Preparing for and taking 21 depositions of fact witnesses, expert witnesses, and 30(b)(6) corporate designees;

e. Drafting motion and associated papers for a class certification motion;

f. Drafting an opposition and associated papers regarding Defendant's motion to deny class certification;

g. Drafting motion and associated papers for two motions to compel class list discovery;

h. Drafting briefing regarding the scope of the class;

i. Drafting an opposition to Defendant's motion for summary judgment;

j. Drafting a response to motion to decertify class;

k. Preparation of two motions to exclude expert witnesses;

l. Responding to two motions to exclude expert witnesses;

m. Preparing for and attending hearings related to motions to exclude expert witnesses from both parties;

n. Extensive preparation of pre-trial materials, including substantive deposition designations, exhibit lists, witness lists, proposed jury questions, proposed voir dire, proposed verdict form, trial brief, amended witness and exhibit lists, objections to motion to surprise witnesses and motion exclude surprise witnesses and exhibits, oppositions to motions *in limine*, opposition to motion to bifurcate, objections to proposed voir dire, objections to proposed jury instructions, reply to defendant's objections to exhibits and witnesses, objections to proposed verdict sheet, plaintiff's unopposed motion *in limine* concerning counsel, judicial notice, supplemental substantive deposition designations, and objections to witness list;

o. Participating in extensive settlement discussions and participating in follow-up conferences with counsel for Defendant;

p. Drafting, editing, and revising the settlement agreement and attachments including the notice and claim form;

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

r. Preparing and filing motion for preliminary approval and to direct notice to the class; and

s. Preparation of materials in association with motion for fees and costs, along with drafting of same.

14. Based upon my experience as class counsel in other class action settlements, including settlements of a similar size and structure, I expect that the attorneys and paralegals of

FMS will expend additional time going forward in order to bring this settlement to a successful conclusion. I expect tasks going forward to include:

- a. Preparation of the Motion for Final Approval of the Settlement;
- b. Preparing any necessary supplemental submissions regarding any objections to the Settlement in advance of the final approval hearing;
- c. Preparation for and attendance at the final approval hearing;
- d. Responding to inquiries by Settlement Class Members;
- e. Supervision of the Settlement Administrator.

**COMPLIANCE WITH THE PROVISIONS OF THE SETTLEMENT REGARDING
ATTORNEYS FEES AND EXPENSES**

15. On November 12, 2024, pursuant to paragraphs 48 and 101 of the Settlement Agreement, I sent an email to counsel for RHI attaching a ten (10) page summary of Class Counsel's lodestar in this matter. The summary included the same level of detail as the chart set forth in paragraph 23 below. Consistent with the terms of the Settlement Agreement which provide that this summary will not be filed with the Court (ECF 298-1 at ¶ 101), I do not include that summary here. A true and correct copy of my email correspondence sending the summary to RHI's counsel is included within **Exhibit B** hereto.

16. On November 15, 2024, I received an email from counsel for RHI requesting that Class Counsel produce the timesheets underlying the summary of lodestar. A true and correct copy of that email is included within **Exhibit B** hereto.

17. In response to RHI's November 15, 2024 request, I sent an email to RHI's counsel on November 20, 2024 offering to produce Class Counsel's complete time sheets if RHI agreed to

produce time sheets for all counsel who billed RHI in connection with this matter. A true and correct copy of that email is included within **Exhibit B** hereto.

18. I did not receive a response to my November 20, 2024 email concerning the exchange of time sheet or any other communication or proposal relating to time sheets.

19. On November 22, 2024, I received a separate email from RHI's counsel proposing to schedule a mediation with Judge Kantor concerning an award of attorneys' fees and expenses in this matter. A true and correct copy of that email is attached as **Exhibit C** hereto.

20. The Parties participated in a mediation with Judge Kantor via Zoom on December 17, 2024, but were unable to reach agreement.

21. I did not receive any notification by December 25, 2024, or at any later date, concerning whether RHI intends to oppose the fee petition once filed.

FMS'S TIME INVESTED IN THIS LITIGATION

22. Along with me, the attorneys in my firm who submit billable time in this litigation are James A. Francis, Lauren KW Brennan, Jordan Sartell, and David Searles. Mr. Francis and Ms. Brennan were admitted in this case since 2014, as was I. Mr. Searles offered select assistance with the class certification briefing in particular, one of his areas of expertise. Mr. Sartell was consulted primarily with respect to the management, interpretation and review of large document productions by Defendant and large excel spreadsheets, one of his areas of expertise. Additionally, my firm seeks billable time for the experienced paralegals who also worked on this case.

23. A detailed summary of the time expended by my firm in this matter, by activity categories applicable to this case, is set forth in the following table. My firm has a policy of keeping time records contemporaneously with the tasks and activities performed. 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 in the regular course of business.¹ Time expended that has been considered duplicative or redundant has been eliminated from this lodestar. Specifically, I have excluded time from my partner Mark Mailman who assisted with settlement, two students who worked as interns for my firm and who conducted select legal and factual research, as well as the time of my assistant who helped me compile and organize FMS's time for purposes of this detailed summary and for the fee petition required by the terms of the settlement and Rule 23(e). After turning over a summary of our lodestar to Defendant pursuant to the terms of the Settlement Agreement, I have further excluded a few time entries from the timesheets. Further, consistent with our firm's usual practice, tasks and assignments were apportioned to avoid the expenditure of duplicative time and redundant staffing. The summary below is for the Court's convenience:

	James Francis	John Soumilas	Lauren Brennan	Jordan Sartell	David Searles	Paralegals
Phase 1² – Pre-suit investigation through initial pleadings (Complaint and Answer) and first Scheduling Order (before Jan. 9, 2014)	0	0	0	0	0	0
Phase 2 – Rule 26(a) agreement, Protective Order, initial class discovery (written discovery, third party discovery and depositions) and discovery disputes through the close of certification discovery – (Jan. 10, 2014 through June 1, 2015)	46.8	240.4	55.1	0	.3	8.8

² The phases set forth herein are intended to broadly summarize the progress of the case and assist the Court in understanding the time expended during each phase. The phases are not built into my firm's time keeping software and are not intended to be strict or exclusive; moreover, time records have been divided up based upon chronology rather than the specific content of the time entry.

	James Francis	John Soumilas	Lauren Brennan	Jordan Sartell	David Searles	Paralegals
Phase 3 – Preparation and briefing for Plaintiff’s Motion for Class Certification and Defendant’s separate Motion to Deny Class Certification, and Court Order Certifying Class – (June 2, 2015, through Nov. 10, 2015)	54.7	206.2	34.3	0	24.6	35.1
Phase 4 – Dispute re: class list and class composition, written discovery and depositions regarding same, court conferences, and two Plaintiff’s motions to compel regarding class list and class data – (Nov. 11, 2015 through May 1, 2018)	128.6	289.7	81.4	12.3	.9	28.0
Phase 5 – Class member identification process and class notice, including review of over 35,000 compelled documents, and various court conferences and briefing re: final class list and form of notice to the class – (May 2, 2018 through June 1, 2021)	215.7	377.3	275.6	.5	2.1	449.4
Phase 6 – Merits discovery and supervision of notice to the class – (June 2, 2021 through January 2, 2022)	6.9	104	24.7	0	0	24.6
Phase 7 – Motion practice re: Defendant’s Motion for Summary Judgment and Court Order re: same – (January 3, 2022 through Feb. 7, 2023)	13.3	86.3	28.3	.2	0	0.8

	James Francis	John Soumilas	Lauren Brennan	Jordan Sartell	David Searles	Paralegals
Phase 8 – Completing Merits Discovery, Expert Discovery, including expert reports and depositions as well as first mediation and initial trial scheduling – (Feb. 8, 2023 through February 29, 2024)	29.3	297.6	63.4	0	0	41.1
Phase 9 – Motion practice regarding motions to exclude all disclosed experts – (March 1, 2024 through May 16, 2024)	19.8	208.1	54.1	0	0	18.7
Phase 10 – Preparation of pre-trial material per ECF 192 and preparation for trial, including taking additional trial deposition permitted, court conferences, second mediation, and briefing Defendant’s Motion to Decertify Class – (May 17, 2024 through Sept. 13, 2024)	37.4	656.9	61.6	13.3	0	147.1
Phase 11 – Further trial preparation and further mediation and settlement efforts through class-wide settlement terms, draft and execute settlement, and notice to Court re: approval motion and process – (Sept. 14, 2024-Oct. 15, 2024)	20.2	144.1	25.5	1.8	0	17.7
Phase 12 – Post-settlement process including Motion for Preliminary Approval, preparation of fee petition material and Fee Petition and estimated time through final approval hearing – (Oct. 16, 2024- end of case)	3.0	93.2	102.6	6.8	0	55.5

	James Francis	John Soumilas	Lauren Brennan	Jordan Sartell	David Searles	Paralegals
Subtotal Hours	575.3	2,703.8	806.6	34.9	27.9	826.8
Total Hours	4975.3					

24. The individual time entry records upon which the above chart is based contain numerous entries which reveal information that is subject to attorney client privilege and/or work product protection.

25. FMS time records include over 7,000 entries. Even assuming that it would take approximately 15 seconds per entry to review the entries to identify privileged material and redact them, such a review would take approximately an additional 30 hours to complete.

26. Should the Court wish to review the individual time entry records themselves, my office is prepared to promptly provide them upon request in an unredacted fashion via overnight delivery for an *in camera* review.

FMS'S HOURLY RATES

27. The hourly rates charged by the attorneys and paralegals at my firm have been set based upon the most recent Oregon State Bar Economic Survey ("OSB Economic Survey") which is available from the Oregon State Bar at its website www.osbar.org.

28. The rate for each timekeeper was established using the 95th percentile rate based on each attorney's total number of years in private practice (*see* Exhibit A hereto), using the Downtown Portland rate set forth in Table 36 of the OSB Economic Survey. The 95th percentile rate is within the range considered reasonable by the OSB and appropriate here in light of the substantial specialization and skill of FMS attorneys and paralegals in consumer class actions and in particular FCRA class actions, as outlined in the firm biograph (Exhibit A) and paragraphs 4-10 above.

29. Since the most recent OSB Economic Survey was published in 2022 and is based upon 2021 rates, Plaintiff's counsel here have made an adjustment to their hourly rates for inflation

consistent with the local civil rules See <https://www.ord.uscourts.gov/index.php/rules-orders-and-notices/local-rules/civil-procedure/1805-lr-54-bill-of-costs-and-attorney-fees>.

30. The below table sets forth the 2022 OSB Economic Survey hourly rate for each timekeeper, the rate adjusted 2025 to reflect inflated calculated using <https://www.usinflationcalculator.com>, each timekeeper's hours as shown in the summary in paragraph 23 above, as well as the total lodestar for FMS professionals in this matter.

Timekeeper	2021 OSB Economic Survey Hourly Rate	2025 Hourly Rate (Adjusted For Inflation)	Hours	Subtotal
James Francis (29 years in practice)	\$697/hr	\$806/hr	575.3	\$463,691.8
John Soumilas (25 years in practice)	\$697/hr	\$806/hr	2,703.8	\$2,179,262.8
Lauren KW Brennan (11 years in practice)	\$567/hr	\$656/hr	806.6	\$529,129.6
Jordan M. Sartell (12 years in practice)	\$567/hr	\$656/hr	34.9	\$22,894.4
David Searles (49 years in practice)	\$798/hr	\$923/hr	27.9	\$25,751.7
Paralegals ³		\$345/hr	826.8	\$285,246
Total FMS Lodestar:			4975.3	\$3,505,976.30

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

³ The OSB Economic Survey does not establish billing rates for paralegals. This rate was selected because it reflects the high degree of skill, experience, and specialization of FMS's paralegals, while remaining below even the lowest published rate for attorneys with 0 years of experience in Downtown Portland as shown in Table 36 of the 2022 OSB Economic Survey, when adjusted for inflation.

EXPENSES & COSTS

32. As detailed in **Exhibit D** hereto, the declaration by FMS's office manager and bookkeeper Crystal Rosado, my firm has incurred a total of \$69,725.25 in unreimbursed expenses in connection with the prosecution of this litigation. Each of the expenses described therein would typically be billed to paying clients.

33. In summary, the total attorney time devoted and expected to be devoted going forward by FMS in this litigation amounts to \$3,505,976.30 in fees and \$69,725.25 in costs and expenses.

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

Dated: January 24, 2025

/s/ John Soumilas
John Soumilas, Esq.

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*Attorneys for Plaintiff Bonnie Magallon
and the certified Class*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

BONNIE MAGALLON,
On behalf of herself and all others similarly
situated,

Plaintiff,

v.

ROBERT HALF INTERNATIONAL, INC.,
a foreign corporation.

Defendant.

Civil No. 6:13-cv-01478-SI

**DECLARATION OF ROBERT S. SOLA IN
SUPPORT OF PLAINTIFF'S MOTION
FOR ATTORNEY FEES AND COSTS**

I, Robert S. Sola, hereby declare as follows:

1. I am the founder and owner of Robert S. Sola, P.C., a consumer law firm based in Portland, Oregon, that handles Fair Credit Reporting Act cases across the United States. I am one of the attorneys for plaintiff Bonnie Magallon and the class members in this case. My former employee, attorney Shidon Aflatooni, also performed legal work for plaintiff in this case. I make this declaration based on my personal knowledge.

Work and Detailed Summary of Time for this Case

2. I have been working on this case for more than 13 years. It has been by far the longest, and in many ways the most complex, demanding and grueling, case of my forty-year legal career. I began my work in September 2011. Since that time in 2011 to the present (January 2025), I have been involved in every aspect of the litigation as lead counsel; and then as co-lead counsel with John Soumilas, after the Francis Mailman Soumilas firm joined me as counsel for plaintiff and the class.

3. Working on a federal class action case for more than 13 years inevitably requires putting in a large number of hours, which is reflected in the lodestar attorney fee for plaintiff's counsel. I was committed to expending that substantial amount of time for plaintiff and the class because of my dedication as a consumer lawyer, and because I believe that Fair Credit Reporting Act litigation provides benefits not only to the consumers in the particular case, but to the general population and to the American economy which is dependent on a fair and efficient consumer reporting system.

4. To be frank, the time required to prosecute this action, and the length of the litigation, was significantly and unnecessarily increased by the tactics and practices of the original out of state defense counsel. This included stonewalling on discovery and the class list, not obeying court orders, and refusing to even have settlement negotiations until 2023, the tenth year of litigation.

5. I performed significant work in all phases and aspects of the case. Mr. Aflatooni performed legal work in this case from August 2013 until February 2017. The work performed by myself and Mr. Aflatooni is described in the Detailed Summary of Robert S. Sola, P.C.'s Time in This Litigation ("Detailed Summary of Time") below.

6. FCRA class action litigation is a highly specialized field. Only a handful of plaintiffs lawyers have the requisite knowledge, skill and expertise to successfully litigate such a case.

7. In this type of complex FCRA case, the plaintiff's lawyers must have special knowledge and skills to succeed. This includes knowledge of the consumer reporting industry, understanding the practices and procedures of employers who use consumer reports to screen applicants, understanding the operations of background screening companies, knowledge of the types of damages that result from violations of the FCRA and how to prove those damages, knowledge of the complex statutory scheme within the FCRA, knowledge of the large and varied body of case law concerning the FCRA, knowledge of the law governing class actions, knowledge of the law governing standing – which is rapidly evolving in the wake of recent Supreme Court and Circuit Court precedents, and the ability to understand the numerous specialized industry documents and the codes used in those documents.

8. Plaintiff's counsel have such skill and knowledge, as is evident by plaintiff's success at all stages of this litigation, and the ultimate result of payment to each class member of \$955.95, which is more than 95% of the maximum statutory damages (\$1,000) recoverable under the FCRA.

9. This case required an expenditure of time that kept me and Mr. Aflatooni from doing other legal work. The attorney fee was contingent, meaning that my firm undertook a risk in choosing to work on the case; and my firm bore the costs and expenses required to prosecute the case, which exceeded \$24,000.

10. I did not have a prior relationship with Ms. Magallon, and I do not expect her to seek my services in the future. Thus, there is no “bonus” of repeat business or a new long term client.

11. Below is a Detailed Summary of Time expended on this case by myself and Mr. Aflatooni, based on the contemporaneous records we each kept of our time. This summary is prepared based on more than 4000 individual time entries. The total amount of hours for me which are included as chargeable is 806.8. The hourly rate that plaintiff is seeking for my time is \$923. The total amount of hours for Mr. Aflatooni which are included as chargeable is 51.3. The hourly rate that plaintiff is seeking for Mr. Aflatooni’s time is \$597.

12. The presumptively reasonable fee, or lodestar, for my firm in this case is \$775,302.50.

13. In preparing the summary of time, we have exercised billing discretion and have not included all of the time we devoted to the case in the calculation of time. We wrote or reviewed thousands of emails in this case. Although it was necessary to write or review each email, we have not billed time for all those emails. We also had numerous conferences, and did not include our time for every conference. There were also other items of work that are not included in the time summary.

Hourly Rate Sought and Basis

14. Because I handle all my cases on a contingency fee basis, I do not have a standard hourly rate for my work. Plaintiff is seeking attorney fees for the work I performed at the hourly rate of \$923. Consistent with the Practice Tip to LR 54, this hourly rate is based on the most recent Economic Survey from the Oregon State Bar. Table 36 of the Economic Survey lists a 2021 hourly rate of \$798 for an attorney in downtown Portland who has been admitted to practice for more than 30 years, in the 95th Percentile. My office is in downtown Portland and I have been admitted to practice for 40 years. I believe I belong in the 95th Percentile based on my reputation, skill and experience as detailed in the

Legal Biography section below. Among the reasons for this percentile are: (1) my reputation as one of the leading consumer attorneys in the country; (2) my experience and expertise in FCRA litigation; (3) my success in litigating FCRA cases, including two multi-million dollar verdicts; and (4) being one of the plaintiffs' attorneys in the "public record" class actions against the three major credit reporting agencies that resulted in settlements providing extraordinary benefits to millions of consumers, including removing certain adverse public record information from credit reports and allowing consumers to participate in an uncapped mediation program to recover monetary damages.

15. Even if one were to quibble with using the 95th Percentile, the fact that I have been admitted to practice for 10 years longer than the 30-year requirement for that category of rates supports a higher rate than \$798, and thus should offset any "reduction" based on the percentile.

16. My hourly rate has been adjusted to \$923 based on inflation, as allowed by the Practice Tip. The adjustment was based on the years 2021 (the year used in the Economic Survey) to 2024. The inflation adjustment was made using <https://www.usinflationcalculator.com>.

17. Plaintiff is seeking attorney fees for the work of Mr. Aflatooni at the hourly rate of \$597. This hourly rate is based on the most recent Economic Survey from the Oregon State Bar. Table 36 of the Economic Survey lists a 2021 hourly rate of \$538 for an attorney in downtown Portland who has been admitted to practice for 0-3 years, in the 95th Percentile; and a rate of \$495 for an attorney in downtown Portland who has been admitted to practice for 4-6 years, in the 95th Percentile. Mr. Aflatooni was in both of those Years Admitted to Practice categories as he worked on this case. Therefore, an appropriate rate, before adjustment for inflation, is \$516 - the average of those two rates: \$536 and \$495. Mr. Aflatooni belongs in the 95th Percentile based on his knowledge, skill and experience as described in his Legal Biography below, and because his work in this case was based on my training and was closely supervised by me. As further evidence of his legal skill, after leaving my

5 DECLARATION OF ROBERT S. SOLA

firm because he moved to Washington, he became an attorney with the Washington State Department of Justice. He moved back to Oregon, and now works for the Oregon Department of Justice.

18. Mr. Aflatooni's hourly rate has been adjusted to \$597 to account for inflation. The adjustment was based on the years 2021 (the year used in the Economic Survey) to 2024. The inflation adjustment was made using <https://www.usinflationcalculator.com>.

19. **Detailed Summary of Robert S. Sola, P.C.'s Time in This Litigation**

	Robert Sola	Shidon Aflatooni
Phase 1¹ – Pre-suit investigation through initial pleadings (Complaint and Answer) and first Scheduling Order (before Jan. 9, 2014)	28.5	7.3
Phase 2 – Rule 26(a) agreement, Protective Order, initial class discovery (written discovery, third party discovery and depositions) and discovery disputes through the close of certification discovery – (Jan. 10, 2014 through June 1, 2015)	95.3	11.0
Phase 3 – Preparation and briefing for Plaintiff's Motion for Class Certification and Defendant's separate Motion to Deny Class Certification, and Court Order Certifying Class – (June 2, 2015, through Nov. 10, 2015)	31.0	14.1
Phase 4 – Dispute re: class list and class composition, written discovery and depositions regarding same, court conferences, and two Plaintiff's motions to compel regarding class list and class data – (Nov. 11, 2015 through May 1, 2018)	77.9	18.9
Phase 5 – Class member identification process and class notice, including review of over 35,000 documents of compelled documents, and various court conferences and briefing re: final class list and form of notice to the class – (May 2, 2018 through June 1, 2021)	88.2	

¹ The phases set forth are intended to broadly summarize the progress of the case and assist the Court in understanding the time expended during each phase. The phases are not intended to be strict or exclusive, and time records have been divided up based upon chronology rather than the specific content of the time entry.

Phase 6 – Merits discovery and supervision of notice to the class – (June 2, 2021 through January 2, 2022)	20.4	
Phase 7 – Motion practice re: Defendant’s Motion for Summary Judgment and Court Order re: same – (January 3, 2022 through Feb. 7, 2023)	10.2	
Phase 8 – Completing Merits Discovery, Expert Discovery, including expert reports and depositions as well as first mediation and initial trial scheduling – (Feb. 8, 2023 through February 29, 2024)	109.8	
Phase 9 – Motion practice regarding motions to exclude all disclosed experts – (March 1, 2024 through May 16, 2024)	62.2	
Phase 10 – Preparation of pre-trial material per ECF 192 and preparation for trial, including taking additional trial deposition permitted, court conferences, second mediation, and briefing Defendant’s Motion to Decertify Class – (May 17, 2024 through Sept. 13, 2024)	207.7	
Phase 11 – Further trial preparation and further mediation and settlement efforts through class-wide settlement terms, draft and execute settlement, and notice to Court re: approval motion and process – (Sept. 14, 2024-Oct. 15, 2024)	36.2	
Phase 12 – Post-settlement process including Motion for Preliminary Approval, preparation of fee petition material and Fee Petition and estimated time through final approval hearing – (Oct. 16, 2024 – end of case)	39.4	
Subtotal Hours	806.8	51.3
OSB Economic Survey hourly rate by years admitted to practice	\$798	\$516
Final Hourly Rate, adjusted for inflation 2021-2024	\$923	\$597
Total Fees per Timekeeper	\$744,676.40	\$30,626.10

Legal Biography

Robert Sola

General Legal Background, Education, and Court Admissions

20. I am the founder and owner of the law firm, Robert S. Sola, P.C. I am admitted to practice before the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Fourth Circuit, the District of Oregon, the District of Colorado, the Eastern District of Wisconsin, the Western District of Texas, as well as the Oregon state courts.

21. I obtained a B.A. from the University of Wisconsin in 1974, and a J.D. (Order of the Coif) from the University of Oregon School of Law in 1984.

22. I have been an attorney since 1984, more than 40 years. My first position was an associate at Stoel Rives in Portland, Oregon. In 1987, I moved to Washington, D.C., and joined the staff of Congressman Bill Richardson, where I became Legislative Director. In 1991, I became an associate at Williams and Troutwine, P.C., in Portland, Oregon, specializing in complex litigation, including products liability and medical malpractice.

23. I have served as a member of the executive committee of the Oregon State Bar Consumer Law Section. Prior to that, I was chair of the executive committee of the Oregon State Bar Products Liability Section.

Fair Credit Reporting Act Litigation, Awards and Presentations

24. My law firm has a national practice litigating FCRA cases. I have handled FCRA cases since 1997, and devoted my practice almost entirely to FCRA cases since 2002. This work has made me one of most experienced, if not the most experienced, FCRA attorneys in the country.

25. My reputation and skill in FCRA litigation has resulted in other attorneys across the country contacting me to associate with them on their FCRA cases. I also get asked by consumers

around the country to represent them. I have handled FCRA cases in more than 30 different federal jurisdictions, and in state courts in Florida and California.

26. I was one of the pioneers in the field of FCRA litigation in the 1990's, when only a few attorneys were handling FCRA cases. My first FCRA trial was in 1998, against TRW (the predecessor of Experian), resulting in a \$600,000 verdict. *Novinger-Jorgensen v. TRW, Inc.*, Case No. CV-96-0286-JE (D. Or.).

27. I have obtained two multi-million dollar verdicts in FCRA trials. In 2002, I was lead counsel in *Thomas v. Trans Union, LLC*, Case No. CV-00-1150-JE (D. Or.), where the jury awarded the consumer \$300,000 in actual damages and \$5 million in punitive damages. In 2007, I was co-counsel in a FCRA trial in Florida state court, and obtained a verdict of \$219,000 in actual damages and \$2,700,000 in punitive damages. *Williams v. Equifax Information Services, LLC*, Case No. 48-2003-CA-9035-0 (Orange County Circuit Court, Florida).

28. I am one of the few attorneys who has tried more than four FCRA cases.

29. I have successfully settled or tried hundreds of individual FCRA cases, against the "Big 3" credit reporting agencies (Equifax, Experian, Trans Union), banks such as Chase, Wells Fargo, and Bank of America, credit card companies, collection agencies, employers, employment and tenant screening companies, LexisNexis, and other companies.

30. I was named Trial Lawyer of the Year in 2003 by the National Association of Consumer Advocates for my verdict in *Thomas v. Trans Union*.

31. I also have substantial experience litigating class action lawsuits under the FCRA, including *Angela Fuller v. Avis Budget Car Rental LLC, et al.*, Case No. 2:15-cv-03856 (D. N.J.); *Jones v. Equifax Information Services, LLC*, Case No. 3:12-cv-00387-MO (D. Or.); *Sapp v. Experian Info. Solutions, Inc.*, Case No. 2:10-cv-04312-SD (E.D. Pa.).

32. I am currently co-counsel in two pending certified class actions: *Rivera v. Equifax Information Services, LLC*, Case No. 1:18-cv-04639 (N.D. Ga.); and *Hines v. Equifax Information Services, LLC*, Case No. 1:19-cv-06701 (E.D.N.Y).

33. I was co-counsel in *Morales v. Equifax Information Services, LLC*, Case No. 3:18-cv-01153 (N.D. Cal.), one of several class actions filed against Equifax, and other consumer reporting agencies, for the misreporting of public record information such as civil judgments and tax liens. I was one of a group of attorneys who negotiated a nationwide settlement of these “public record” class action claims asserted across multiple jurisdictions, which provided injunctive relief that completely removed certain adverse public record information from consumer reports, and provided an uncapped mediation program to provide monetary damages for millions of consumers. These settlements were approved by the court in *Thomas v. Equifax Info. Services, LLC*, No. 18-cv-684 (E.D. Va.).

34. The total amount from settlements of the FCRA class actions that I have been counsel on exceeds \$40 million.

35. As a specialist in FCRA litigation, I have had to acquire extensive knowledge of the national consumer reporting industry, the practices and procedures of consumer reporting agencies and furnishers of consumer information, the practices of employers and background screening agencies, the types of damages that result from violations of the FCRA and how to prove those damages, the complex statutory scheme in the FCRA, an extensive and varied body of case law, and the ability to understand the numerous specialized industry documents and the codes used in those documents.

36. For more than 16 years, I was either the chair or the co-chair of the FCRA Litigation Conference presented by the National Association of Consumer Advocates and, in later years, in conjunction with the National Consumer Law Center.

37. In December 2018, I was invited to be one of the primary speakers at a credit reporting conference in Lagos, Nigeria sponsored by the Conference of Western Attorneys General, Lagos Business School, and the Credit Bureau Association of Nigeria.

38. For more than the past 20 years, I have been a regular speaker on the FCRA at continuing legal education programs. I have given more than 50 presentations on virtually every aspect of FCRA litigation. These include presentations at conferences sponsored by the Practicing Law Institute, the National Consumer Law Center, the National Association of Consumer Advocates, the Oregon Trial Lawyers Association, and the Oregon State Bar. I have also given presentations on the FCRA to various legal aid offices, so they can better assist the persons to whom they provide legal representation. All of these presentations have been without any monetary compensation.

39. All of my legal work is on behalf of consumers, on a contingent fee basis. Thus, I have no guarantee that I will get paid for my work. I front the costs and expenses of the litigation, putting my own assets at risk. The defendants in the cases I bring are normally large financial institutions or corporations with enormous resources and high-paid lawyers. I represent the “little guy/gal” - the average person who often has difficulty finding an attorney to help them with a legal matter.

Shidon Aflatooni
(to 2017)

40. Shidon Aflatooni was admitted to practice law in 2011. At the time he worked for Robert S. Sola, P. C., he was admitted to practice in Oregon state courts and the District of Oregon.

41. Shidon Aflatooni graduated from Lewis and Clark Law School in 2011 with a certificate in Federal Tax Law. Between 2012 and 2017, he worked as an Associate Attorney at Robert S. Sola, P.C. where he litigated individual and class action cases under the Fair Credit Reporting Act. His prior legal experience includes working as a contract attorney at Portland State University’s

Student Legal Services where he handled matters relating to personal injury, employment and bankruptcy.

42. In 2016 and 2017, Shidon Aflatooni was selected by his peers as a Rising Star in Consumer Law. Shidon Aflatooni has presented on FCRA related topics to the Oregon Trial Lawyers Association and at Lewis and Clark Law School. He served as the Oregon State Chair for the National Association of Consumer Advocates.

Costs and Expenses

43. As detailed below, Robert S. Sola, P.C. has incurred unreimbursed costs and expenses of \$24,715.27 in this litigation. I personally kept track of the costs and expenses in this case on a paper ledger that was used solely for costs and expenses in this case. Whenever a cost or expense in this case was paid, I made a handwritten entry on the case ledger of the date paid, the entity paid, the reason for the payment, and the amount. The list of costs expenses below is based on that ledger, and accurately reflects the costs and expenses incurred. These costs and expenses would be billed to a client and reimbursed to my firm out of the monetary recovery obtained.

8-22-2013	U.S. District Court	Filing Fee	\$400
10-16-2013	U.S. Postal Service (USPS)	mail waiver of service	\$1.92
3-14-2014	USPS	mail discovery requests	\$3.22
3-17-2014	USPS	mail discovery responses	\$4.48
4-10-2014	U.S. District Court	Pro Hac Vice fees for 2 co-counsel	\$200
12-29-2014	U.S. District Court	Pro Hac Vice fee for 1 co-counsel	\$100
2-10-2015	Telephone Company	Long distance call with J. Soumilas	\$8.86
7-17-2015	Court Reporter	Transcript of Plaintiff deposition	\$222
7-21-2015	USPS	mail Judge's copy of motion	\$12.65

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8-26-2015	Telephone Company	Long distance call with co-counsel	\$8.00
9-16-2015	USPS	mail Judge's copy of reply	\$19.99
9-16-2016	USPS	mail Judge's copy of motion	\$7.35
11-13-2023	Henry Kantor	mediator fee	\$3482.50
12-15-2023	Privacy Times (Hendricks)	expert witness fee	\$8000
2-22-2024	Privacy Times (Hendricks)	expert witness fee	\$800
3-29-2024	Court Reporter	Transcript of Hendricks deposition	\$1401.45
3-29-2024	Privacy Times (Hendricks)	expert prep and deposition time	\$5500
7-18-2024	UPS Store	color copies of depo designations	\$34.45
9-17-2024	Court Reporter	Transcript of Steel deposition	\$758.40
9-23-2024	Henry Kantor	mediator fee	\$2500
12-12-2024	Henry Kantor	mediator fee	<u>\$1250</u>
Total costs and expenses			\$24,715.27

Summary: TOTAL ATTORNEY FEES FOR ROBERT S. SOLA, P.C.: \$775,302.50

TOTAL COSTS AND EXPENSES FOR ROBERT S. SOLA, P.C.: \$24,715.27

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of January, 2025, in Portland, Oregon.

/s/ Robert S. Sola
Robert S. Sola