

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

DONNA BRIM, KIMBERLY PERRY, and
JANET TURNER LAMONICA, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

PRESTIGE CARE, INC.,

Defendant.

No. 2:22-cv-01233-TL

**DECLARATION OF KALEIGH N. BOYD
IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES,
COSTS, AND SERVICE AWARD**

I, Kaleigh N. Boyd, declare as follows:

1. I am Settlement Class Counsel in the above-captioned matter. This Declaration supports Plaintiffs’ Unopposed Motion for Attorneys’ Fees, Costs, and Service Awards. I have personal knowledge of the facts in this declaration and could testify to them if called upon.

2. Our law firms, Tousley Brain Stephens PLLC, Mason LLP, Milberg Coleman Bryson Phillips Grossman, and Chestnut Cambronne PA, have extensive experience as class counsel, particularly in data breach cases, as detailed in Class Counsel’s firm resumes. (Dkt. 7-1, 7-2, 7-3, 7-4 (Class Counsel’s Resumes)).

1 3. Class Counsel has thus far dedicated a total of 300.1 hours to litigating and
2 negotiating, with a total lodestar of \$150,077.10.

3 4. Counsel's fee request of \$325,000 reflects an approximate 2.13 positive multiplier
4 as of the time of this Motion. Class Counsel's multiplier will continue to go down as Class Counsel
5 sees this matter through final approval and administration of the settlement.

6 **LITIGATION BACKGROUND AND THE WORK OF CLASS COUNSEL**

7
8 5. Prior to filing their respective cases, Class Counsel conducted extensive pre-suit
9 discovery to ascertain all publicly available details about the cause, scope, and result of the data
10 breach, as well as about the damages suffered by the Plaintiffs and the Class.

11 6. Additionally, Class Counsel spent time interviewing Plaintiffs to determine
12 whether and how their personally identifiable information was received by Prestige Care and to
13 assess the specific harm suffered by Plaintiffs.

14 7. Following the filing of several complaints arising from the Prestige Care data
15 breach, Class Counsel quickly coordinated with all Plaintiffs' counsel to move for consolidation.
16 The Consolidation Order was granted on April 1, 2024. Dkt. 8.

17
18 8. Pursuant to the Consolidation Order, Class Counsel coordinated with the other
19 Plaintiffs' counsel to prepare and file Plaintiffs' Consolidated Class Action Complaint on April 30,
20 2024. Dkt. 16.

21 9. Subsequently, over the course of several months, the Parties engaged in settlement
22 negotiations. In doing so, they exchanged discovery on a variety of topics related to this case.

23
24 10. On August 19, 2024, the Parties participated in an arm's length, full day mediation
25 with the Honorable Ronald B. Leighton (Ret.) and reached a settlement in principle. On September
26 16, 2024, the Parties informed the Court of the settlement. Dkt. 23.

1 11. The Parties then proceeded to negotiate the formal terms of the Settlement,
2 including appropriate business practice changes. The parties executed the Settlement Agreement
3 and Plaintiffs filed their Unopposed Motion for Preliminary Approval on November 25, 2024. Dkt.
4 26.

5 12. The Court granted the Plaintiffs' Motion for Preliminary Approval on December
6 28, 2024. Since preliminary approval was granted, Class Counsel have worked with counsel for
7 Defendant and the Settlement Administrator, Eisner Advisory Group, LLC ("EAG"), to finalize
8 the notice documents and ensure notice was sent to the Settlement Class consistent with the
9 Preliminary Approval Order.
10

11 13. Class Counsel have devoted significant time and resources to this case to date,
12 including but not limited to:

- 13 a. Conducting an investigation into the facts underlying Plaintiffs' and class
14 members' claims;
- 15 b. Researching relevant law and preparing Plaintiffs' class action complaint;
- 16 c. Reviewing Defendant's informal discovery regarding the Data Breach and size of
17 the Class.
- 18 d. Preparing for and attending the mediation;
- 19 e. Engaging in extensive and lengthy settlement negotiations;
- 20 f. Negotiating and preparing the Parties' class action settlement agreement, along
21 with the proposed class notice and claim form;
- 22 g. Negotiating with settlement administration companies to secure the best notice plan
23 practicable;
- 24
25
26

- 1 h. Preparing Plaintiffs' motion for preliminary approval of the class action settlement,
2 along with a detailed declaration in support;
- 3 i. Working with the Settlement Administrator to ensure timely completion of Notice
4 and processing of claims;
- 5 j. Responding to class member inquiries; and
- 6 k. Conferring with Plaintiffs throughout the case.

7
8 **PLAINTIFFS' CONTRIBUTION**

9 14. Plaintiffs Donna Brim, Kimberly Perry, and Janet Turner Lamonica seek a \$2,500
10 Service Award each in recognition of their time and effort in pursuing this litigation on behalf of
11 the Class.

12 15. Throughout the litigation, Plaintiffs served as the class representatives on behalf of
13 the Settlement Class, including maintaining contact with counsel, assisting in the investigation of
14 the case, participating in the negotiation that ultimately led to the settlement, reviewing pleadings
15 and the Settlement Agreement, and answering counsel's many questions.

16
17 **CONTINGENT NATURE OF ACTION**

18 16. Tousley Brain Stephens PLLC, Mason LLP, Milberg Coleman Bryson Phillips
19 Grossman, and Chestnut Cambronne PA, took on this case on a purely contingency basis.

20 17. This matter has required us to devote time to this litigation that could have been
21 spent on other cases. At various points, this lawsuit has consumed a significant amount of our time
22 and our firms' time.

23
24 18. Such time could otherwise have been spent on other fee-generating work. Because
25 we undertook representation of this matter on a contingency-fee basis, we shouldered the risk of
26

1 expending substantial costs and time in litigating the action without any monetary gain in the event
2 of an adverse judgment.

3 19. If not devoted to litigating this action—where any compensation is wholly
4 contingent on a successful outcome—we could and would have spent that time on other potentially
5 fee-generating matters.

6 20. Litigation is inherently unpredictable and, therefore, risky. Despite our devotion to
7 the case and our confidence in the claims against Defendant, there were many factors beyond our
8 control that posed significant risks.

9 21. Further, a successful outcome could only ensue, if at all, after prolonged and
10 arduous litigation with an attendant risk of drawn-out appeals. Among national consumer
11 protection class action litigation, data breach cases are among the most complex and involve a
12 rapidly evolving area of law. As such, these cases are particularly risky for plaintiffs’ attorneys.
13

14 **LODESTAR, FEES, AND EXPENSES**

15 22. The regular practice at each of our firms is to maintain contemporaneous time
16 records.
17

18 23. The billable rates for our firms are consistent with those charged for similar legal
19 services. See *National Association of Legal Fee Analysis 2020 Class Action Hourly Rate Survey*
20 ([https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-](https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-in-2020/)
21 [in-2020/](https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-in-2020/)).

22 24. We have compiled all of the time records for all attorneys who submitted common
23 benefit time to this case. Class Counsel have worked a total of 300.1 hours on this case, incurring
24 fees of \$150,077.10. A lodestar breakdown by firm is provided below.
25
26

25. We estimate that the firms will expend an additional 50 to 100 hours by the close of this action on responding to class member inquiries and managing claims administration.

26. Upon request, I can provide the Court with detailed contemporaneous records for *in camera* review.

Mason LLP

27. Through January 20, 2025, Mason LLP has worked a total of 82.3 hours on this case, incurring fees of \$42,772.50. Mason LLP's lodestar is broken down as follows:

Name	Title	Hours	Rate	Amount
Gary Mason	Partner	0.6	\$1,050.00	\$630.00
Danielle Perry	Partner	19.2	\$750.00	\$14,400
Danielle Perry	Partner	0.2	\$825.00	\$165.00
Lisa White	Attorney	0.7	\$850.00	\$595.00
Ra Amen	Attorney	28.7	\$625.00	\$17,937.50
Salena Chowdhury	Associate Attorney	8.4	\$425.00	\$3,570.00
Taylor Heath	Paralegal	3.5	\$225.00	\$787.50
Jenni Suhr	Paralegal	19.4	\$225.00	\$4,365.00
Carol Corneilse	Client Specialist	1.3	\$150.00	\$270.00
Carol Corneilse	Client Specialist	0.3	\$175.00	\$52.50
Total		82.3		\$42,772.50

Tousley Brain Stephens PLLC

28. Through January 28, 2025, Tousley Brain Stephens PLLC has worked a total of 73.30 hours on this case, incurring fees of \$39,475.00. Tousley Brain Stephens PLLC's lodestar is broken down as follows:

Name	Position	Hours	Rate	Amount
Joan Pradhan	Associate Attorney	17.2	\$500.00	\$8,600.00
Lidiya I. Bayliyeva	Associate Attorney	19.60	\$500.00	\$9,800.00
Kaleigh N. Boyd	Partner	33.2	\$600.00	\$19,920.00

Amy E. Stanton	Paralegal	3.3	\$350.00	\$1,155.00
Total		73.30		\$39,475.00

Chestnut Cambronne PA

29. Through January 20, 2025, Chestnut Cambronne PA has worked a total of 62.8 hours on this case, incurring fees of \$41,324.00. Chestnut Cambronne PA's lodestar is broken down as follows:

Name	Title	Hours	Rate	Amount
Bryan Bleichner	Shareholder	12.4	\$1,050.00	\$13,020.00
Phil Krzeski	Partner	33.4	\$625-695	\$21,519.00
Gary Luloff	Partner	3.4	\$625.00	\$2,125.00
Allison Cole	Associate	5.6	\$475.00	\$2,660.00
Evan Robert	Law Clerk	8.0	\$250.00	\$2,000.00
Total		62.8		\$41,324.00

Milberg Coleman Bryson Phillips Grossman

30. Through January 20, 2025, Milberg Coleman Bryson Phillips Grossman has worked a total of 81.7 hours on this case, incurring fees of \$67,829.60. Miller Coleman Bryson Phillips Grossman's lodestar is broken down as follows:

Timekeeper	Position	Hours	Rate	Amount
Gary Klinger	Senior Partner	33.5	\$878	\$29,413.00
David Lietz	Senior Partner	18.3	\$1057/\$1141	\$19,359.90
Dean Meyer	Associate	4.9	\$437	\$2,141.30
John Nelson	Associate	0.9	\$538	\$484.20
Carolyn CJ Cuneo	Associate	12	\$878	\$10,536.00
Mariya Weekes	Senior Counsel	4.7	\$878	\$4,126.60
Heather Sheflin	Paralegal	2.9	\$239	\$693.10

Ashley Tyrell	Paralegal	2.4	\$239	\$573.60
Sandra Passanisi	Paralegal	1.8	\$239	\$430.20
Kerry Brennan	Paralegal	0.3	\$239	\$71.70
Total		81.7		\$67,829.60

31. All books and records in this case regarding costs were maintained in the ordinary course of business, from expense vouchers and check records. We have reviewed the records of costs expended in this matter.

32. Through January 20, 2025, Class Counsel have incurred \$5,455.79 in reasonable expenses necessary to the litigation, which include filing fees, and research expenses.

33. The fee requested by Class Counsel represents a 2.13 multiplier on lodestar, calculated after deducting litigation costs and expenses that will be reimbursed from the total fee award.

I declare under penalty of perjury that the foregoing is true of my own personal knowledge.

Executed this 31st day of January 2025.

Respectfully submitted,

By: /s/Kaleigh N. Boyd
Kaleigh N. Boyd, WSBA #52684