

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE INTUIT DATA LITIGATION)
) Master Docket No. 15-CV-01778-EJD
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**DECLARATION OF STEVEN TEPPLER IN SUPPORT OF MOTION FOR
AN AWARD OF ATTORNEYS' FEES, COSTS, AND EXPENSES**

Steven W. Teppler, hereby declares under penalty of perjury and pursuant to 28 U.S.C. § 1746 as follows:

1. I lead the Complex and Technology Related Litigation practice at the Abbott Law Group. Abbott Law Group's offices are located in Jacksonville Florida; however, the firm's practice is nationwide. Abbott Law Group is comprised of outstanding trial lawyers who have recovered multiple seven-figure verdicts. Importantly, Abbott Law Group attorneys are also engaged in both practice and educational activities in connection with The Florida Bar, the American Bar Association, and various law schools. Abbott Law Group attorneys have extensive involvement in cutting-edge litigation involving cybersecurity, computer forensics, and electronic discovery.

2. My practice – which spans over 37 years, began with a small commercial law firm in New York City, and has also included in-house finance-related positions at Smith Barney Harris Upham, and the Federal National Mortgage Association. Between 1998 and 2004, I founded and served as the CEO of TimeCertain, LLC, a provider of content authentication software and hardware solutions. Now the majority of my practice focuses on electronic discovery and digital evidence issues in various litigation arenas, including commercial

litigation, mass torts and privacy-based, class action litigation: I hold six patents in the field of cryptography, began my involvement in electronic discovery in 1998, and have been involved in technology-related litigation since 1999. I have been involved in class action and mass tort matters since 2009. Drawing from this varied experience, I started the complex litigation practice at the Abbott Law Group in 2014, and have since represented consumers, businesses, and municipalities in a numerous class actions involving such diverse claims and topics as data breaches, defective pharmaceutical and other products, common law fraud, deceptive trade practices, and consumer privacy. The following are representative matters in which I am or have been involved:

3. Since 2008, I have represented consumers in numerous unfair and deceptive practice, privacy rights, telephone consumer privacy act and data breach cases, including *Lofton v. Bank of America Corp., et al.*, 07-cv-05892 (N.D. Cal.); *Silverbach, et al. v. Countrywide Financial Corp. et al.*, 2008 BC-398509 (Cal. Sup. Ct.); *Zadran v. J.P. Morgan Chase Bank, NA*, 09-cv-2708 (N.D. Cal.); *Gawronski v. Amazon.com, Inc., et al.*, (D. Wash.); *Claridge, et al. v. Rockyou, Inc.*, 09-cv-6032 (N.D. Cal.); *Earl, et al. v. eBay Inc.*, 10-3089-CV-S-RED (W.D. Mo.); *Kramer, et al. v. Autobytel*, 10-cv-02722 (N.D. Cal.); *Gomez, et al. v. Campbell Ewald, Inc.*, CV-10-2007 (C.D. Cal.), *Deacon, et al. v. Pandora Media, Inc.*, 11-cv-4674 (N.D. Cal.), *Dunstan, et al. v. Comscore, Inc.*, 11-cv-5807 (N.D. Ill.), *Batchelor, et al. v. AOL, Inc.*, 12-cv-00963 (S.D.N.Y.); and *Curry, et al. v. AvMed, Inc., et. al.*, 10-cv-24513, *rev'd and remanded, Curry, et al., v. AvMed, Inc. Schulken, et. al.*, 693 F.3d 1317 (11th Cir. 2012).

4. I have been appointed to serve on the Plaintiffs' Steering Committee (discovery and electronic discovery) in *In re: Onglyza (Saxagliptin) and Kombiglyze XR (Saxagliptin and Metformin) Products Liability Litigation*, MDL 2809 (E.D. Ky.).

5. I serve as a member of the Plaintiffs' Steering Committee (electronic discovery) in *In Re: Benicar (Olmesartan) Products Liability Litigation*, MDL 2606 (D. N.J.), and in the related New Jersey complex matter *Rahman et al., v. Daiichi Sankyo, Inc., et al.* Consolidated Docket No. ATL-L-504014, where I negotiated the stipulations directed to protocol for the discovery of electronically stored information, search terms and methodology context, and protective orders.

6. I serve as co-lead counsel in *Surfside Non-Surgical Orthopedics P.A. v. Allscripts Healthcare Solutions, Inc.*, 18-cv-00566 (N.D. Ill.), and represent a proposed class of healthcare providers who suffered prolonged significant or total business interruption as a result of a "ransomware" attack incident affecting defendant Allscripts. I also direct, on behalf of Plaintiff and the proposed class, negotiations involving electronic discovery, search terms and methodology, and other early discovery-related, context-setting stipulations.

7. I serve as co-counsel in *Orr, et al., v. International Hotels Group, PLC, et al.*, 17-cv-01622 (N.D. Ga.), a data breach matter airing out payment-card information being used to make fraudulent debit-card charges.

8. I serve as co-counsel for the City of Sarasota, Florida and the City of Palmetto, Florida in *In re: National Prescription Opiate Litigation*, MDL 2804 (N.D. Ohio). I previously represented the City of Sarasota in *In Re: Oil Spill Rig by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.)

9. I serve as co-counsel in *In re: vTech Data Breach Litigation*, 1:15-CV-10889 (N.D. Ill.), a data breach case involving a high technology interactive product and service that exposed children's names, dates of birth, pictures, and addresses to the world.

10. I served as lead counsel in *Archer-Hayes, et al., v. Toytalk Inc., and Mattel, Inc. et al.*, BC-603467 (L.A. Sup. Ct.), which involved an artificial intelligence-enhanced, interactive doll that recorded, collected, stored, and used recordings of children's voices without their consent. The complaint alleged that the recording, collection, and non-consensual use of these recordings violated various consumer fraud statutes as well as the Child Online Privacy Protection Act (COPPA), 15 U.S.C. § 6501 *et. seq.*

11. I represented the Illinois Consumer Class plaintiff *In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.) and assisted in the discovery process for that plaintiff. The settlement in the Target consumer litigation provides a \$10 million non-reversionary fund for distribution to consumers and important equitable relief to protect consumers' privacy rights.

12. I am currently a member in good standing of the bars of Florida, New York, Illinois, and the District of Columbia, and of all the bars to which I have been admitted, including the United States Supreme Court, the United States Court of Appeals for the Second, Eleventh, and District of Columbia Circuits, the United States District Courts of the Northern, Middle, and Southern Districts of Florida, the Southern, Eastern, and Western Districts of New York, the District of Columbia, and the Northern District of Illinois.

13. I teach Electronic Discovery and Information Governance as an Adjunct Professor at Nova Southeastern University School of Law and at Ave Maria Law School, and have written extensively on issues pertaining to the discovery, preservation, authentication, and security of electronically-stored information. In addition, I have been a presenter or speaker at numerous seminars on electronic discovery issues as they relate to class action and mass tort litigation.

14. I am currently the co-chair of the American Bar Association Science and Technology Division's Information Security Committee. Between 2015 and 2016 I was the founding co-chair of the ABA Sci-Tech's Internet of Things Committee. Between 2008 and August 2015, I was the co-chair of the ABA Sci-Tech Division's Electronic Discovery and Digital Evidence Committee. Between 2001 and 2008 I was a member, and between 2008 and 2009 I was the co-vice chair of the ABA Sci-Tech's Information Security Committee. I am also member and co-chair of the Electronic Discovery Committee of Business Law Section of the Florida Bar, which contributed to the drafting of the 2012 electronic discovery amendments to the Florida Rules of Civil Procedure. I am also a past co-chair and current member of the Florida Bar's Standing Committee on Professional Ethics. During my prior service on (and during 2013-2014 as an advisor to) that committee, I made substantial contributions to four professional-ethics-advisory opinions directed to technology-related issues (AO-06-2 [Metadata Mining]; AO-07-2 [Offshoring]; AO-10-2 [Storage Media Sanitization]; and AO 14-1 [Social Media Preservation]).

15. My firm has been involved with this litigation the since its inception. During our pre-filing activities and research, we investigated inquiries from nearly two-dozen potential-tax-refund-fraud victims from mutiple states; researched and analyzed their records; the types of identity and credit compromise through the records sent to us by these victims; and available news and other research sources that shed light on their respective claims. We actively participated in preparation for the first mediation of this case back in 2015. Further, our firm contributed to the research and drafting of the Opposition to the Motion to Dismiss and engaged in extensive document review. Based on my experience and knowledge about the case, I believe the settlement represents a fair, reasonable, and adequate result for the class.

16. My hourly rate has increased over time based on my experience and my accomplishments in my practice. My rate of \$800 per hour which I charge for my time is commensurate with hourly rates charged by my contemporaries around the country, including those rates charged by lawyers with my level of experience who practice in the area of class litigation across the nation. Madison Kvamme was an associate with Abbott Law Group, a 2013 graduate of the Ave Maria School of Law, and was the Executive Articles Editor of the Ave Maria Law Review. She is currently a member in good standing of the Florida Bar. Ms. Kvamme's rate of \$375 per hour was commensurate with her experience. Brittany R. Ford is an associate with Abbott Law Group, a 2015 graduate of the University of Miami Law School, and was the Online Editor of the University of Miami Law Review. She is currently a member in good standing of the Florida Bar. Ms. Ford's rate of \$350 per hour is commensurate with her experience. Prior to submitting the motion for attorneys' fees, costs and expenses, I compared and confirmed our hourly rate with lawyers at other law firms whose practice is focused on class litigation.

17. Again, based upon my research, our rates are within the range of lawyers with our level of experience.

18. My firm's lodestar of 226.80 hours as of November 30, 2018 amounts to \$128,777.50. Other law firms have also represented Plaintiffs and the class and have spent cumulatively a significant amount of time in the case. Additional time may be spent to prepare for and attend the fairness hearing, defend any appeals taken from the final judgment approving settlement, and ensure that the distribution of settlement proceeds to class members is done in a timely manner in accordance with the terms of the settlement. I assert that the attorneys' fees sought in the motion for attorneys' fee is reasonable and seeks fair and reasonable compensation

for undertaking this case on a contingency basis, and for obtaining the relief for Plaintiffs and the class. As set forth in the Settlement Agreement, the attorneys' fees, costs and expenses sought in this motion will not reduce the benefits payable to the class.

19. The chart below reflects the amount of time spent by me and members of my firm in the prosecution of this case:

Description of Fees	Subtotals	Totals Per Category
Steven Teppler (Partner – 105.1 hours @ \$800/hr)		
1 – Factual Investigation – 5.4 hours	\$4,320.00	
2 – Legal Research – 5.3 hours	\$4,240.00	
5 – Other Briefs and Pleadings – 7 hours	\$5,600.00	
7 – Document Review – 21.7 hours	\$17,360.00	
11 – Mediation and Settlement – 36.6 hours	\$29,280.00	
12 – Case Strategy – 7 hours	\$5,600.00	
13 – Class Member Communications – 1.8 hours	\$1,440.00	
14 – PEC Duties/Meetings – 20.3 hours	\$16,240.00	
	Total	\$ 84,080.00
Madison Kvamme (Associate – 84.1 hours @ \$375/hr)		
2 – Legal Research – 13 hours	\$4,875.00	
5 – Other Briefs and Pleadings – 54 hours	\$20,250.00	
7 – Document Review – 2.1 hours	\$787.5	
11 – Mediation and Settlement – 11 hours	\$4,125.00	
12 – Case Strategy – 3 hours	\$1,125.00	
13 – Class Member Communications – 1 hour	\$375.00	
	Total	\$ 31,537.5
Brittany Ford (Associate – 37.6 hours @ \$350/hr)		
7 – Document Review – 34.6 hours	\$12,110.00	
5 – Other Briefs and Pleadings – 3 hours	\$1,050.00	
	Total	\$13,160.00
	Grand Total	\$ 128,777.50

20. A breakdown of my firm's costs and expenses are reflected below.

Description	Subtotals	Totals Per Category
Professional Services		

Federal Express	\$36.24	
Filing Fees – U.S. District Court	\$305.00	
Mediation Expenses – RTG Data	\$35.95	
	Total	\$377.19
Travel Expenses		
Steven Teppler – Transportation/Hotel/Meals	\$5,872.94	
	Total	\$5,872.94
	Grand Total	\$6,250.13

21. In addition to the above, my firm has contributed \$3,000.00 to the litigation cost fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of November, 2018 at Jacksonville, Florida.

By: 
Steven W. Teppler, Esq.