

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE INTUIT DATA LITIGATION

Master Docket No. 15-CV-1778-EJD-NC

THIS DOCUMENT RELATES TO:
ALL ACTIONS

DECLARATION OF JOSEPH J. SIPRUT

Honorable Edward J. Davila

I, Joseph J. Siprut, declare as follows:

1. I am the founder and managing partner with the firm Siprut, P.C. located at 17 North State Street, Suite 1600, Chicago, Illinois, and have served as Interim Lead Counsel in this case. I am over the age of eighteen and am fully competent to make this declaration. I make this declaration based upon personal knowledge unless otherwise indicated.

2. I am a member in good standing of the bar of the State of Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the Second, Sixth, Seventh and the Eleventh Circuits, and the United States Supreme Court. I am not under suspension, nor have I ever been suspended or disbarred from any court.

1 3. The two primary attorneys at my firm with responsibility for this case are me
2 and Todd McLawhorn. I have been named a Super Lawyer in Class Action Litigation for
3 eight consecutive years; have been named to the LawDragon 500; have been named in
4 America's Top 100 Attorneys; and have served as Lead Class Counsel in myriad class
5 settlements, including in data breach cases such as this one. Mr. McLawhorn has over 20
6 years of experience in commercial and class litigation, and has also served as Lead Class
7 Counsel in major class action litigation and settlements. Additional attorneys staffed on the
8 case included Richard Miller, a 1997 graduate of the University of Illinois College of Law;
9 Richard Wilson, a 2015 graduate of the Chicago-Kent College of Law, Illinois Institute of
10 Technology; and Michael Chang, a 2016 graduate of the University of Illinois College of
11 Law.
12

13
14 4. Prior to filing suit, our firm researched the circumstances surrounding the
15 account takeover refund fraud and the stolen identity refund fraud, the possible legal theories
16 to remedy such fraud, spoke to and screened numerous potential clients, and conferred with
17 other counsel regarding legal strategy, resources, and coordination of joint efforts to file and
18 prosecute this litigation.

19 5. Thereafter, my firm, along with other Interim Lead Counsel in this case,
20 expended substantial attorney time and resources toward briefing and researching Defendant's
21 motions; refining legal claims in the pleadings; attending mediation sessions; reviewing
22 documents; participating in multiple mediation sessions; conferring with co-counsel regarding
23 strategy; communicating with class members, including class representatives; and preparation
24 of the settlement documents in this case, along with other Class Counsel.
25

26 6. As the primary supervising attorney on this case, I spent a significant amount
27 of time on the initial investigation and development of this case, including client retention and
28

1 communications, fulfilling my leadership role on the case among other Class Counsel,
 2 attending mediation sessions, and managing all aspects of the case. Richard Miller and
 3 Richard Wilson spent substantial time in the research and briefing related to Plaintiffs’
 4 opposition to the motion to dismiss, had primary responsibility for the Plaintiffs’ discovery
 5 efforts via Freedom of Information Act requests and IRS subpoenas, and related meet and
 6 confers. Michael Chang spent significant time reviewing documents, and assisting with
 7 writing, research and discovery.
 8

9 7. Through the date of this declaration, the total number of hours spent on this
 10 litigation by Siprut PC is 480.6 hours. The total lodestar amount for attorney time based on
 11 the firm’s current rates is \$204,780.50. The hourly rates shown below are the usual and
 12
 13

NAME	HOURS	RATE	LODESTAR
Joseph J. Siprut (JS)	76.4	\$775	\$59,210
Todd L. McLawhorn (TM)	17.6	\$650	\$11,440
Richard Miller (RM)	64.5	\$575	\$37,087.50
Michael DeMarino (MD)	6.2	\$400	\$2,480
Natasha Singh (NS)	34.1	\$290	\$9,889
Richard Wilson (RW)	105.9	\$300	\$31,770
John S. Marrese (JM)	13.0	\$400	\$5,200
Ke Liu (KL)	46.3	\$300	\$13,890
Michael Chang (MC)	116.6	\$290	\$33,814
TOTAL:	480.6		\$204,780.50

20 customary rates charged for each individual in all of our cases.¹ A breakdown of the lodestar
 21 is as follows:
 22

23 8. The total hours of attorney time were allocated pursuant to the task-billing
 24 system set up by Class Counsel as follows:
 25

TASK CATEGORY	HOURS	JS	TM	RM	MD	NS	RW	JM	KL	MC
Factual Investigation	18.7	10.2						8.5		

27
 28 ¹ If an associate attorney who billed time on the case subsequently left the firm, the rates utilized for that individual below are the rates currently charged by the firm for associates of that rank or seniority.

1	Legal Research	28.0					6.4		1.4	12.1	8.1
	Complaints	25.5	13.4		9.0				3.1		
2	Other Briefs/Pleadings	64.4	7.5	3.5	8.6	4.2		37.7			2.9
3	Document Review	189.8					27.7	30.8		25.7	105.6
	Other Discovery	93.0	15.2		32.8	2.0		34.5		8.5	
4	Mediation/Settlement	21.8	14.3		7.5						
	Case Strategy	27.5	12.4	8.5	6.6						
5	Class Member Communications	2.9						2.9			
6	PEC Duties/Meetings	9.0	3.4	5.6							
7	TOTAL:	480.6	76.4	17.6	64.5	6.2	34.1	105.9	13.0	46.3	116.6

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. Siprut PC's rates have been specifically approved by courts throughout the country repeatedly, including most recently in *West v. Act II Jewelry LLC*, Case No. 1:15-cv-05569, N.D. IL (Docket No. 111); *Jones v. Wal-Mart Stores, Inc. et al.*, Case No. 14-cv-06305-LDW-ARL, E.D.N.Y. (Docket No. 78); *Mullins v. Direct Digital LLC*, Case No. 15-1776, N.D. IL (Docket No. 151); and *Chimeno-Buzzi v. Hollister Co. et al.*, Case No. 14-cv-23120-MGC, S.D. FL. (Docket No. 155).

10. Siprut PC has incurred a total of \$3,881.63 in out-of-pocket expenses in connection with the prosecution of this litigation. They are itemized as follows:

Date	Description	Cost
04/24/15	NDIL Complaint Filing Fee	\$400.00
05/07/15	It's Your Serve - Service to Intuit	\$170.00
04/27/15	U.S. Messenger - Dirkson Federal Courthouse	\$10.34
05/01/15	Pacer Usage - April 2015	\$4.10
06/01/15	Pacer Usage - May 2015	\$1.20
08/01/15	Courtlink Usage - July 2015	\$1.19
09/01/15	Courtlink Usage - August 2015	\$32.75
09/02/15	CAND PHV Fee for JJS	\$305.00
10/01/15	Westlaw Usage - September 2015	\$10.76
10/01/15	Courtlink Usage - September 2015	\$9.37
11/01/15	Courtlink Usage - October 2015	\$5.69
12/01/15	Westlaw Usage - November 2015	\$42.79
12/06/15	Travel expense: JJS flight to San Francisco for Mediation	\$1,170.86
12/01/15	Courtlink Usage - November 2015	\$5.85

1	01/01/16	Courtlink Usage - December 2015	\$5.93
2	03/01/16	Westlaw Usage - February 2016	\$171.15
	03/01/16	Courtlink Usage - February 2016	\$0.26
3	04/01/16	Westlaw Usage - March 2016	\$218.15
4	05/01/16	Pacer Usage - April 2016	\$4.50
5	05/01/16	Westlaw Usage - April 2016	\$7.16
	06/01/16	Pacer Usage - May 2016	\$2.80
6	06/01/16	Westlaw Usage - May 2016	\$110.04
7	06/01/16	Courtlink Usage - May 2016	\$0.60
	07/01/16	Pacer Usage - June 2016	\$0.20
8	07/01/16	Courtlink Usage - June 2016	\$7.38
9	07/21/16	FedEx - Utah State Tax Commission c/o Barry Conover	\$24.98
10	09/01/16	Westlaw Usage - August 2016	\$4.20
	09/01/16	Pacer usage - August 2016	\$7.80
11	09/15/16	ATG LegalServe - Service to Division of Wage & Investment of IRS c/o Debra Holland (Executive Director)	\$195.00
12	09/15/16	ATG LegalServe - Service to Division of Wage & Investment of IRS c/o Debra Holland (Executive Director) c/o Hon. Brian Stretch	\$195.00
13	09/15/16	ATG LegalServe - Service to IRS	\$195.00
14	09/15/16	ATG LegalServe - Service to IRS c/o Brian Stretch	\$25.00
15	10/01/16	Pacer Usage - September 2016	\$7.80
16	10/19/16	Service - Division of Wage & Investment of IRS c/o Debra Holland	\$195.00
	12/01/16	Westlaw Usage - November 2016	\$4.75
17	04/01/17	Pacer Usage - March 2017	\$2.30
18	06/09/17	LW USPS mailing to FOIA Appeals	\$7.92
	07/01/17	Westlaw Usage - June 2017	\$3.81
19	08/01/17	WestLaw Usage - July 2017	\$6.80
20	09/01/17	Pacer Usage - August 2017	\$8.00
21	09/01/17	Westlaw Usage - August 2017	\$2.07
	11/01/17	Westlaw Usage - October 2017	\$24.16
22	11/01/17	Pacer Usage - October 2017	\$18.40
23	12/01/17	Pacer Usage - November 2017	\$0.20
	12/01/17	Courtlink Usage - November 2017	\$34.37
24	01/01/18	Courtlink Usage - December 2017	\$54.80
25	01/01/18	Pacer Usage - December 2017	\$0.80
26	02/01/18	Courtlink Usage - January 2018	\$45.16
	02/01/18	WestLaw Usage - January 2018	\$94.31
27	04/01/18	Pacer Usage - March 2018	\$0.60
28	06/01/18	Pacer Usage - May 2018	\$0.40

1	09/01/18	Courtlink Usage - August 2018	\$24.93
2		Total Disbursements	\$3,881.63

3
4 11. In addition to these expenses, Siprut PC also contributed an additional \$3,000
5 to the joint cost fund set up by all Interim Lead Counsel for the prosecution of this case.

6 12. The expenses pertaining to this case are reflected in the books and records of
7 Siprut PC. These books and records are prepared from expense vouchers, check records, and
8 other documents and are an accurate record of the expenses.

9 13. Based on my experience and knowledge about the case, I believe the
10 settlement represents a fair, reasonable, and adequate result for the Class.

11
12
13 I declare under penalty of perjury that the foregoing is true and correct. Executed on
14 December 1, 2018 at Chicago, Illinois.

15 s/ Joseph J. Siprut
16
17
18
19
20
21
22
23
24
25
26
27
28