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

IN RE INTUIT DATA LITIGATION

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

THIS DOCUMENT RELATED TO:

**DECLARATION OF MARK S.
GOLDMAN, ESQ.**

ALL ACTIONS

I, Mark S. Goldman, declare as follows:

1. I am a member in good standing of the Pennsylvania State Bar and a shareholder of the law firm Goldman Scarlato & Penny, P.C. (“GSP”), counsel for plaintiff James Lebinski and the proposed class in this Action. I am a member of the Executive Committee in these proceedings. I have personal knowledge of the matters set forth herein, and could and would testify competently thereto if called upon to do so.

2. I am a 1986 graduate of the University of Kansas School of Law. I have practiced in Pennsylvania since 1986, with the firms Rudolph Seidner Goldstein Rochestie & Salmon, Spector & Roseman, Weinstein Kitchenoff Scarlato & Goldman (“WKSG”), Goldman Scarlato Karon & Penny (“GSKP”), and Goldman Scarlato & Penny, P.C. Since 1986, I have almost exclusively represented plaintiffs in consumer fraud, securities fraud and antitrust, price-fixing

1 actions. I was a founding partner of WKSG, GSKP and GSP, and I have served as plaintiffs'
2 counsel and lead counsel in numerous nationwide class action cases.

3 3. GSP attorneys have considerable experience in data breach class action cases.
4 For example, GSP served on both the Complaint and Briefing Committees in *In re Target*
5 *Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.). In that
6 capacity, GSP attorneys collaborated with other attorneys to create a 600+ page memorandum
7 surveying potential claims in data breach class actions in all 50 states and also drafted sections of
8 the master amended complaint. GSP attorneys, also helped to successfully defend the
9 sufficiency of those allegations by briefing sections of the opposition to Target's motion to
10 dismiss.

11 4. GSP attorneys also serve on the Plaintiffs' Steering Committee in *In re*
12 *Community Health Systems, Inc., Consumer Security Data Breach Litigation*, MDL No 2595
13 (N.D. Ala.). GSP serves as Chair of the Plaintiff Selection Committee, which was charged with
14 vetting more than 200 potential plaintiffs and organizing discovery issues related to those parties.
15 GSP was also called on to help draft the master amended complaint and participated in briefing
16 and discovery tasks as the case progressed.

17 5. As counsel for twenty-one of the named plaintiffs selected to serve as class
18 representatives in *In re Anthem, Inc. Data Breach Litigation*, Case No. 15-MD-02617-LHK
19 (N.D. Cal.), I personally prepared and defended over two dozen witnesses for their class
20 certification depositions. Settlement of this action led to the largest recovery in any data breach
21 class action to date. GSP's time and billing rates were recently accepted by Judge Koh in her
22 August 17, 2018 order adopting in part the Special Master's recommendations regarding an
23 award of attorneys' fees in the *Anthem* case.

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1 6. GSP attorneys also serve or served as sole lead counsel in two additional data
2 breach cases: *Leibovic v. United Shore Financial Services, LLC*, Case No. 15-cv-12639-VAR-
3 MKM (D. Mich.) and *Christine Collins, Paulette Moreland and Kathryn Strickland v. Athens*
4 *Orthopedic Clinic, P.A.*, Case No. SU-17-CV-0089 (Sup. Ct. Athens-Clarke Cty, GA).

5 7. In connection with our investigation of the *Anthem* data breach litigation, a
6 number of victims and plaintiffs in that case reported to GSP attorneys that they experienced a
7 very serious form of identity theft; the filing of fraudulent tax returns in their names. Before
8 filing our initial complaint in this matter, *Lebinski v. Intuit, Inc.*, Case No. 5:15-cv-02209-EJD
9 (N.D. Cal.), GSP attorneys thoroughly investigated the personal reports of fraudulent tax filings,
10 and the wide-spread nature of this problem. GSP attorneys confirmed that the fraudulent return
11 filed in Mr. Lebinski's name was made using Turbo Tax software. We investigated the types of
12 legal claims that could be brought as this was not a typical data breach case. We also researched
13 whether an arbitration clause applied, and where the case should be brought.

14 8. Once my firm's appointment to the Executive Committee on this case was made
15 by the Court, my firm participated in the drafting of pleadings including the Amended
16 Complaint, briefing various motions and related legal research, drafting discovery requests and
17 reviewing documents produced in response, coordinating discovery responses from the firm's
18 client, mediating the class' claims in formal mediations and in subsequent settlement discussions,
19 and preparing for and attending court hearings.

20 9. My partner, Mr. Scarlato, is a 1986 graduate of Delaware Law School at Widener
21 University. Since 2009, Mr. Scarlato has represented investors, small businesses and consumers
22 in litigation involving violations of the federal securities laws, the federal antitrust laws, and state
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1 statutory and common law provisions. Mr. Scarlato helped me draft the initial complaint we
2 filed on behalf of Mr. Lebinski. He also participated in a telephonic mediation session.

3 10. My associate, Laura Mummert, is a 2000 graduate of the Pennsylvania State
4 University School of Law, and she provided assistance with the legal research which provided
5 the bases for filing our initial complaint on behalf of Mr. Lebinski, and later in the case, she
6 assisted with the review of documents produced by Intuit.

7 11. My associate, Douglas Bench, graduated from Cornell Law School in 2006. He
8 also assisted with legal research and the review of documents produced by Intuit. He also drafted
9 sections of briefs including Plaintiffs' opposition to the court taking judicial notice of documents
10 attached to Intuit's briefs.

11 12. I personally participated in all aspects of the case, other than the review of
12 documents. I was responsible for all client communications for my firm, case strategy sessions
13 with co-counsel, drafting and editing briefs, limited legal research, third party discovery, factual
14 investigation of Intuit's competitors, drafting and editing objections to Intuit's discovery
15 requests, meeting and conferring on calls with counsel for Intuit, drafting deposition notices,
16 attending hearings, participating in settlement negotiations and drafting and editing settlement
17 notice documents.

13. The following chart reflects the hours my firm's attorneys devoted to the case:

Task Code	Mark S. Goldman (P)	Paul J. Scarlato (P)	Laura K. Mummert (A)	Douglas J. Bench (A)
1	9.9	5.2	7.0	0.8
2	13.0	0	39.5	43.1
3	0	0	0	0
4	0	0	0	0
5	123.0	35.4	2.2	22.4
6	1.9	0	0	0
7	29.2	0	14.0	128.9
8	52.7	0	0	0
9	27.5	0	0	0
10	1.0	0	0	0
11	95.5	0	0	0
12	207.4	11.7	0	4.5
13	11.0	0	0	0
14	0	0	0	0
15	0	0	0	0
16	0	0	0	0
Hours Spent	572.1	52.3	62.7	199.7
Rate	\$725.00	\$725.00	\$595.00	\$595.00
Total Lodestar	\$414,772.50	\$37,917.50	\$37,306.50	\$118,821.50

14. GSP advanced the following expenses on behalf of the class:

Expenses	Amount
Legal Research	\$1,111.63
Overnight Delivery	\$610.00
Service Charges	\$219.91
Filing Fees	\$50.00
Copy Fees	\$460.40
Postage	\$1.42
Travel	\$6,057.43
Total	\$8,510.79

15. In addition to the expense set forth above, GSP made contributions totaling \$13,000 to the case's litigation fund.

16. My firm did not include any time in this declaration spent after November 21, 2018 involving the settlement and notice program, drafting this declaration, reviewing and editing settlement papers, or attending the final approval hearing in February, 2019.

