

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JULIA ROSSI, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No.: 1:20-cv-5090
)	
v.)	Hon. Andrea R. Wood, presiding
)	Hon. Magistrate Heather K. McShain
CLAIRE’S STORES, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	
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**DECLARATION OF M. ANDERSON BERRY IN SUPPORT OF PLAINTIFFS’
UNOPPOSED MOTION FOR ATTORNEYS’ FEES, COSTS AND SERVICE AWARDS**

I, M. Anderson Berry, being competent to testify, make the following declaration based on my personal knowledge, and where stated, upon information and belief, I declare:

1. I am an attorney duly licensed to practice law in the State of California and a member of Clayco C. Arnold, APLC (the “Arnold Law Firm”), one of the Court-appointed Co-Lead Counsel for Plaintiffs Julia Rossi, Delilah Parker, and Kelvin Holmes (collectively, “Plaintiffs” or “Representative Plaintiffs”) and the Settlement Class in this action against defendants Claire’s Stores, Inc., Claire’s Boutiques, Inc., and CBI Distributing Corp. (collectively, “Claire’s” or “Defendants”). I submit this declaration in support of Plaintiffs’ Unopposed Motion for Approval of Attorneys’ Fees, Costs and Service Awards.

2. The following facts are based upon my personal knowledge and if called upon to do so, I could, and would, competently testify thereto.

3. I have significant and extensive litigation experience, having been involved in class action and other complex litigation since 2009. Attached hereto as **Exhibit A** is a true and correct copy of the Arnold Law Firm's firm resume, which includes my experience.

4. The work done by my firm in this case includes, but is not limited to: communicating with class representatives and class members; drafting, reviewing and editing the initial complaint; drafting, reviewing and editing the consolidated amended complaint, motion to stay, motion of appointment of co-lead counsel, settlement demand and mediation brief; reviewing informal discovery; attending the mediation; participating in subsequent settlement negotiations; communicating with class representatives regarding the settlement; drafting and editing the settlement agreement and exhibits; reviewing and editing preliminary approval motion papers; and editing the motion for attorneys' fees and expenses and drafting accompanying papers.

5. Additional time will be spent drafting the motion for final approval papers and responding to any objections, preparing for and attending the Final Approval Hearing, defending any appeals taken from the final judgment approving the settlement if such appeals are taken, responding to inquiries from Settlement Class Members about the case and the Settlement, and ensuring that the distribution of settlement proceeds to Settlement 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' fees are reasonable and that Plaintiffs' counsel seek fair and reasonable compensation for undertaking this case on a contingency basis and for obtaining the relief for Plaintiffs and the Settlement Class. Throughout this action, Defendants have been represented by highly experienced and skilled counsel who deployed very substantial resources on Defendants' behalf.

6. My firm kept detailed records regarding the amount of time its attorneys and professional staff spent on this litigation, and the lodestar calculation is based on my firm's current billing rates. The information was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm. Based upon these records, my firm has expended 131.1 hours on this litigation as of August 9, 2022, which, multiplied by the current hourly rates of the attorneys and other professionals, amounts to \$79,006.30. The chart below reflects a breakdown of the

amount of time spent by myself and other attorneys and professional support staff at my firm in the prosecution of this case:

Timekeeper	Position	Rate	Total Hours	Total Amount
M. Anderson Berry	Partner	\$740.00	90.6	\$67,044.00
Leslie Guillon	Associate	\$400.00	17.9	\$7,160.00
Olya Velichko	Paralegal	\$208	19.7	\$4,097.60
Lori Martin	Paralegal	\$243	2.9	\$704.70
TOTALS:			131.1	\$79,006.30

7. In my judgment and based on my years of experience in class action litigation and other litigation, the number of hours expended and the services performed by my firm were reasonable and necessary for my firm's representation of Plaintiffs and the Settlement Class.

8. I have general familiarity with the range of hourly rates typically charged by plaintiffs' class action counsel in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I conclude that the rates charged by my firm are within the range of market rates charged by attorneys and professional staff of equivalent experience, skill and expertise for legal services furnished in complex contingency class action litigation such as this.

9. The hourly rates of the professionals in my firm, including my own, reflect experience and accomplishments in class action litigation. The rate of \$740 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, and courts have approved my firms' rates in the following examples: *Carrera Aguallo v. Kemper Corp.*, No. 1:21-cv-01883 (N.D. Ill. Mar. 18, 2022) (ECF No. 53) (order approving fees and costs); *Riggs v. Kroto, Inc., D/B/A iCanvas*, No. 1:30-cv-05822 (N.D. Ill. Oct. 29, 2021) (same); *In Re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523 (W.D. Tex. June 30, 2022) (ECF No. 54) (same); and *Gaston v. FabFitFun, Inc.*, No. 2:20-cv-09534-RGK-E (C.D. Cal. Dec. 9, 2021) (same). These rates reflect the risk undertaken due to contingency representation of Plaintiffs given that the firm bore the risk of no payment at all for

its services during this litigation.

10. Because the Arnold Law Firm is relatively small, with currently only three attorneys and one paralegal working on this area of law, the expenditure of time on this case precluded our employment on other cases. I took meaningful steps to ensure the efficiency of our work and to avoid duplication of efforts. I expect to maintain a high level of oversight and involvement in this process; therefore, my firm anticipates incurring additional lodestar in the future.

11. The time described above does not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates. Based upon my firm's records, the Arnold Law Firm incurred \$2,507.71 in expenses. These costs were necessary to the investigation, prosecution, and settlement of this Action. A breakdown of my firm's costs and expenses, which I assert are reasonable, are pulled from a computerized database maintained by individuals in the accounting office of my firm and which were checked for accuracy, are reflected below:

Category	Description	Cost
Court Costs	USDC 09/22/2020	150.00
	USDC 09/23/2020	150.00
Postage	UPS 03/09/2021	25.42
	UPS 03/29/2021	5.86
Research	Pacer 04/07/2022	0.90
	Pacer 07/07/2021	12.50
	Pacer 06/02/2021	10.10
	Pacer 05/10/2021	1.50
	Pacer 04/05/2021	1.60
	Pacer 03/03/2021	3.60
	Pacer 02/02/2021	0.70
	Pacer 01/11/2021	1.00
	Pacer 12/16/2020	0.90
	Pacer 11/05/2020	9.70
	Westlaw 09/04/2020	164.00
	Pacer 09/01/2020	16.80
	Mediator	Ben Picker 2-26-21 to 3-23-21 preparation and mediation (proportionate share)
	Total:	\$2,507.71

12. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source

materials and are an accurate record of the expenses incurred. It is anticipated that costs may continue to accrue, including, but not limited to, costs associated with preparation and filing of the motion for final approval of the settlement.

13. Representative Plaintiffs Delilah Parker and Kelvin Holmes demonstrated a willingness to participate and undertake responsibilities and risks attendant with bringing a representative action. They both aided in the investigation of the claims, consulted with counsel, reviewed draft pleadings, responded to informal discovery, and generally contributed to settlement efforts. In addition to lending their names to this class action, and thus subjecting themselves to significant public attention, Plaintiffs Parker and Holmes were actively engaged throughout this litigation and settlement negotiations. Among other things, they (1) provided information, including the applicable information related to how the Data Breach affected them; (2) reviewed pleadings and filings; (3) communicated on a regular basis with me and my staff to stay apprised of the progress of the litigation and settlement negotiations; and (4) reviewed and approved the Settlement Agreement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10th day of August, 2022, at Sacramento, California.



M. Anderson Berry

Exhibit A



Arnold Law Firm Biography

Sacramento Office

865 Howe Avenue
Sacramento, CA 95825
916-777-7777

Long Beach Office

111 W. Ocean Blvd.
Fourth Floor
Long Beach, CA 90802
562-216-8270

justice4you.com



Founded in 1975 by Clayeo C. Arnold, the Arnold Law Firm is a litigation-oriented practice in Sacramento, California. In keeping with its founding principles, our firm consciously works for the interests of individual people and small businesses — not for large corporations or insurance companies.

The Arnold Law Firm prosecutes class action, mass tort, *qui tam*, product defect, employment, and personal injury cases. We pride ourselves on being a practice of trial lawyers, typically trying a minimum of ten cases per year to verdict. In addition to our practice throughout the state of California in both state and federal courts, we pursue class action, *qui tam* and multi-district litigation claims on a nationwide basis.

Our team of nine attorneys collectively encompass a broad, diverse professional background, including plaintiff contingency work, public entity representation, criminal defense, and civil defense. We have current and past board members of Capital City Trial Lawyers Association, as well as members of numerous prestigious professional organizations, including the American Board of Trial Advocates, American Association for Justice, Association of Trial Lawyers of America, and Consumer Attorneys of California.

Our firm's operating structure is based on teams directed towards specific practice areas. These teams regularly and intentionally collaborate and exchange information between their practice areas to improve the quality of representation for all of our clients.



Arnold Law Firm Biography

(continued)

Over four decades the Arnold Law Firm has developed a respected and extensive network of co-counsel and experienced contract counsel to rapidly expand our capabilities as necessary on an *ad hoc* basis (e.g., document review). We employ a robust staff of highly qualified, experienced assistants and paralegals to ensure that attorney time is spent in the most efficient manner possible.

The Arnold Law Firm employs technology to increase productivity, resulting in lower hourly billing, even though adverse parties eventually pay those bills. The firm increases efficiencies by using template software, client management software, and secure internet-based client management for mass tort or multi-plaintiff litigation. We also invest in appropriate billing and tracking software for contemporaneous hourly record keeping.

The Arnold Law Firm places substantial value on representing clients in a manner that is both effective and courteous. Integrity with clients, the courts, and adverse counsel are all considered to be as indispensable as successful results.

Our highly accomplished counsel has a long history of successfully handling class actions across a range of industries, including data breach cases.



M. Anderson Berry Biography



The Arnold Law Firm has a proven track record of success and the ability to work efficiently and cooperatively with others. In addition, our firm has the availability and resources necessary to litigate complex class actions.

M. Anderson Berry

M. Anderson Berry heads the data breach complex litigation and *qui tam* practices for the Arnold Law Firm. He brings substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner, including Lead Class Counsel, Co-Lead Class Counsel, and Plaintiff's Executive Committee.

Mr. Berry has an extensive background in privacy and consumer/government fraud litigation, actively participating in a currently sealed False Claims Act case involving widespread cybersecurity fraud upon the United States, and the class action litigations filed in federal courts across the nation, set out below.

Mr. Berry was first selected as the Northern California Super Lawyers Rising Star in 2015 in the field of complex civil litigation.

Before joining the Arnold Law Firm in 2017, Mr. Berry worked as an Assistant United States Attorney for the Eastern District of California. As part of the Affirmative Civil Enforcement unit, Mr. Berry handled a wide variety of complex cases, recovering millions of dollars for the United States.

Before working for the Department of Justice, Mr. Berry practiced at one of the world's largest law firms, Jones Day, where he represented clients in international arbitration and complex commercial litigation, including defending class action allegations.



M. Anderson Berry Biography

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Mr. Berry attended the University of California, Berkeley, where he majored in English and graduated with highest honors. Anderson was inducted into the Phi Beta Kappa Honor Society and served as President of the English Undergraduate Associate.

After working as a private investigator for both criminal and civil investigations in the San Francisco Bay Area, Anderson graduated from U.C. Berkeley School of Law, where he was a Senior Editor for both the *Berkeley Journal of Criminal Law* and *Berkeley Journal of International Law*.

He was admitted to the California Bar in 2009 and is admitted to practice in the Northern, Eastern and Central Districts of California. Mr. Berry is also admitted to practice in the Eastern District of Michigan and the Northern District of Illinois.

Mr. Berry was raised in Moraga, California.

Select Data Breach Cases

In Re: Arthur J. Gallagher Data Breach Litigation, 1:21-cv-04056 (N.D.Ill.)(Co-Lead Counsel);

In Re: CaptureRx Data Breach Litigation, 5:21-cv-00523 (W.D.TX.)(Co-Lead Counsel);

Rossi v. Claire's Stores, 1:20-cv-05090 (N.D. Ill.) (Co-Lead Counsel);

Desue v. 20/20 Eye Care Network, Inc. et al., 0:21-cv-61275 (S.D. Fla.)(Executive Comm.);

In re: Mednax Services, Inc. Customer Data Security Breach Litigation, 21-MD-02994 (S.D. Fl.)(Executive Comm.);

Hashemi et al. v. Bosley, Inc. 2:21-cv-00946 (CD. Cal.) (Class Counsel)(settled);

Heath et al. v. Insurance Technologies Corp et al., 3:21-cv-01444 (N.D. Tex.)(Class Counsel)(settled);



**M. Anderson Berry
Biography**

(continued)

Gilbert v. AFTRA Retirement Fund et al, 1:20-cv-10834-ALC (S.D.N.Y.)(Co-Lead Counsel);

Carrera Aguallo et al. v. Kemper Corporation et al., 1:21-cv-01883 (N.D. Ill.) (Class Counsel)(settled);

Ahn et al. v. Herff Jones, LLC, 1:21-cv-01381 (S.D. Ind.) (settled);

Bitmouni v. Paysafe Limited, 3:21-cv-00641-JCS (N.D. Cal.);

Edke v. Belden, Inc., 2021CH00047 (E.D.Mo.);

Johnson v. O.K. Foods, Inc., 5:21-cv-00561 (W.D. Ar.);

Marcaurel et al. v. USA Waste-Management Resources, LLC et al., 4:21-cv-02027 (S.D. Tex.).

Gaston v. FabFitFun, Inc., 2:20-cv-09534 (C.D. Cal.) (Class Counsel)(settled);

Hamid et al. v. Canon, U.S.A., Inc. et al. 1:20-cv-06380-AMD-SJB (E.D.N.Y.);

In Re: Ambry Genetics Data Breach Litigation, 8:20-cv-00791 (C.D. Cal.);

In Re: Hanna Andersson and Salesforce.com Data Breach Litigation, 3:20-cv-00812-EMC (N.D. Cal.)(Co-Lead Class Counsel) (settled);

In Re: Morgan Stanley Data Security Litigation, 1:20-cv-05914 (S.D.N.Y.)(settled);

Pfeiffer et al. v. RadNet, Inc., 2:20-cv-09553-RGK-SK (C.D. Cal.)(Class Counsel)(settled);

Thomsen v. Morley Companies, Inc., 1:22-cv-10271-TLL (E.D. Mi.) (settled);

IN RE: VOLKSWAGEN GROUP OF AMERICA, INC. DATA INCIDENT LITIGATION, 4:21-cv-09203-DMR (N.D. Ca.) (Class Counsel);

In re Lakeview Loan Servicing Data Breach Litigation, 1:22-cv-20955-DPG (S.D. Fl.);

Myron Schellhorn et al v. Timios, Inc., 2:21-cv-08661-VAP-JC (C.D. Ca.).