



awards (Dkt. 53), our firms have extensive experience litigating and settling class actions, including numerous class actions arising from data breaches and other privacy issues. We have demonstrated expertise in handling all aspects of complex litigation and class actions and are well qualified to represent the Class.

3. This litigation arose from a criminal cyberattack on the computer systems that process online shopping transactions for Claire's customers (the "Data Breach"). The criminals deployed computer code capable of obtaining information entered by Claire's customers during checkout. Plaintiffs allege that, as a result of the Data Breach, an unauthorized user gained access to Plaintiffs' and Class Members' (Defendants' customers'), personally identifiable information, including, but not limited to, names, addresses, and credit card numbers.

4. Our firms, along with our co-counsel, conducted a detailed investigation into the facts and law relating to the matters alleged. Plaintiffs requested, received, and reviewed information from Defendants in connection with mediation and settlement negotiations. Prior to the Court staying the case for the purpose of exploring resolution, Plaintiffs expended significant efforts researching and preparing their opposition to Defendants' motion to dismiss and continuing their factual investigation of the Data Breach in anticipation of discovery. These efforts continued and were further refined for presentation before and during the parties' mediation.

5. The Settlement is the result of months of arm's-length negotiations, including a full-day mediation under the supervision of Bennett G. Picker, Esq., a neutral and experienced mediator, and numerous other telephone conferences between experienced counsel who had a comprehensive understanding of the strengths and weaknesses of each party's claims and defenses. Prior to the mediation, the parties fully briefed the relevant issues and exchanged information and documents to facilitate their discussions. Plaintiffs and Defendants put together detailed mediation

submissions setting forth their views as to the strengths of their claims and defenses, respectively, and informally exchanged information to facilitate the mediation. At all times, the settlement negotiations were highly adversarial, non-collusive, and at arm's-length. After reaching agreement in principle on the benefits to Settlement Class Members, the parties separately negotiated the amount of Settlement Class Counsel's attorneys' fees, costs, and expenses, as well as the Representative Plaintiffs' Service Awards. Even after reaching an agreement on the central terms at the mediation, the parties spent almost three additional months fully negotiating the finer points of the Settlement Agreement.

6. Each of the named Plaintiffs fully understands the merits of this case, agrees the Settlement is fair, reasonable, and adequate, and approves the Settlement Agreement and the filing of this Motion.

7. We believe that the Settlement is fair, reasonable, and adequate. Further, we believe that the Settlement is well-balanced in light of the inherent risks of continued litigation of this class action. Continued litigation would present risks of establishing liability and damages, and valuation of Plaintiffs' damages is difficult. Even without any discount for the significant risks of continued litigation, most if not all injuries suffered by Settlement Class Members were relatively small, and establishing a nexus between those injuries and the instant Data Breach may be problematic. After informal discovery, independent factual investigation and mediation before a well-qualified and experienced mediator, we are confident that the Settlement provides significant relief to the Settlement Class and is in their best interests.

8. Under the proposed Settlement, Defendants Claire's Stores, Inc., Claire's Boutiques, Inc., and CBI Distributing Corp. (collectively, "Defendants") are providing Settlement Class Members with one additional, complimentary year of Experian's® IdentityWorks<sup>SM</sup> Identity

product (“Identity Plan”). The Identity Plan will include the following benefits (*see* <https://www.experianidworks.com/identity>):

- a. Up to \$1 Million reimbursement insurance from American Bankers Insurance Company of Florida, an Assurant company, covering losses due to identity theft, stolen funds, etc.;
- b. Internet surveillance monitoring of thousands of websites and millions of data points using a variety of data gathering techniques—including chat room monitoring, spidering/crawling/scraping, and forum extraction—to identify activity potentially associated with identity theft and provide prompt notification to the participating Settlement Class Member;
- c. Identity restoration reducing the time and effort associated with identity theft, with assigned restoration specialists providing robust support to assist participating Settlement Class Members in restoring their identities; and
- d. Extended fraud resolution with ExtendCARE, including access to Experian’s Fraud Resolution Agents even after the Identity Plan expires, a valuable feature giving extended life to the identity protection offered through the Identity Plan. If a participating Settlement Class Member suffers identity theft during or even after the one year of the Identity Plan expires, an Experian Fraud Resolution Agent will work directly with that Settlement Class Member from beginning to end to resolve the identity theft, including placing fraud alerts on credit reports, assisting with the dispute process for fraudulent information on credit reports or for fraudulent charges with financial providers, interacting with law enforcement or government agencies to resolve identity theft and, if possible, assist with a police report, and

reviewing credit records to help determine potential areas of fraud. *See* <https://www.experian.com/data-breach/data-compromise>.

9. Experian estimates the retail value of one year of a product comparable to the Identity Plan to be \$107.88 (which would be \$8.99 per month). Dkt. 49-2. Plaintiffs' expert's conservative estimate of the retail value of one year of the Identity Plan is \$90.00 (or \$7.50 per month). Dkt. 49-3. Defendants estimate the equitable relief agreed to under the proposed Settlement will cost them approximately \$1,080,000 per year.

10. On September 6, 2022, Mr. Keteltas indicated that Defendants do not oppose the Motion.

We declare under penalty of perjury that the foregoing is true and correct. Jointly executed this 6th day of September, 2022.

/s/ Bradley K. King  
Bradley K. King

/s/ M. Anderson Berry  
M. Anderson Berry

**ATTESTATION OF FILER**

I hereby attest that concurrence in the filing of this document has been obtained from all signatories above.

/s/ Bradley K. King

Bradley K. King