

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

TONIA WILLIAMS, *on behalf of herself and  
all others similarly situated,*

Plaintiff,

v.

PHH MORTGAGE CORPORATION d/b/a  
PHH MORTGAGE SERVICES,

Defendant.

Civil Action No. 3:25-CV-144-FDW-SCR

**DECLARATION OF SCOTT C. HARRIS IN SUPPORT  
OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Scott C. Harris, hereby declare as follows:

1. I am co-counsel for the Plaintiffs Tonia Williams and Beverly Dantzler (“Plaintiffs”).
2. This declaration is made pursuant to the Federal Rules of Civil Procedure, Rule 23(a)(4), to satisfy the Rule’s “adequacy” requirement, in support of Plaintiffs’ concurrently filed Unopposed Motion for Preliminary Approval of Class Action Settlement, Certifying Classes for Purpose of Settlement, Directing Notice to the Classes, and Scheduling Fairness Hearing.
3. I am requesting that, upon certification of the Settlement Classes, my firm, Bryson Harris Suci & DeMay PLLC (“BHSD”), and my co-counsel Maginnis Howard including Edward H. Maginnis, and Karl S. Gwaltney, be appointed to represent the Settlement Classes.
4. I have actively participated in the conduct of this litigation and *Dantzler v. PHH*, Case No. 2:23-cv-10562-SRM (C.D. Cal.), effectively consolidated for purposes of settlement as discussed below, have personal knowledge of the matters set forth in this Declaration, and if called

to testify, could and would testify competently about them.

5. In addition, as discussed below, I have also participated in other related PHH litigation which have not been consolidated in this action. *See e.g., Alexander v. PHH Mortg. Corp.*, No. 1:25-cv-01006-MHC-WEJ, 2025 WL 2094084 (N.D. Ga. Jun. 5, 2025); *Polcare v. PHH Mortg. Corp.*, No. 1:24-cv-639-LEK-CFH, 2025 WL 3085653 (N.D.N.Y. Sept. 30, 2025))

6. As shown in detail in **Exhibit 1**, BHSD regularly litigates complex class actions across the country.

7. As shown in detail in **Exhibit 2**, Maginnis Howard also regularly litigates complex consumer actions, including complex class actions, across the state and country.

8. Plaintiffs' Counsel are nationally recognized for prosecuting large, complex class actions, and have effectively represented numerous plaintiffs in other consumer-protection actions, class actions, and complex business cases, typically as lead or co-lead counsel.

9. BHSD's and Maginnis Howards's years of experience representing plaintiffs in complex class action and consumer cases nationwide contributed to an awareness of the Plaintiffs' settlement leverage, as well as the needs of Plaintiffs and the class.

10. We believe, and continue to believe, that the claims in this action would ultimately prevail in the litigation on a class-wide basis.

11. However, a successful outcome was uncertain for *all* Settlement Class Members because of the determinations reached in the two other PHH class actions, *Alexander v. PHH Mortg. Corp.*, No. 1:25-cv-01006-MHC-WEJ, 2025 WL 2094084 (N.D. Ga. Jun. 5, 2025); *Polcare v. PHH Mortg. Corp.*, No. 1:24-cv-639-LEK-CFH, 2025 WL 3085653 (N.D.N.Y. Sept. 30, 2025)) These cases may have been successful, but only after several years of prolonged, arduous litigation and drawn-out appeals.

12. The Settlement provides significant benefits to borrowers with loans serviced by Defendant PHH Mortgage Corporation d/b/a PHH Mortgage Services (“PHH” or “Defendant”). Well over 100,000 people, on nearly 100,000 Class Loans throughout the country received a notice of default letter from PHH during the applicable time period when their loans were more than 30 days past due that asserts, *inter alia*, “to cure the default, payment for the entire total amount past due, plus any amount(s) becoming due in the interim, must be received on or before [Date (the “Expiration Date” a date 35 days from the date of the Notice of Default)] “[f]ailure to cure the default on or before the date specified in this notice [(the Expiration Date)] *may result in acceleration* of the sums secured by the Mortgage Documents and sale of the Property. Upon acceleration, the total amount will be immediately due and payable without further demand.”

13. The Settlement is the product of good-faith negotiations between informed counsel after extensive negotiations, after mediation, further and supplemental negotiations.

14. On October 7, 2025, the Parties participated in a settlement conference in Birmingham, Alabama with mediator Marty Van Tassel of Upchurch Watson White & Max, during which the Parties made substantial progress in reaching an agreement in principle, subject to final approval by PHH, on several material terms for a class action settlement. In the weeks that followed, the Parties, assisted by Mr. Van Tassel, continued to negotiate, and ultimately reached the Settlement Agreement.

15. After filing a notice of settlement, the Court then directed the Parties to file a motion for preliminary approval of a class settlement by December 26, 2025, of which the parties needed an extension to continue to work through the settlement details, with the deadline subsequently moved to January 16, 2026.

16. PHH and Plaintiff Dantzler sought and obtained a stay of the *Dantzler* case pending

approval of this Settlement, after which the *Dantzer* case would be dismissed with prejudice.

### **Basic Summary of Litigation History**

17. In the paragraphs that follow, I explain the litigation and the arms-length negotiations that resulted in the Settlement now before the Court for final approval. Below is a table identifying each case that was filed across the country as well as a summary of the cases that were initially filed in other courts and a summary of the work that was done to achieve this settlement on behalf of the Settlement Classes.

### **Williams Litigation**

18. Plaintiff Williams commenced her action against PHH on January 14, 2025, in Mecklenburg County Superior Court. [DE 1-2].

19. PHH removed the action to this Court on February 26, 2025. [DE 1].

20. Plaintiff Williams asserted claims for violation of the Fair Debt Collection Practices Act, (“FDCPA”), 15 U.S.C. §§ 1692 *et seq.*, North Carolina Debt Collection Act (“NCDCA”), N.C.G.S. §§ 75-50 *et seq.*; the North Carolina Collection Agency Act (“NCCAA”), N.C.G.S. § 58-70-15 *et seq.*, and negligent misrepresentation. *See* [DE 12].

21. The complaint alleged systematic use of unlawful and unfair debt collection practices to collect upon residential consumer mortgage loans. Namely, PHH sent form notice of default letters containing the false threat and misleading representation that a failure to make full and complete payment of all arrearages, may result in immediate acceleration and foreclosure upon Plaintiff’s loan. *Id.* at ¶1.

22. Plaintiff Williams further alleged that PHH’s notice of default letter was false and misleading because PHH did not intend and legally could not accelerate and foreclose until Plaintiff’s loan became at least 120 days delinquent. *Id.* at ¶¶7-8.

23. On March 5, 2025, PHH filed a motion to dismiss ([DE 5]), a motion to strike Plaintiff Williams' class allegations ([DE 7]), and an answer ([DE 9]).

24. Plaintiff Williams filed an amended complaint on April 2, 2025 ([DE 12]).

25. PHH moved to dismiss the amended complaint on April 16, 2025, ([DE 15]), arguing, among other things, that not even the "least sophisticated consumer" could reasonably interpret PHH's notice of default letters as a threat of imminent legal action. ([DE 16]).

26. On April 16, 2025, PHH moved to stay discovery pending resolution of its Motion to Dismiss. [DE 19].

27. During the pendency of the motion to stay, the Court entered a Pretrial Order and Case Management Plan ([DE 21]), rendering the stay motion moot (*See Text Order* dated May 8, 2025).

28. Following extension, Plaintiff opposed PHH's Motion ([DE 22]) and PHH filed Reply ([DE 24]).

29. The Parties negotiated and agreed upon a Protective Order, entered by the Court on August 1, 2025. [DE 27].

30. The Parties then moved to stay deadlines pending planned mediation on October 7, 2025 ([DE 28]), which was denied without prejudice (*Text Order* dated September 15, 2025).

31. Prior to mediation and during the pendency of PHH's Motion to Dismiss, the Parties each notified the Court of three relevant district court decisions in various jurisdictions both for and against each Party, of which I was lead counsel. [DE 30, 32].

32. The parties then reached agreement on most terms and notified the Court of an agreement in principle to settle the Litigation. [DE 34].

### The Dantzler Litigation (California)

33. On or about December 18, 2023, Plaintiff Beverly Dantzler filed her action in the United States District Court for the Central District of California. *Dantzler v. PHH*, Case No. 2:23-cv-10562-SRM, DE 1 (C.D. Cal.).

34. Following an amended complaint, on March 12, 2024, PHH moved to dismiss Plaintiff Dantzler's claims on March 26, 2024. *Dantzler*, No. 2:23-cv-10562-SRM, DE 19.

35. Plaintiff opposed PHH's motion and PHH filed a Reply. *Id.* at DE 25, 26.

36. On June 28, 2024, the Parties submitted a Joint Discovery Plan. *Id.* at DE 37.

37. On July 16, 2024, the Court entered a Pretrial Scheduling Order and Civil Trial Order, setting discovery to begin pending the district court's resolution of PHH's motion to dismiss. *Id.* at DE 43, 44.

38. On December 23, 2024, the district court granted PHH's motion in part and denied in part, with partial leave to amend. *Dantzler v. PHH Mortg. Corp.*, No. 2:23-cv-10562-SRM, 2024 WL 5379405 (C.D. Cal. Dec. 23, 2024).

39. The district court determined that Plaintiff Dantzler could not pursue her Section 1692e claim because PHH, as a mortgage servicer, did not qualify as a "debt collector" under that Section. *Id.* at \*3. But the court said that she *could* assert a claim under Section 1692f because "PHH enforces security interests," and therefore *was* a debt collector under that Section. *Id.* at 4. The court concluded that Plaintiff Dantzler had stated a claim under Section 1692f(6)(B) and the Rosenthal Act after crediting Plaintiff Dantzler's allegation that PHH's notice of default letters "threatened foreclosure" without a "present intention" to foreclose. *Id.* at \*4–5. The court also allowed the negligent misrepresentation claim to proceed, determining that Plaintiff Dantzler "sufficiently alleged that the Notice contain[ed] misleading information." *Id.* at \*6–7.

40. On January 13, 2025, Plaintiff filed her Second Amended Complaint and PHH filed an Answer on February 3, 2025. *Dantzler*, No. 2:23-cv-10562-SRM, DE 51, 52.

41. Plaintiff served her First Set of Interrogatories and Request for Production of Documents to PHH on January 24, 2025.

42. On February 27, 2025, the case was reassigned to The Honorable Serena R. Murillo. *Id.* at DE 53.

43. PHH served its First Set of Interrogatories and Request for Production of Documents to Plaintiff on March 17, 2025. That same day, Plaintiff served her Second Set of Interrogatories and Requests for Production of Documents to PHH.

44. The Parties then began to meet and confer on responses and document discovery issues.

45. During the pendency of document production, the Parties negotiated and agreed upon Stipulation for a Protective Order, filed on April 4, 2025 and entered on April 17, 2025. *Id.* at DE 17.

46. Plaintiff Dantzler responded to PHH's discovery on April 14, 2025.

47. Following production and other issues, on May 9, 2025, Plaintiff sent PHH a deficiency letter, which PHH responded to on May 18, 2025.

48. Following a Joint Rule 26(f) Discovery Plan submitted by the Parties, the Court entered a Scheduling Order and Civil Trial Order on May 28, 2025. *Id.* at DE 66, 67, 68.

49. On June 17, 2025, PHH sent Plaintiff supplemental discovery requests which Plaintiff responded to PHH's letter and simultaneously served Amended Responses and Objections to PHH's discovery on July 15, 2025.

50. On July 30, 2025, Plaintiff served Notice of Rule 30(b)(6) Deposition of PHH

Mortgage Corporation.

51. On or about August 12, 2025, at a meet and confer about Plaintiff's 30(b)(6) Deposition Notice to PHH, the Parties tentatively agreed to mediate the case.

52. While discussions were ongoing, discovery continued, on August 18, 2025, PHH served response to Plaintiff's Rule 30(b)(6) topics and same day, served a Second Set of Interrogatories and Request for Production of Documents to Plaintiff.

53. Not long after, the Parties agreed on mediator Marty Van Tassel and settled on a mediation date and subsequently, on September 19, 2025, moved to stay all pending deadlines in the case. *Id.* at DE 71.

54. Following mediation, the Parties submitted a status report notifying the district court of a settlement and requested to extend the stay pending completion of settlement, granted by order on November 12, 2025. *Id.* at DE 74, 75.

#### **Summary of the Work**

55. As summarized above, based upon the extensive briefing and hearings, Class Counsel spent hundreds of hours litigating this case including, but not limited to the following:

- a. Extensive pre-suit investigation;
- b. Extensive research relating to debt collection laws specific to Georgia, New York, California and North Carolina, among other states;
- c. Substantial research and briefing related to Defendant's Motions to Dismiss in all actions filed;
- d. Drafting discovery to PHH.
- e. Reviewing documents produced by PHH;
- f. Drafting deficiency letters and engaging in numerous communications and good

faith meet and confers about discovery disputes;

- g. Responding to PHH's discovery;
- h. Drafting settlement demand and settlement communications to PHH;
- i. Class Counsel also spent substantial time in contentious settlement discussions and negotiations over the terms of the settlement agreement, which included working with multiple proposed Settlement Administrators to obtain the most cost efficient and effective notice program, long form notice about the settlement and the format of the settlement website;
- j. In addition to the work already performed, Class Counsel anticipates expending substantial further time and resources to effectuate the settlement. This work will involve preparing and presenting the motion for final approval at the upcoming fairness hearing, monitoring reports issued by the Settlement Administrator, and responding to continuing questions from Settlement Class members about the settlement and their checks upon receipt.

56. After the parties agreed on class member benefits, the parties negotiated attorneys' fees, costs, and service awards that Defendants will agree to pay, subject to Court approval. Defendants agreed not to object to attorneys' fees and award of (1/3 of the Settlement Fund of \$1,500,000.00), as well as a reimbursement of Plaintiffs' Counsel's litigation expenses and costs.

#### **Benefits of the Settlement**

57. As described below, after the extensive litigation, the settlement provides significant and substantial relief to the members of the two state classes, given the uncertainties and length of this litigation.

58. Class Counsel achieved an exceptional and efficient result in this case by creating

a common fund of \$1,500,000.00 from which FDCPA Class Members, NC Class Members, and CA Class Members will each receive a cash payment.

59. The Settlement is, in the opinion of the undersigned based on my substantial experience in related class action litigation, fair, reasonable, adequate, and worthy of preliminary approval.

60. The proposed Settlement Agreement is the product of good faith negotiations between informed counsel and reached after multiple hearings, briefings, and mediations.

61. Defendants have agreed to create a Settlement Fund of \$1,500,000.00 in full and final settlement of the Action as set forth below.

62. PHH has agreed to pay the Settlement Administrator a sum in the amount of \$200,000.00 to cover the costs of administration. Any amount over \$200,000.00 will be deducted from the Settlement Fund.

63. The total monetary value of the Settlement is \$1,700,000.00.

64. As described in the Settlement Agreement, the parties have allocated the Settlement Fund to the following Settlement Classes:

**FDCPA Class:** All borrowers on residential mortgage loans secured by mortgaged property in the United States (1) whose mortgage loans were serviced by PHH, (2) to which PHH acquired servicing rights when such loans were 30 or more days delinquent on their loan payment obligations, and (3) to whom, according to PHH's records, one or more Notices of Default were sent between December 18, 2022 and December 15, 2025.

**NC Class:** All borrowers on residential mortgage loans secured by mortgaged property in the State of North Carolina whose loans were serviced by PHH, and to whom, according to PHH's records, one or more Notices of Default were sent between January 14, 2021 and December 15, 2025.

**CA Class:** All borrowers on residential mortgage loans secured by mortgaged property in the State of California whose loans were serviced by

PHH, and to whom, according to PHH's records, one or more Notices of Default were sent between December 18, 2022 and December 15, 2025.

65. Pursuant to the terms of the Settlement, FDCPA Class relies solely on federal relief, the FDCPA, and is inherently limited by the FDCPA's cap on statutory damages of \$500,000.00 or 1% of the defendant's net worth, whichever is lower. *See* 15 U.S.C. 1692k *et seq.*

66. Additionally, the FDCPA requires that individual class members be "in default" at the time PHH began servicing their loan, creating potential additional defenses for PHH.

67. As such, it is appropriate for the FDCPA Class with that limitation to receive a smaller per person share of the settlement, but one which would still serve as a reasonable recovery for an FDCPA class action standing alone. A proposed class settlement should offer a recovery that "falls within th[e] range of reasonableness," which need not be "the most favorable possible result of litigation." *Lazy Oil Co. v. Wotco Corp.*, 95 F. Supp. 2d 290, 338 (W.D. Pa. 1997), *aff'd*, 166 F3d 581 (3d Cir. 1999)

68. North Carolina's state consumer protection statute, the North Carolina Debt Collection Act, N.C.G.S. §§ 75-50 *et seq.* (the "NCDCA") and North Carolina Collection Agency Act, N.C.G.S. § 58-70-15 *et seq.* (NCCAA) provides victims of unfair debt collection with additional remedies under state law. Plaintiffs in North Carolina can recover between \$500 - \$4000 per violation. The substantially higher recovery of a certified class and at trial for the NC Class, coupled with a smaller class size, means that the NC Class and lead case will receive substantial benefits under the Settlement Agreement.

69. Any Class Loan that meets more than one Class Loan definition (i.e., a loan that meets both the FDCPA Class Loan and California Class Loan definitions or a loan that meets both the FDCPA Class Loan and North Carolina Class Loan definitions) shall receive an Individual Allocation from each applicable Settlement Fund. Thus, the net payments to each Settlement Class

Member vary depending upon whether the Settlement Class Member is a member of the North Carolina Class, California Class or the FDCPA Class. Approximately 9,500 of the FDCPA Class loans are in either the California Class or North Carolina Class.

70. If this Court approves the Settlement, then the Settlement Administrator will mail a Settlement Check to each Settlement Class Member. The only step that Settlement Class Members will be required to complete is simply cashing their checks within 180 days.

71. This is a significant result for Settlement Class Members.

72. At the time of final approval, Plaintiff will submit a request for attorneys' fees not to exceed one-third (1/3) of the Settlement Fund, plus reimbursement of litigation costs and expenses.

73. One-third (1/3) of the Settlement Fund is just over 29% of the total monetary value of the settlement.

74. Also, at the time of final approval, Plaintiffs will move for a request of \$5,000.00 total for Plaintiff Dantzler who provided discovery; and \$5,000.00 for Plaintiff Willaims who was prepared to provide discovery and perform the requirements of a Class Representative.

75. The Class Representatives demonstrated their commitment to monitor and supervise the prosecution of the case on behalf of the Settlement Classes as will be described in the motion for final approval.

76. Regarding expenses that the Class Counsel are requesting reimbursement of from the Settlement Fund which will be detailed in the motion for approval of the attorneys' fees and expense reimbursement.

I declare under the penalty of perjury that the foregoing is true and correct.

Respectfully submitted, this the 16th day of January, 2026.

**BRYSON HARRIS  
SUCIU & DeMAY PLLC**

/s/ Scott C. Harris  
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# EXHIBIT

# 1



# Bryson Harris Suci DeMay

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## Locations

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San Diego, California | New Orleans, Louisiana | New York City, New York



## Firm Profile

Bryson Harris Suci DeMay is a national plaintiff's law firm that holds powerful interest accountable. We fight for those harmed by greed, misconduct, and systematic injustice, using agile strategy and creative thinking to secure compensation for our clients and to reform an unfair system.

We believe that all people deserve to have strong representation when corporate interests are causing harm. Our attorneys have been alongside victims through some of the most daunting actions in American history, and in actions that occur every day across the country and barely earn a headline. The common element in our practice is that we stand for what is fair and just, and we have the financial and operational capacity to go the distance.

As a profoundly ethical firm, the legal team at Bryson has shaped the way plaintiffs are respected in the law. We are the firm for complex legal cases that require a depth of expertise and pursuit of fact-finding that is severe; it is our standard of service and we provide it with every client. When people face unfair circumstances, made so by corporations that knew better and chose not to do better, we feel compelled to be present. The injury suffered, the damage sustained, the loss incurred—those are all motivators for our efforts to bring forward a successful outcome.

That's our starting point.

Bringing significant cases forward for deliberation takes a strong arsenal of financial resources, precise expertise and a ferocious following of the law. When a corporate interest has chosen to present something to a consumer without integrity because they are confident they can escape any liability, it requires a persistence to hold someone accountable for that decision. That persistence is not common; but at Bryson, it's our foundation.

We have advocated for clients in state and federal courts, and we have persisted for clients all the way to the Supreme Court of the United States.

We go the distance it takes for the outcome people deserve.

We are attorneys who believe that accountability is necessary, and consequences are important. If we are going to preserve being a nation of opportunity, there must be trust. When that trust is squandered, there must be responsibility.

We are Bryson Harris Suci DeMay.

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## Practice Areas

### Mass Arbitration

Companies insert arbitration clauses to push complex consumer disputes underground. We specialize in mass arbitration strategies, organizing hundreds or thousands of individual claims into coordinated action. We are leaders in mass arbitration with a proven system of getting results and forcing companies to pay attention.

### Data Breach & Data Privacy

Every login leak, forgotten password glitch, or pixel tracker can become a violation of trust and of law, and individuals can be harmed by data breaches, privacy violations, or unlawful tracking. This is an evolving landscape and we're at the forefront, holding companies accountable for exposure, notification failures, and misuse of personal data.

### Class Action

Class actions are the ultimate tool for people who've been wronged en masse. We onboard top-tier cases where one person's harm is truly everyone's harm: misleading marketing, dangerous products, or financial wrongdoing. With a deep bench of leadership in this area of law, we deliver meaningful justice at scale.

### Fraudulent Lending

We cut our teeth against predatory lenders, hidden fees, and unscrupulous brokerage. We fight for consumers trapped in fraudulent lending schemes and undisclosed charges, and falsifying documents. When lenders break the rules, we help people get their money back.

### Bad Faith Insurance

When insurance companies unreasonably deny claims, stall payouts, or misrepresent your policy, we go all in. You paid your premiums; you shouldn't get short-changed when it counts. We hold insurers to their contracts, their duty of good faith, no matter what it takes.

### Defective Products

When products pose unforeseen danger, we enforce safety through accountability. We have the investigative expertise to pursue compensation and pressure product makers to raise safety standards.

### Catastrophic Personal Injury

Some injuries change your life, livelihood, and the ability to move forward. We take on the toughest catastrophic injury cases, locating every source of fault, accountability, and recovery. With multidisciplinary experts and trial-tested strategies, clients and their families receive the full compensation they need to rebuild.

### Consumer Protection

False advertising, surprise subscription enrollments, and junk fees hidden in fine print—these are some of the misleading practices we pursue. We represent consumers nationwide using state and federal consumer laws. If you were misled or taken advantage of, we're your legal team.

### State & Local Government Litigation

We represent cities, counties, and public entities against corporations that pollute, overburden budgets, or ignore contractual commitments. Whether it's environmental degradation, being short-changed in social services or broken vendor deals, we stand with communities and their citizens.

### Mass Torts

A mass tort is when thousands are hurt by the same drug, product, or chemical, and each has their own story to tell. When the negligence of the biggest players in pharma, manufacturing, and industry causes real harm, we bring those actions to the forefront of assigning responsibility.

### Commercial Litigation

Business deals can go sideways with a breach of contract, partnership dispute, or fraud. When that happens, we combine transactional insight with persistent litigation tactics to resolve cases involving contracts, real estate, joint ventures, and beyond.

### Environmental Litigation

We take on polluters and the systems that let them cut corners. Whether it's PFAS in the water, toxic air emissions, oil spills, or legacy waste sites, we represent communities, businesses, and individuals harmed by environmental abuse. These are science-heavy, legally complex, and personal cases. We get that.



## Attorney Profiles: Senior Partners

### Daniel K. Bryson, Senior Partner



Dan is one of the nation's most respected and experienced attorneys in areas of consumer class actions, mass arbitrations and commercial litigation. He has handled numerous class actions and held significant positions including lead counsel in numerous MDLs.

He has been lead counsel in numerous jury and bench trials across the country and his efforts have resulted in the recovery of billions of dollars for his clients. He also has extensive experience working with attorneys, funders and other partners on international litigation projects in the Courts in Amsterdam, the United Kingdom, Belgium, France, Spain, and Portugal, among others.

Dan has been named as a member of the "Legal Elite" and "Super Lawyers" in North Carolina" for many years, including 2025. He is a frequent speaker and writer on a variety of CLE topics and has been quoted by numerous publications. Dan has been an adjunct professor at Campbell Law School in North Carolina. He has received a number of awards, including the Thurgood Marshall award from the NC Advocates for Justice in recognition of his work supporting diversity, equity and inclusion in North Carolina. He is a past president of the Public Justice Foundation Board, a national public interest law firm.

### Jonathan Cohen, Senior Partner



Jonathan Cohen leads the firm's mass arbitration division. With a legal career dedicated to advocating for consumers, Jonathan focuses his practice on high-stakes mass arbitrations and complex class action litigation involving deceptive business practices, data privacy violations, and other consumer protection issues. His experience also includes litigating an array of consumer class actions in both state and federal courts.

He has represented plaintiffs in cases against banks, mortgage servicers, debt collectors, manufacturers, retailers, insurance carriers, and media companies. Jonathan has bar admissions in Florida state courts, the U.S. District Courts for Florida, Illinois, Wisconsin and Colorado, and the U.S. Court of Appeals for the First, Fifth and Eleventh Circuits.

### Jim DeMay, Senior Partner



Jim DeMay's focus is on class actions, mass torts, appellate, and other complex litigation matters. In 20 years of practice, Jim has served as lead or co-lead counsel in cases recovering over \$250 million for his clients.

His class action practice includes cases involving unfair and deceptive fees, unlawful utility rates, consumer fraud, wiretapping statutes, state and federal privacy laws, and other matters. He served as co-lead class counsel in *Daedalus, LLC v. City of Charlotte* which resulted in a \$106 million settlement on behalf of property owners who were coerced into paying unlawful development fees, as well as in dozens of other class actions that have resulted in multi-million-dollar judgments or settlements. Jim has represented cities, counties, and other governmental entities across the country in cases involving environmental and consumer protection matters.

### **Scott C. Harris, Senior Partner**



Scott has built his career on the belief that ordinary people deserve extraordinary advocacy. Everyone deserves fairness and justice in the courts, no matter how big the opponent. His practice is focused on complex consumer and construction defect litigation, product liability, and wrongful practices that harm everyday people. His work has touched every stage of the process, from initial client conversations and case investigation to working with experts, managing discovery, coordinating class procedures, and ensuring fair distribution of settlements.

Scott has played a key role in securing substantial verdicts and settlements in a variety of cases, including a multi-million-dollar verdict in favor of homeowners for a developer's unfair and deceptive advertising and shoddy road construction, a legal malpractice case, and several defective condominium construction cases.

He has been recognized year after year as a North Carolina Super Lawyer, following earlier recognition as a Rising Star, and has been consistently named among the Legal Elite by Business North Carolina. He is an active member of the American Association for Justice, the North Carolina Advocates for Justice (and serves on the board of governors), and Public Justice, organizations dedicated to strengthening consumer rights.

### **Patrick Montoya, Senior Partner**



Patrick Montoya's career philosophy is to be the lawyer you want for yourself. With over 20 years of experience, Patrick's expertise includes class action and commercial litigation, products liability, personal injury litigation, aviation law, construction law, and toxic torts. He has earned several multi-million-dollar verdicts as well as having initiative changes to laws to more efficiently protect society.

A champion of community, Patrick has been recognized as one of the nation's leading plaintiff consumer lawyers as well as a Top Up & Comer in South Florida, a Florida Rising Star and a Florida Super Lawyer.

Patrick is also the co-author of the book *Florida Evidence and Procedure*, a contributing writer and a frequent CLE lecturer. He is extensively involved in the legal professional including the paralegal program at the University of Miami, and the National Conference of Community and Justice in Greater Miami.

### **Mark Silvey, Senior Partner**



Mark Silvey's career spans nearly 40 years and has included litigation from both the plaintiff's and defendant's perspectives. At Bryson, he uses this unique experience to provide a comprehensive understanding of how cases are originated, researched, initiated, and resolved through either ADR or trial. He has tried more than 100 civil cases to verdict, along with dozens of bench trials and appellate arguments.

Mark brings a formidable knowledge base from which he advocates for clients facing simple or complex legal issues. He spent half his career in state courts, before moving his current practice to primarily federal concentration at both trial and appellate levels. He works in class actions, mass arbitrations, data breach and data privacy, consumer protection, product liability and mislabeling.

### **Nick Suci III, Senior Partner**



Nick has extensive experience in both consumer class actions and the regulation of food, drugs, and cosmetics under the Food, Drug and Cosmetic Act (FDCA). He represents plaintiffs in class action lawsuits, and his legal practice has been focused on consumer products class actions, specifically, violations of the FDCA and parallel state statutes. As lead counsel in several consumer protection class actions, he has helped form the landscape regarding pre-emption and standing in cases involving violations of the FDCA and parallel state statutes.

He has earned tens of millions of dollars for clients in class action settlements against some of the largest manufacturers in the nation. He has been recognized by Super Lawyers as a Rising Star and has bar admissions in Michigan, Eastern and western District of Michigan, Northern District of Illinois and the 6th and 7th Circuit Court of Appeals.



## Attorney Profiles: Partners

### **Karl Amelchenko, Partner**

Karl Amelchenko is one of the leaders of the firm's national mass arbitration and consumer protection practice. A significant part of his work involves challenging unfair and unconscionable arbitration clauses. He pursues claims against video game developers that unlawfully transmit players' personal data without consent, mass arbitrations involving state wiretapping statutes, the illegal collection of biometric information, and other state and federal privacy laws. Karl is the co-chair of the annual American Association of Justice (AAJ) Trial Advocacy Competition in North Carolina, and is a member of AAJ, the North Carolina Advocates for Justice, and Public Justice.

### **Hunter Bryson, Partner**

Hunter Bryson has recovered over \$168 million for aggrieved individuals as court appointed class counsel in state and federal court. These results have been secured often after lengthy litigation with defendants that have considerable resources and a "scorched earth" mentality in litigation. He has argued dispositive motions, preliminary and final settlement approval motions, and engaged in discovery at all levels and sizes, from \$300,000 to \$106 million. He has been recognized as a Rising Star by Super Lawyers.

### **Justin Day, Partner**

A lawyer with a proven record of success in complex, high-stakes litigation, Justin Day has secured numerous settlements including individual recoveries from \$1 million to \$18 million. His practice focuses on class actions and mass arbitrations, particularly those involving data privacy and consumer technology. With a foundation in computer programming, he also develops custom software tools to support investigative work, streamline case development, and tackle emerging forms of tech-enabled misconduct. He is regularly listed in Best Lawyers: Ones to Watch, the National Trial Lawyers Top 40 Under 40 in Tennessee, and selected as a Rising Star in Tennessee by Super Lawyers Magazine.

### **Scott Falgoust, Partner**

Scott Falgoust focuses his practice on complex civil litigation, with a particular emphasis on data privacy, data breach, and mass arbitration matters. He has represented over 30,000 clients in mass arbitrations and hundreds of thousands more in data breach class actions. His work spans arbitration forums and federal courts across the United States. He began his legal career on the trial team for the Deepwater Horizon oil spill litigation and has since spent more than a decade advocating for individuals harmed by corporate misconduct. He is admitted to practice in all Louisiana courts and is a member of the Louisiana State Bar Association. He is a member of the American Association for Justice, and Public Justice.

### **Marty Geer, Partner**

Marty Geer brings more than 40 years of litigation experience and judicial service to her role as one of the firm's lead partners for appellate practice and strategic briefing. As a former North Carolina Court of Appeals judge, she heard more than 3,800 appeals and authored more than 1,350 opinions with fewer than 2% reversed—a record that reflects both rigor and clarity in legal analysis. A board-certified appellate specialist, she focuses her practice primarily on consumer protection class actions, crafting key high-stakes motions at the trial level, handling appeals and helping strategically to ensure that cases are built for long-term success across all phases of litigation. She has bar admissions in the United States Supreme Court, United States Court of Appeals for the First, Second, Fourth, Sixth, Ninth, and Eleventh Circuits, United States District Courts for the Eastern and Southern Districts of New York and the Eastern, Middle, and Western Districts of North Carolina, and New York and North Carolina.

**Lucy Inman, Partner**

Lucy Inman contributes decades of experience in civil litigation and service as a North Carolina trial and appellate judge. She concentrates her practice in appeals and dispositive trial and arbitration proceedings on behalf of consumers, primarily in class actions and mass torts, including as co-counsel with attorneys outside the firm. In addition to her work as an advocate, Lucy serves as an arbitrator in commercial disputes nationwide. She is licensed to practice law in California and North Carolina and has represented clients in state and federal courts throughout the United States. She serves on the board of the Council of Appellate Lawyers within the American Bar Association's Judicial Division and is a trustee of the National Civil Justice Institute. Lucy has also presented continuing education programs for the bench and bar on topics including writing, trial and appellate practice, and the connection between wellness and professional ethics.

**Robert Jimenez, Partner**

Robert Jimenez has a diverse litigation background, including a focus on electronic discovery. His experience ranges from commercial litigation and real estate to intellectual property and data privacy matters. Robert has represented some of the largest banking and financial institutions in the world, has litigated for and against famous trademark owners, and has secured millions of dollars in judgments and settlement awards on behalf of institutional and individual clients. Additionally, he counsels clients, other law firms and attorneys, on electronic discovery issues. He has been awarded certifications from The Electronic Discovery Institute, The Sedona Conference, and the Association of Certified E-discovery Specialists.

**Trenton Kashima, Partner**

Trent Kashima's experience as a complex litigation lawyer sees him representing consumers, employees, and businesses in complex actions. He offers a specialized focus on consumer protection status and wage-hour matters. Trent has recovered over \$50 million on behalf of class members, managed practice groups, trained attorneys and law school students. Among his most notable cases, he secured a RICO judgment, halting unfair and predatory loans leveraged against veterans and service members. He has bar admissions to practice in both California and Michigan, and has been an adjunct professional at the University of San Diego School of Law.

**Natalie Rico, Partner**

Natalie Rico brings experience in mass tort litigation, class actions, products liability, medical malpractice, catastrophic personal injury, and construction litigation to the firm. Prior to joining private practice, she was the Assistant City Attorney with the City of Miami. her appointments and service includes the Spellman-Hoeveler Inns of Court, Mimia=Dade County Bar Association (board member and executive board member), American Association for Justice, Cuban American Bar Association and Florida Association for Women Lawyers.



## Recent Leadership Roles

2025: Lead counsel in numerous mass arbitrations leading to over \$250M in confidential settlements

2023: Lead counsel for Parris, et al. v. Meta Platforms, Inc., Case No. 2023LA000672, Cir. Ct. DuPage Cty., July 3, 2023 – Class settlement of \$68.5M resulting from mass arbitration of 100,000 individual Instagram BIPA claims

2023: Lead counsel for Deadalus, LLC v. City of Charlotte, Case No. 2022-NCCOA-203 – Class settlement of \$106M on behalf of developers and home builders for illegally charged water and sewer capacity fees

2022: Lead counsel for Boone, et al. v. Snap Inc., Case No. 2022LA000708, Cir. Ct. DuPage Cty., Aug. 8, 2022 – Class settlement of \$35M resulting from mass arbitration of thousands of individual Snapchat BIPA claims

2020-2025: Member of consortium pursuing emissions cheating claims against VW, Mercedes and others in the European Union and the United Kingdom

2020: Class Counsel for Thomas Macone v. Sharp Electronics Corp., No. 1:19-cv-12021-WGY, (U.S. District Court for the District of Massachusetts) – Class Action lawsuit on behalf plaintiffs with defective Sharp microwave drawers. Status: National Settlement

2019: Court-appointed Lead Counsel for In re Allura Fiber Cement Siding Prod. Liab. Litig., MDL No. 2:19-md-2886 (U.S. District Court for the District of South Carolina) – Class Action arising from allegedly defective cement board siding. Status: National Settlement

2019: Court-appointed Lead Class Counsel for Upright Builders Inc. et al. v. Town of Apex, No. 18-cvs-3720 & 18-cvs-4384, (Wake Co., NC) – Class action settlement with a \$15.3 million fund for builders and developers to recover improper capacity replacement and transportation paid fees to the town

2019: Court-appointed Lead Class Counsel for Town of Holly Springs, No. 17-cvs-6244, 17-cvs-6245, 18-cvs-1373 (Wake Co., NC) – Class action settlement with a \$7.9 million fund for builders and developers to recover improper capacity replacement and transportation fees paid to the town

2019: Court-appointed Class Counsel for Berman et al. v. General Motors LLC, No. 2:18-cv-14371 (S.D. Fla.) – \$40 million national settlement for repairs and reimbursement of repair costs incurred in connection with Chevrolet Equinox excessive oil consumption

2019: Lead trial counsel in jury trial for FieldTurf Artificial Turf Marketing Practices Litig., (Cook County Court, Chicago) – Case deals with allegedly defective turf sold and marketed by the company and sold nationwide. Status: confidential settlement during trial

2018: Lead trial counsel in jury trial for Dennis D. Chisum v. Rocco J. Campagna, Richard J. Campagna, No. 16-cvs-2419 (North Carolina Business Court, New Hanover County) – Shareholder derivative case with a jury verdict for plaintiff. Status: on appeal

2018: Interim Co-Lead Counsel for Outer Banks Power Outage Litig. – \$10.35 million settlement for residents, businesses, and vacationers on Hatteras and Ocracoke Islands who were impacted by a 9-day power outage

2017: Co-Lead Counsel for Smith v. Floor and Decor Outlets of America, Inc. in the United States District Court for the Northern District of Georgia – Case dealt with formaldehyde levels of laminate flooring sold nationwide. Status: Settled, confidential terms

2017: Co-lead Counsel for Elliott v. KB Home Raleigh-Durham in the Superior Court Division of the State of North Carolina. Class action case dealt with new homes constructed without a weather-resistant barrier underneath exterior siding. Status: Settled

2017: Co-Lead Counsel for In re Lumber Liquidators Chinese-Manufactured Laminate Flooring Durability Marketing and Sales Practices Litig., MDL 2743, in the United States District Court for the Eastern District of Virginia – \$36 million national class action settlement for members who purchased a certain type of laminate flooring

2016: Lead Counsel for In re Windsor Windows Wood Clad Window Prod. Liab. Litig., MDL 2688, in the United States District Court for the Eastern District of Wisconsin – Case dealt with windows sold nationwide that allegedly permitted water intrusion. Status: Settled

2016: Lead Counsel for In re MI Windows and Doors, Inc. Prod. Liab. Litig., MDL 2333, in the United States District Court for the District of South Carolina – Case dealt with windows sold nationwide that allegedly permitted water intrusion. Status: Settled

2015: Lead Counsel for In re Elk Cross Timbers Decking, Marketing, Sales Practices and Prod. Liab. Litig., MDL 2577, in the United States District Court for the District of New Jersey – Case dealt with decking and railing material that allegedly degraded prematurely. Status: Settled

2014: Co-lead Counsel for In re Atlas Roofing Corporation Chalet Shingle Prod. Litig., MDL 2495 in the United States District Court for the Northern District of Georgia – Case concerns defective allegedly shingles sold nationwide. Status: Settled

2014: Co-Lead Counsel for In re Pella Corporation Architect Designer Series Windows Prod. Liab. Litig., MDL 2514, in the United States District Court for the District of South Carolina – Case dealt with windows sold nationwide that allegedly permitted water intrusion. Status: Settled

2013: Plaintiffs Steering Committee (Co-chair Science and Expert Committee) for In re Chinese Manufactured Drywall Prod. Liab. Litig, MDL 2047 in the United States District Court for the Eastern District of Louisiana. Dan served on the trial team in Federal Court in Louisiana before the Honorable Eldon Fallon for each of the three Chinese Drywall bellwether cases. Status: Settlement in excess of \$1 billion

Co-lead Counsel on a three-week jury trial in Madisonville, Kentucky resulting in a \$1.39 million verdict in favor of a church and a business against two coal companies for causing subsidence to their properties

Represented hundreds of homeowners in Western Kentucky for defective concrete utilized in their homes and businesses; Settlement in excess of \$50 million

Represented hundreds of homeowners throughout the Southeast for defective EIFS (exterior installation finishing systems) utilized in homes and businesses; Settlement in excess of \$150 million

Lead Counsel on a three-week jury trial in Wilmington, North Carolina resulting in a verdict and judgment of over \$3 million for a contractor's defective construction of marine bulkhead

Lead Counsel on a two-week jury trial in Bryson City, North Carolina resulting in a verdict and judgment in excess of \$3.5 million for a developer's deceptive advertising and shoddy construction of subdivision roads in the mountains of Western North Carolina

## Milberg Recent Leadership Roles

In re Google Play Consumer Antitrust Litigation, 20-CV-05761 (N.D. Cal.)

In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation MDL No. 2973

In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation

In re: Blackbaud Data Privacy MDL No. 2972

In re: Paragard IUD Products Liability Litigation MDL No. 2974

In re: Seresto Flea & Tick Collar, Marketing Sales Practices & Product Liability Litigation MDL No. 3009, Master Case No. 21-cv-04447

In re: All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation, No. 2:21-mc-00491-NR (W.D. Pa.)

In re: Allergan Biocell Textured Breast Implant Product Liability Litigation, No. 2:19-md-02921-BRM-ESK (D.N.J.)

In re: Zicam

In re: Ortho Evra

In re: Yaz

In re: Kugel Mesh

In re: Medtronic Sprint Fidelis Leads

In re: Depuy Pinnacle

In re: Stand 'N Seal

In re: Chantix

In re: Fosamax

In re: Mirena

In re: Incretin

In re: Depuy Pinnacle

In re: Fluoroquinolones

In re: Olmesartan

In re: Zimmer Nexgen Knee

In re: Fresenius Granuflo

In re: Propecia

In re: Transvaginal Mesh

In re: Guidant Corp. Implantable Defibrillators

In re: Onglyza (Saxagliptin) And Kombiglyze XR

#### State Court

In Re Risperdal & Invega Product Liability Cases, CA

In Re Chantix, NY

In Re Reglan, NJ

In Re Propecia, NJ

In Re Levaquin Litigation, NJ

## Milberg Notable Recoveries

- \$3.2 Billion Settlement – In re Tyco International Ltd., Securities Litigation
- \$4.0 Billion Settlement – In re Prudential Insurance Co. Sales Practice Litigation
- \$1.14 Billion Settlement – In re Nortel Networks Corp. Securities Litigation
- \$1.0 Billion+ Trial Verdict – Vivendi Universal, S.A. Securities Litigation
- \$1.0 Billion Settlement – NASDAQ Market-Makers Antitrust
- \$1.0 Billion Settlement – W.R. Grace & Co
- \$1.0 Billion+ Settlement – Merck & Co., Inc. Securities Litigation
- \$775 Million Settlement – Washington Public Power Supply System Securities Litigation

#### Antitrust

**In re: TFT-LCD (Flat Panel) Antitrust Litigation, No. 3:07-cv-01827, MDL No. 1827 (N.D. Cal.)** Combined settlement totaling nearly \$1.1 billion in suit alleging the illegal formation of an international cartel to restrict competition in the LCD panel market (2012).

#### Apartment Fee

**Stewart v. Southwood Realty Company (Cumberland Co., NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2020).

**Lewis et al. v. Bridge Property Management, LLC et al. (Wake Co., NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2020).

**Hargrove v. Grubb Management, Inc. et al. (Wake Co., NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2020).

**Rush v. The NRP Group LLC (USDC MD NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2020).

**Hamilton v. Arcan Capital, LLC et al. (Forsyth Co., NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Suarez v. Camden Development, Inc. et al. (USDC ED NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Milroy et al. v. Bell Partners Inc. et al. (USDC ED NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Davis v. RAM Partners, LLC (USDC MD NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Hampton v. KPM et al. (USDC WD NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Brogden v. Kenney Properties, Inc. et al. (Wake Co., NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Williams v. Pegasus Residential, LLC (USDC MD NC)** Preliminary approval of settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Medina v. Westdale et al. (USDC ED NC)** Settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

**Talley et al. v. Lincoln Property Company (USDC ED NC)** Preliminary approval of settlement of class claims arising from apartment communities allegedly assessing improper eviction fees pending (2021).

**McCord v. PRG Real Estate Mgmt, Inc. et al. (USDC MD NC)** Pending final approval of settlement of class claims arising from apartment communities allegedly assessing improper eviction fees (2021).

#### Appliances

**Erstler, et. al v. Toshiba America et. al, No. 07- 2304 (D.N.J.)** Settlement of claims arising from allegedly defective television lamps) (2009).

**Maytag Neptune Washing Machines** Class action settlement for owners of Maytag Neptune washing machines).

**Stalcup, et al. v. Thomson, Inc. (Ill. Cir. Ct.)** \$100 million class settlement of claims that certain GE, PROSCAN and RCA televisions may have been susceptible to temporary loss of audio when receiving broadcast data packages that were longer than reasonably anticipated or specified (2004).

**Hurkes Harris Design Associates, Inc., et al. v. Fujitsu Computer Prods. of Am., Inc.** Settlement provides \$42.5 million to pay claims of all consumers and other end users who bought certain Fujitsu Desktop 3.5” IDE hard disk drives (2003).

**Turner v. General Electric Company, No. 2:05-cv-00186 (M.D. Fla.)** National settlement of claims arising from allegedly defective refrigerators (2006).

#### Automobiles

**In re General Motors Corp. Speedometer Prods. Liability Litig., MDL 1896 (W.D. Wash.)** National settlement for repairs and reimbursement of repair costs incurred in connection with defective speedometers (2007).

**Baugh v. The Goodyear Tire & Rubber Company** Class settlement of claims that Goodyear sold defective tires that are prone to tread separation when operated at highway speeds; Goodyear agreed to provide a combination of both monetary and nonmonetary consideration to the Settlement Class in the form of an Enhanced Warranty Program and Rebate Program (2002).

**Lubitz v. Daimler Chrysler Corp., No. L-4883-04 (Bergen Cty. Super. Ct, NJ 2006)** National settlement for repairs and reimbursement of repair costs incurred in connection with defective brake system; creation of \$12 million fund; 7th largest judgment or settlement in New Jersey (2007).

**Berman et al. v. General Motors LLC, Case No. 2:18-cv-14371 (S.D. Fla.)** Co-Lead Counsel; national settlement for repairs and reimbursement of repair costs incurred in connection with Chevrolet Equinox excessive oil consumption.

#### Civil Rights

**In re Black Farmers Discrimination Litigation, Case No. 1:08-mc-00511 (D.D.C.)** \$1.25 billion settlement fund for black farmers who alleged U.S. Department of Agriculture discriminated against them by denying farm loans (2013).

**Bruce, et. al. v. County of Rensselaer et. al., Case No. 02-cv-0847 (N.D.N.Y.)** Class settlement of claims that corrections officers and others employed at the Rensselaer County Jail (NY) engaged in the practice of illegally strip searching all individuals charged with only misdemeanors or minor offenses (2004).

#### Commercial

**In re: Outer Banks Power Outage Litigation, 4:17-cv-141 (E.D.N.C)** Co-Lead Counsel; \$10.35 million settlement for residents, businesses, and vacationers on Hatteras and Ocracoke Islands who were impacted by a 9-day power outage (2018).

#### Construction Materials

**Cordes et al v. IPEX, Inc., No. 08-cv-02220-CMA-BNB (D. Colo.)** Class action arising out of defective brass fittings; court-appointed member of Plaintiffs' Steering Committee (2011).

**Elliott et al v. KB Home North Carolina Inc. et al 08-cv-21190 (N.C. Super. Ct. Wake County)** Lead Counsel; class action settlement for those whose homes were constructed without a weather-resistant barrier (2017).

**In re: Pella Corporation Architect and Designer Series Windows Marketing, Sales Practices and Products Liability Litigation, MDL No. 2514 (D.S.C.)** Class action arising from allegedly defective windows; Court-appointed Co-Lead Counsel.

**In re MI Windows and Doors, Inc., Products Liability Litigation, MDL No. 2333 (D.S.C)** National class action settlement for homeowners who purchased defective windows; Court-appointed Co-Lead Counsel.

**In re: Atlas Roofing Corporation Chalet Shingle Products Liability Litig., MDL No. 2495 (N.D. Ga.)** Class action arising from allegedly defective shingles; Court-appointed Co-Lead Counsel.

**Helmer et al. v. Goodyear Tire & Rubber Co., No. 12-cv-00685-RBJ (D. Colo. 2012)** Class action arising from allegedly defective radiant heating systems; Colorado class certified, 2014 WL 3353264, July 9, 2014.

**In re: Zurn Pex Plumbing Products Liability Litigation, No. 08-md-01958, MDL No. 1958 (D. Minn.)** Class action arising from allegedly plumbing systems; member of Executive Committee; settlement (2012).

**Hobbie, et al. v. RCR Holdings II, LLC, et al., No. 10-1113, MDL No. 2047 (E.D. La.)** (\$30 million settlement for remediation of 364-unit residential high-rise constructed with Chinese drywall (2012).

**In re: Chinese Manufactured Drywall Products Liability Litigation, No. 2:09-md-02047, MDL No. 2047 (E.D. La.)** Litigation arising out of defective drywall; appointed Co-Chair, Insurance Committee (2012).

**Galanti v. Goodyear Tire & Rubber Co., No. 03-209 (D.N.J. 2003)** National settlement and creation of \$330 million fund for payment to owners of homes with defective radiant heating systems (2003).

**In re Synthetic Stucco Litig., Civ. Action No. 5:96-CV-287-BR(2) (E.D.N.C.)** Member of Plaintiffs' Steering Committee; settlements with four EIFS Manufacturers for North Carolina homeowners valued at more than \$50 million.

**In re Synthetic Stucco (EIFS) Prods. Liability Litig., MDL No. 1132 (E.D.N.C.)** Represented over 100 individuals homeowners in lawsuits against homebuilders and EIFS manufacturers.

**Posey, et al. v. Dryvit Systems, Inc., Case No. 17,715-IV (Tenn. Cir. Ct)** Co-Lead Counsel; national class action settlement provided cash and repairs to more than 7,000 claimants (2002).

**Sutton, et al. v. The Federal Materials Company, Inc., et al, No. 07-CI-00007 (Ky. Cir. Ct)** Co-Lead Counsel; \$10.1 million class settlement for owners of residential and commercial properties constructed with defective concrete.

**Staton v. IMI South, et al. (Ky. Cir. Ct.)** Co-Lead Counsel; class settlement for approximately \$30 million for repair and purchase of houses built with defective concrete.

**In re Elk Cross Timbers Decking Marketing, Sales Practices and Products Liability Litigation, No. 15-cv-0018, MDL No. 2577 (D.N.J.)** Lead Counsel; national settlement to homeowners who purchased defective GAF decking and railings.

**Bridget Smith v. Floor and Decor Outlets of America, Inc., No. 1:15-cv-4316 (N.D. Ga.)** Co-Lead Counsel; National class action settlement for homeowners who purchased unsafe laminate wood flooring.

**In re Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation MDL No. 1:15-md-2627 (E.D.Va.)** Formaldehyde case; \$36 million national class action settlement for member who purchased a certain type of laminate flooring.

**In re Lumber Liquidators Chinese-Manufactured Laminate Flooring Durability Marketing, Sales Practices Litigation MDL No. 1:16-md-2743 (E.D.Va.)** Co-Lead Counsel; Durability case; \$36 million national class action settlement for member who purchased a certain type of laminate flooring.

**In re Windsor Wood Clad Window Products Liability Litigation MDL No. 2:16-md-02688 (E.D. Wis.)** National class action settlement for homeowners who purchased defective windows; Court-appointed Lead Counsel.

**In re Allura Fiber Cement Siding Products Liability Litigation MDL No. 2:19-md-02886 (D.S.C.)** Class action arising from allegedly defective cement board siding; Court appointed Lead Counsel.

#### Environmental

**Nnadili, et al. v. Chevron U.S.A., Inc, No. 02-cv-1620 (D.D.C.)** \$6.2 million settlement for owners and residents of 200 properties located above underground plume of petroleum from former Chevron gas station (2008).

#### Fair Labor Standards Act/Wage and Hour

**Craig v. Rite Aid Corporation, Civil No. 08-2317 (M.D. Pa.)** FLSA collective action and class action settled for \$20.9 million (2013).

**Stillman v. Staples, Inc., Civil No. 07-849 (D.N.J. 2009)** FLSA collective action, plaintiffs' trial verdict for \$2.5 million; national settlement approved for \$42 million (2010).

**Lew v. Pizza Hut of Maryland, Inc., Civil No. CBB-09-CV-3162 (D. Md.)** FLSA collective action, statewide settlement for managers-in-training and assistant managers, providing recompense of 100% of lost wages (2011).

#### Financial

**Roberts v. Fleet Bank (R.I.), N.A., Civil Action No. 00-6142 (E. D. Pa.)** \$4 million dollar settlement on claims that Fleet changed the interest rate on consumers' credit cards which had been advertised as "fixed." (2003).

**Penobscot Indian Nation et al v United States Department of Housing and Urban Development, N. 07-1282 (PLF) (D.D.C. 2008)** Represented charitable organization which successfully challenged regulation barring certain kinds of down-payment assistance; Court held that HUD's promulgation of rule violated the Administrative Procedure Act (2008).

#### Impact Fees

**Town of Holly Springs, No. 17-cvs-6244, 17-cvs-6245, 18-cvs-1373 (Wake Co., NC)** (Court appointed Class Counsel; Class action settlement with a \$7.9 million fund for builders and developers to recover improper capacity replacement and transportation fees paid to the town (2019).

**Larry Shaheen v. City of Belmont, No. 17-cvs-394 (Gaston Co., NC)** (Court appointed Class Counsel; Class action settlement with a \$1.65 million fund for builders and developers to recover improper capacity replacement and transportation fees paid to the city (2019).

**Upright Builders Inc. et al. v. Town of Apex, No. 18-cvs-3720 & 18-cvs-4384, (Wake Co., NC)** (Court appointed Class Counsel; Class action settlement with a \$15.3 million fund for builders and developers to recover improper capacity replacement and transportation paid fees to the town (2019).

**Mayfair Partners, LLC et al. v. City of Asheville, No. 18-cvs-04870 (Buncombe County)** Court appointed Class Counsel; Class action settlement with a \$1,850,000 million fund for builders and developers to recover improper impact fees paid to the city (2020).

**Shenandoah Homes, LLC v. Town of Clayton, No. 19-cvs-640 (Johnston County)** Court appointed Class Counsel; Class action settlement with a \$2.7 million fund for builders and developers to recover improper impact fees paid to the town (2020).

**Brookline Homes LLC v. City of Mount Holly, Gaston County file no. 19-cvs-1163 (Gaston County)** Court appointed Class Counsel; Class action settlement with a \$483,468 fund for builders and developers to recover improper impact fees paid to the city (2020).

**Eastwood Construction, LLC et. al v. City of Monroe, Union County file nos. 18-CVS-2692 (Union County)** Court appointed Class Counsel; Class action settlement with a \$1,750,000 million fund for builders and developers to recover improper impact fees paid to the city (2020).

#### Insurance

**Young, et al. v. Nationwide Mut. Ins. Co, et al., No. 11-5015 (E.D. Ky.)** Series of class actions against multiple insurance companies arising from unlawful collection of local taxes on premium payments; class certified and affirmed on appeal, 693 F.3d 532 (6<sup>th</sup> Cir., 2012); settlements with all defendants for 100% refund of taxes collected (2014).

**Nichols v. Progressive Direct Insurance Co., et al., No. 2:06cv146 (E.D. Ky.)** Class Counsel; class action arising from unlawful taxation of insurance premiums; statewide settlement with Safe Auto Insurance Company and creation of \$2 million Settlement Fund; statewide settlement with Hartford Insurance Company and tax refunds of \$1.75 million (2012).

#### Privacy and Data Breach

**In Re: U.S. Office of Personnel Management Data Security Breach Litigation, No. 15-1393 (ABJ), MDL No. 2664 (D.D.C.)** Court-appointed interim Liaison Counsel.

**In re Google Buzz Privacy Litigation, No. 5:10-cv-00672 (N.D. Cal.)** Court-appointed Lead Class Counsel; \$8.5 million Cy Pres settlement) (2010).

**In re: Dept. of Veterans Affairs (VA) Data Theft Litig., No. 1:2006-cv-00506, MDL 1796 (D.D.C.)** Co-Lead counsel representing veterans whose privacy rights had been compromised by the theft of an external hard drive containing personal information of approximately 26.6 million veterans and their spouses; creation of a \$20 million fund for affected veterans and a Cy Pres award for two non-profit organizations (2009).

**In re: Adobe Systems Inc. Privacy Litigation, No. 5:13-cv-05226 (N.D. Cal. 2015)** Settlement requiring enhanced cyber security measures and audits (2015).

# EXHIBIT

# 2

## **MAGINNIS HOWARD FIRM RESUME**

### **I. FIRM PROFILE:**

Maginnis Howard is a Raleigh civil litigation firm representing clients in consumer protection, personal injury, business litigation, and employee rights disputes. Since 2009, our firm has represented hundreds of clients in all of North Carolina's federal courts, the North Carolina Court of Appeals, and many of North Carolina's Superior Courts.

### **II. ATTORNEY PROFILES:**

#### **Edward H. Maginnis**

Attorney

Ed is the managing member of Maginnis Howard. Ed's practice is focused on consumer protection and business litigation matters. He has served as lead counsel and class counsel in numerous matters where substantial jury verdicts, settlements, arbitration awards, and appellate victories were secured on behalf of consumers and North Carolina businesses.

Ed earned his law degree from The University of Virginia School of Law in 2004 and his Bachelor of Arts from the University of Virginia in 2001. Ed has served previously as the Chair for Consumer Areas of Practice at the North Carolina Advocates for Justice, is a member of the National Association of Consumer Advocates, and has taught multiple CLEs relating to consumer protection laws and the management of small law firms. Prior to his move to North Carolina and opening of his own law firm, Ed practiced in Washington D.C. at two large law firms, with occasional focus on defending class action law suits.

#### **T. Shawn Howard**

Attorney

Shawn is an associate with the firm and serves as lead counsel on the firm's personal injury matters. Shawn has served as lead counsel in numerous matters where substantial jury verdicts or settlements were secured on behalf of North Carolinians who have been seriously injured. Shawn has also represented the North Carolina Advocates for Justice, as *amicus curiae*, in front of the North Carolina Court of Appeals, the North Carolina Supreme Court, and the United States Court of Appeals for the Fourth Circuit.

Shawn joined the firm in 2011 after working previously at an insurance defense firm in Durham. Shawn earned his law degree from the University of North Carolina School of Law in 2010 and his Bachelor of Arts from the University of North Carolina in 2007. Shawn was named to the Super Lawyers' Rising Stars list as one of the top up-and-coming attorneys in North Carolina for 2016, 2017, 2018, 2019, and 2020. Shawn was also named to the National Trial Lawyers, Top 40 Under 40 for 2016. Shawn is a member of the North Carolina Advocates for Justice and has presented several CLE courses relating to his areas of practice.

**Karl S. Gwaltney**

Attorney

Karl is an associate with the firm with a focus on consumer protection and wage and hour disputes. Karl's primary areas of practice relate to the Telephone Consumer Protection Act, the Fair Debt Collection Practices Act, the North Carolina Debt Collection Act, the North Carolina Collection Agency Act, the North Carolina Wage and Hour Act, and the Fair Labor Standards Act. Karl has served as lead counsel and class counsel in numerous matters where substantial settlements or arbitration awards were secured for North Carolina consumers.

Karl joined the firm in 2012 after graduating from the University of North Carolina School of Law and his Bachelor of Arts from Appalachian State University in 2009. Karl is a member of the National Association of Consumer Advocates, the North Carolina Advocates for Justice, and the North Carolina Bar Association. Karl was named to the Super Lawyers' Rising Stars list as one of the top up-and-coming attorneys in North Carolina for 2017, 2018, 2019, and 2020.

**Asa C. Edwards**

Attorney

Asa is an associate with the firm with a focus on consumer protection, employment law, and commercial litigation. Asa's primary areas of consumer practice relate to the Fair Credit Reporting Act and mortgage litigation matters. Asa has served as lead counsel or second counsel in numerous matters where substantial jury verdicts or settlements were secured on behalf of North Carolina consumers and businesses.

Asa joined the firm in 2014 after briefly working as a solo practitioner. Asa graduated from the University of North Carolina School of Law in 2013 and obtained his undergraduate degree from the University of South Carolina in 2006. Asa serves as the state chair for North Carolina for the National Association of Consumer Advocates and has presented numerous courses relating to Fair Credit Reporting Act claims to the National Association of Consumer Advocates and local bar associations. Asa was named to the Super Lawyers' Rising Stars list as one of the top up-and-coming attorneys in North Carolina for 2019 and 2020.

**Anthony A. Klish**

Attorney

Anthony is an associate with the firm with a focus on estate administration guardianship, and wills and trusts. Anthony joined the firm in 2019 after managing his own firm for several years. Anthony graduated from Campbell School of Law, where he was awarded the Law Dean's Scholarship and obtained his undergraduate degree from East Carolina University.

**Garrett L. Davis**

Attorney

Garrett is an associate with the firm, with a focus on business litigation. Before coming to the firm, Garrett served as a judicial clerk at the North Carolina Court of Appeals. Garrett graduated from

the University of North Carolina School of Law, where he was a member of the North Carolina Law Review, and obtained his undergraduate degree from Appalachian State University, where he graduated magna cum laude.

### III. REPRESENTATIVE MAGINNIS HOWARD MATTERS

Note: many individual consumer protection matters resolve themselves with confidential settlements. The Firm is willing to provide more detailed settlement figures upon order of the Court.

- *Barnhill v. First Point Collection Resources, Inc.*, Middle District of North Carolina Case No. 15-cv-892, \$1,200,000 class action settlement for violations of the Fair Debt Collection Practices Act and North Carolina Collection Agency Act
- *Direct List, Inc. v Kessler et al.* Southern District of California Case No. 15-cv-2025, \$2,000,000.00 jury verdict for, *inter alia*, fraud and misappropriation of trade secrets
- *Beard v. Kania et al.*, Hillsborough Superior Court, \$2,930,952.00 wrongful death settlement
- *Vasquez v. Credit One Bank*, JAMS Arbitration No. 1440004877, \$289,000.00 arbitration award for violations of the Telephone Consumer Protection Act and North Carolina Debt Collection Act.
- *Sessoms v. Parrish Realty et al.*, Wake County Case No. 11-CVS-312, verdict for violations of North Carolina Unfair and Deceptive Trade Practices Act, settled for confidential amount after trial.
- *Overby v. Blue Ridge Property Management, LLC*, Superior Court for Wake County Case No. 14-CVS-14275, confidential settlement regarding charging of unlawful fees by apartment complex.
- *Gibson v. Bell Partners, Inc.* Superior Court for Wake County Case No. 13-CVD-7837, confidential settlement regarding charging of unlawful fees by apartment complex.
- *Hager v. Seterus, Inc.*, Western District of North Carolina Case No. 1:15-cv-222, confidential settlement relating to violations of the North Carolina Collection Agency Act.
- *Patterson v. Credit Protection Association, Limited Partnership*, Middle District of North Carolina, Case No. 1:2015-cv-895, confidential settlement for violations of Telephone Consumer Protection Act
- *Withers v. General Information Services, Inc. et al.* Eastern District of North Carolina Case No. 2017-cv-92: confidential settlement relating to Fair Credit Reporting Act claim for actual and punitive damages.
- *Cotton v. Sensible Auto Lending, LLC*, Superior Court for Wake County Case No. 14-CVS-10581, confidential settlement relating to violations of North Carolina Debt Collection Act and Unfair and Deceptive Trade Practices Act.
- *Griffin v. Macy's Credit and Consumer Services, Inc.*, Eastern District of North Carolina Case No. 5:15-cv-00632, confidential settlement for violations of Telephone Consumer Protection Act after plaintiff opted out of class action settlement.
- *Miller v. VW Credit, Inc.*, Western District of North Carolina Case No. 3:2014-cv-00648, confidential settlement relating to violations of Fair Credit Reporting Act.

- *Sauve v. Synchrony Bank*, Eastern District of North Carolina Case No. 5:2016-cv-00700, confidential settlement relating to violations of North Carolina Debt Collection Act and Telephone Consumer Protection Act
- *Miller v. Equifax Information Services, LLC et al.*, Western District of North Carolina, Case No. 5:2016-cv-00059, confidential settlement relating to violations of Fair Credit Reporting Act and North Carolina Debt Collection Act.
- *Worthington v. Equifax Information Services, LLC et al.* Eastern District of North Carolina Case No. 5:2015-cv-00480, confidential settlement relating to violations of Fair Credit Reporting Act.
- *Gamble v. American Express Centurion Bank, et al.*, Eastern District of North Carolina Case No. 5:14-CV-422 (E.D.N.C.), confidential settlement relating to violations of North Carolina Debt Collection Act.
- *Collins v. Credit One Bank, N.A.*, Superior Court for Onslow County Case No. 13-CVS-2582, confidential settlement relating to violations of the Telephone Consumer Protection Act
- *Ebbert v. Ocwen Loan Servicing, LLC*, Superior Court for Orange County Case No. 13-CVS-278, confidential settlement relating to violations of North Carolina Debt Collection Act.
- *Franz et al v. Capital One Bank (U.S.A.), N.A. et al.*, Western District of North Carolina Case No. 2017-cv-133, confidential settlement relating to violations of North Carolina Debt Collection Act and North Carolina Unfair and Deceptive Trade Practices Act
- *Norsworthy v. Michigan Mutual, Inc., et al.*, Eastern District of North Carolina Case No., 5:2015-cv-00067, confidential settlement relating to violations of Real Estate Settlement Procedures Act and Fair Credit Reporting Act
- *Pagliei v. American General Life Insurance Co.*, Superior Court for New Hanover County Case No. 14-CVS-2000, confidential settlement for violations of North Carolina Unfair and Deceptive Trade Practices Act.
- *GRLE, LLC v. Vitale, et al.*, Superior Court for Wake County, Case No. 14-CVS-375, recent trial verdict in business litigation matter.
- *Poole v. Richey*, Superior Court for Chatham County, File No. 16-CVS-242, recent jury verdict settled for confidential amount following trial.
- *Watkins v. Trulite Glass & Aluminum Solutions*, Wake County Case No. 13-CVS-584, confidential settlement in wrongful death case.
- *Finley v. The Steel Network, Inc. et al.* Superior Court for Wake County File No. 13-CVS-9003, confidential settlement relating to violations of the North Carolina Wage and Hour Act