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15 *Attorneys for Plaintiff and the Proposed Class*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 MIN WOO BAE, individually and on
19 behalf of all others similarly situated,

20 Plaintiff,

21 v.

22 PACIFIC CITY BANK,

23 Defendant.

Case No.: 21STCV45922

(Assigned to Hon. Judge William F. Highberger,
Dept. 10)

**DECLARATION OF TERENCE R. COATES
IN SUPPORT OF FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
PLAINTIFF’S MOTION FOR ATTORNEYS’
FEES, EPXENSES, AND CLASS
REPRESENTATIVE SERVICE AWARD**

DATE: June 20, 2024

TIME: 11:00 PST

Complaint filed: December 16, 2022

1 I, Terence R. Coates, being competent to testify, make the following declaration:

2 1. I am an attorney duly licensed to practice in the State of Ohio and have received
3 pro hac admission in this case. I am the managing partner of Markovits, Stock & DeMarco, LLC
4 in Cincinnati, OH. I am the current Vice President of the Cincinnati Bar Association and the
5 Executive Director of the Potter Stewart Inn of Court. My firm is one of those representing Plaintiff
6 and the Settlement Class in this case. I am one of the lead attorneys in this matter, and I submit
7 this Declaration in further support of Plaintiff’s Motion for Final Approval of Class Action
8 Settlement (“Motion for Final Approval”) and Plaintiffs’ Motion for Attorneys’ Fees, Expenses,
9 and Class Representative Service Award. I make this Declaration based on my personal knowledge
10 of the matters set forth herein and based on my active participation in all material aspects of this
11 litigation. If called upon to do so, I could testify competently thereto.

12 2. I am a frequent speaker for the plaintiffs’ perspective on recent trends in data
13 privacy class action cases including having participated as a panel speaker at The Sedona
14 Conference Working Group 11 Midyear Meeting 2022 “Emerging issues in privacy and
15 cybersecurity class action litigation” in Cleveland, Ohio on November 3, 2022; Trial Lawyers of
16 Mass Tort’s conference in Big Sky, Montana in March 2023; the NetDiligence cybersecurity
17 summit in Ft. Lauderdale, Florida in February 2023; the Beazley Insurance national conference in
18 Ft. Lauderdale, Florida in March 2023; the JAMS roundtable for selecting mediators in September
19 2023; Trial Lawyers of Mass Tort’s conference in Cabo, Mexico in December 2023; and Class
20 Action Money & Ethics Conference in New York, New York in May 2024. I am currently
21 participating as a member of class counsel and/or plaintiffs’ counsel in several data privacy cases
22 pending around the country, including the following representative examples: *In re Advocate*
23 *Aurora Health Pixel Litigation*, No. 22-CV-1253-JPS (E.D. Wis.) (class counsel for a \$12.225
24 million data privacy class action settlement); *In re Novant Health, Inc.*, No. 1:22-CV-00697
25 (M.D.N.C.) (plaintiffs’ counsel for a \$6.66 million data privacy class action settlement); *Sherwood*
26 *v. Horizon Actuarial Services, LLC*, No. 1:22-cv-1495 (N.D. Ga) (class counsel for an
27 \$8,733,446.36 data breach class action settlement); *Phillips v. Bay Bridge Administrators, LLC*,
28 No. 23-cv-00022 (W.D. Tex.) (sole class counsel for a \$2,516,890 data breach class action

1 settlement); *Tucker v. Marietta Area Health Care, Inc.*, No. 2:22-cv-00185 (S.D. Ohio) (class
2 counsel for a \$1.75 million data breach class action settlement); *Migliaccio v. Parker Hannifin*
3 *Corp.*, No. 1:22-CV-00835 (N.D. Ohio) (class counsel for a \$1.75 million data breach class action
4 settlement); *Vansickle v. C.R. England, Inc.*, No. 2:22-cv-00374 (D. Utah) (class counsel for a \$1.4
5 million data breach class action settlement); *Jones v. P2ES Holdings, LLC*, No 23-cv-00408 (D.
6 Colo.) (class counsel for a \$1.25 million data breach class action settlement); *Pederson v. AAA*
7 *Collections, Inc.*, No. 2:2022-cv-4166 (D.S.D.) (class counsel for \$865,000 data breach class
8 action settlement); and, *Lutz v. Electromed, Inc.*, No. 0:21-cv-02198 (D. Minn.) (class counsel in
9 a \$825,000 data breach class settlement).

10 3. Courts recognize me and my firm as being experienced with handling complex
11 cases including class actions. *Bedont v. Horizon Actuarial Services, LLC*, No. 1:22-CV-01565,
12 2022 WL 3702117, at *2 (N.D. Ga. May 11, 2022) (noting that class counsel, including Mr. Coates,
13 “are well qualified to serve as Interim Co-Lead Class Counsel and that they will fairly, adequately,
14 responsibly, and efficiently represent all Plaintiffs in the Cases in that role.”); *Shy v. Navistar Int’l*
15 *Corp.*, No. 3:92-CV-00333, 2022 WL 2125574, at *4 (S.D. Ohio June 13, 2022) (“Class Counsel,
16 the law firm Markovits, Stock & DeMarco, LLC, are qualified and are known within this District
17 for handling complex cases including class action cases such as this one.”); *Bechtel v. Fitness*
18 *Equip. Servs., LLC*, 339 F.R.D. 462, 480 (S.D. Ohio 2021) (“plaintiffs’ attorneys have appeared
19 in this Court many times and have substantial experience litigating class actions and other complex
20 matters.”); *Schellhorn v. Timios, Inc.*, No. 2:221-cv-08661, 2022 WL 4596582, at *4 (C.D. Cal.
21 May 10, 2022) (noting that Class Counsel, including “Terence R. Coates of Markovits, Stock &
22 DeMarco, LLC, have extensive experience litigating consumer protection class actions”).

23 4. Furthermore, I recently served as special counsel for the State of Ohio in *State of*
24 *Ohio ex rel. Dave Yost Ohio Attorney General v. Monsanto*, No. A1801237 (Hamilton County
25 Court of Common Pleas, Ohio) (\$80 million settlement in 2022) and *State of Ohio ex rel. Dave*
26 *Yost Ohio Attorney General v. E.I. Du Pont de Nemours & Co.*, No. 18OT32 (Washington County
27 Court of Common Pleas, Ohio) (\$110 million settlement in 2023; pending on appeal). I also
28 participated in class counsel in several recent non-data privacy class action settlements including,

1 *Shy v. Navistar International Corp.*, No. 92-cv-0333-WHR (S.D. Ohio) (class counsel for
2 settlement valued at over \$742 million); *Walker v. Nautilus, Inc.*, No. 2:20-cv-3414-EAS (S.D.
3 Ohio) (\$4.25 million settlement); *Bechtel v. Fitness Equipment Services, LLC*, No. 1:19-cv-726-
4 KLL (S.D. Ohio) (\$3.65 million settlement); *Ryder v. Wells Fargo Bank, NA*, No. 1:2019-cv-
5 00638 (S.D. Ohio) (member of class counsel in a \$12 million settlement on behalf of roughly 1,830
6 class members). I have extensive experience participating in other high-profile class action cases
7 including, *In re Fannie Mae Securities Litigation*, No. 1:04-cv-1639 (D.D.C.) (assisted in
8 representing the Ohio public pension funds as lead plaintiffs in a Section 10b-5 class action
9 resulting in a \$153 million settlement); *In re NCAA Student-Athlete Name & Likeness Licensing*
10 *Litigation*, No. 4:09-cv-1967, (N.D. Cal.); *see also O'Bannon v. NCAA*, 802 F.3d 1049 (9th Cir.
11 2015) (served as counsel for NCAA, Olympic, and NBA legend Oscar Robertson in antitrust
12 claims against the National Collegiate Athletic Association, Collegiate Licensing Company, and
13 Electronic Arts resulting in a \$40 million settlement with Electronic Arts and Collegiate Licensing
14 Company and the Court issuing a permanent injunction against the NCAA for unreasonably
15 restraining trade in violation of antitrust law); *In re Toyota Motor Corp., Unintended Acceleration*
16 *Marketing, Sales Practices & Products Liability Litigation*, MDL No. 2151 (C.D. Cal.) (served as
17 a member of counsel for the economic loss class action plaintiffs against Toyota that resulted in a
18 settlement valued at \$1.6 billion); and *Williams v. Duke Energy*, No. 1:08-cv-0046 (S.D. Ohio)
19 (served as counsel for plaintiffs in a complex antitrust and RICO class action resulting an \$80.875
20 million settlement).

21 ***Markovits, Stock & DeMarco, LLC's Hourly Rates and Lodestar are Reasonable***

22 5. I have reviewed my firm's participation in this matter on behalf of Plaintiffs. We
23 have been involved in this mater from its inception including assisting in drafting the class action
24 complaint, drafting informal settlement requests for settlement purposes, negotiating with
25 Defendant to determine whether a class-wide settlement was possible, participating in two
26 mediation sessions, negotiating the detailed terms of the Settlement Agreement, traveling to the
27 preliminary approval hearing, overseeing settlement administration and communicating with the
28 Settlement Administrator, working with the Settlement Administrator to move for a modification

1 of the settlement timeline so that a reminder notice could be issued to the class, and drafting the
 2 motion for final approval of class action settlement.

3 6. My firm has expended significant time and efforts pursuing this matter on behalf
 4 of the Class, including 226 hours for a lodestar total of \$162,875.50 and incurred \$14,800.25 in
 5 litigation expenses. The hourly rates reflected in the chart below are my firm’s historical hourly
 6 rates and those utilized in similar data privacy class action cases. These rates have been approved
 7 by other courts when conducting lodestar cross-checks.

8 **Lodestar**

9 Timekeeper	Hourly Rate	Hours	Lodestar
10 W.B. Markovits (Partner)	\$975	28.1	\$27,397.50
11 Terence R. Coates (after 12/1/2023) 12 (Partner)	\$850	12.0	\$10,200.00
13 Terence R. Coates (before 12/1 14 2023) (Partner)	\$795	99.2	\$78,864.00
15 Dylan J. Gould (after 12/1/2023) 16 (Attorney)	\$590	5.5	\$3,245.00
17 Dylan J. Gould (before 12/1 2023) 18 (Attorney)	\$530	37.3	\$19,769.00
19 Jonathan T. Deters (after 20 12/1/2023) (Attorney)	\$590	16.8	\$9,912.00
21 Jonathan T. Deters (before 12/1 22 2023) (Attorney)	\$530	23.5	\$12,455.00
23 Spencer D. Campbell (before 12/1 24 2023) (Attorney)	\$375	2.6	\$975.00
25 Isabel DeMarco (Attorney)	\$430	1.0	\$43.00
26 Laura Linneman (Paralegal)	\$150	.1	\$15.00
27		226.1	\$162,875.50

28 ***Markovits, Stock & DeMarco, LLC’s Expenses are Reasonable***

