

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

VINCIEN CURRIE

1550 Madison Road, Apartment 9
Hermitage, Pennsylvania 45206

Individually and on behalf of all others similarly
situated,

Plaintiff,

v.

JOY CONE CO.

3435 Lamor Road
Hermitage, Pennsylvania 16148

Defendant.

Case No. 2:23-cv-00764-CCW

Judge Christy C. Wiegand

**DECLARATION OF RAINA C. BORRELLI IN SUPPORT OF PLAINTIFF'S MOTION
FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION
COSTS, AND A SERVICE AWARD TO THE CLASS REPRESENTATIVE**

1. I am counsel for Plaintiff Vincien Currie in the above-captioned case. This declaration supports Plaintiff's Motion for an Award of Attorneys' Fees, Reimbursement of Litigation Costs, and a Service Award to the Class Representative. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

The Work of Class Counsel and the Risk Incurred in this Case

2. Class Counsel vigorously and efficiently prosecuted this action and was able to achieve an excellent result for the Settlement Class in a timely manner.

3. Class Counsel pursued this case on an entirely contingency basis.

4. The Parties did not discuss or negotiate fees or service awards until they agreed on the terms benefiting the Class.

5. Here, a conservative value of the settlement is the \$300,000 cap on monetary settlement benefits—which does not take into account the cost of notice and claims administration or the value of the data security changes implemented by Joy Cone in response to the Data Incident.

6. Additionally, the value of credit monitoring services can be estimated by multiplying the class size of 3,098 by an estimated per-month cost of \$9.99 by the duration of 24 months—which yields a valuation of \$742,776.48.

7. The requested fee award is, conservatively, 33% of the settlement value—which is well within the acceptable range.

8. Notably, there is no indication that any other groups, such as government agencies conducting investigations, have contributed to this case and Settlement. Rather, all benefits provided by the Settlement are attributable to Class Counsel’s expertise and efforts.

9. Although Defendant has agreed not to oppose the attorneys’ fee and cost request, this term was only reached after significant negotiation between the parties.

10. Pursuant to the Notice plan, the Court-appointed Claims Administrator, Atticus Administration, LLC (“Atticus”), mailed 3,060 notices on July 25, 2024. Additionally, Atticus established the Settlement Website at “<https://www.joyconedatasettlement.com>.”

11. As of September 6, 2024, two-hundred and twelve (212) notices were returned as undeliverable. Thereafter, Atticus re-mailed one-hundred and twenty-nine (129) notices after finding updated addresses.

12. As of September 6, 2024, ninety-six (96) claims have been submitted, zero (0) objections have been filed, and zero (0) requests for exclusion have been filed.

Background and Experience of Class Counsel

13. Class Counsel has substantial experience in both class actions generally, and complex consumer class actions in particular. Class Counsel has significant experience in data breach class action litigation and has settled many cases on behalf of data breach victims around the country.

14. For details about the experience and qualifications of Class Counsel, please see the firm resume filed at Dkt. 34-3.

Class Counsel's Work in this Case

15. This litigation required extensive time and labor by Class Counsel. A summary indicating the amount of time expended by the partners, associates, and professional support staff of Class Counsel as of September 9, 2024, is set forth below:

Timekeeper	Rate	Hours	Total
Samuel Strauss (Partner)	\$700.00	17.1	\$11,970.00
Raina Borrelli (Partner)	\$700.00	31.4	\$21,980.00
Raina Borrelli (Partner) [old hourly rate]	\$600.00	0.6	\$360.00
Brittany Resch (Partner)	\$475.00	0.3	\$142.50
Zog Begolli (Associate)	\$425.00	3.9	\$1,657.50
Carolyn Chen (Associate)	\$400.00	8.3	\$3,320.00
Andrew Gunem (Associate)	\$400.00	73.10	\$29,240.00
Rachel Pollack (Paralegal)	\$225.00	0.3	\$67.50
Min Ro (Paralegal)	\$200.00	1.2	\$240.00
Rudis Requeno (Legal Assistant)	\$150.00	6.5	\$975.00
Elizabeth Adell (Legal Assistant)	\$150.00	1	\$150.00
TOTAL		143.70	\$70,102.50

16. Class Counsel has invested 143.70 hours litigating this class action, including, *inter alia*: investigating Plaintiffs' injuries and claims, drafting the complaint, preparing and reviewing motions for extension of time, drafting term sheets, drafting a mediation brief, preparing for and attending mediation, negotiating the terms of the settlement agreement, drafting the settlement

agreement, preparing settlement exhibits (short form notice, long form notice, and claim form), drafting the motion for preliminary approval and the supporting memorandum, drafting the brief on Article III standing, working with and overseeing the Claims Administrator regarding notice and claims administration, and preparing the memorandum in support of the motion for attorneys' fees, costs, and a service award.

17. Class Counsel's current hourly rates range from \$150 to \$700.

18. Class Counsel's lodestar totals \$70,102.50.

19. After accounting for the hours worked per person, Class Counsel's blended hourly rate is \$487.84.

20. The requested fee award equates to a lodestar multiplier of 1.43.

21. Notably, Class Counsel's lodestar multiplier is likely to decrease as the settlement process progresses. After all, Class Counsel will dedicate more time and effort to, *inter alia*, overseeing claims administration, preparing the motion and memorandum for final approval, and attending the final approval hearing.

22. In my opinion and experience, this time was reasonably and justifiably incurred.

Class Counsel's Costs

23. Additionally, Class Counsel seeks reimbursement of costs and expenses totaling \$9,676.49, consistent with the terms of the Settlement Agreement. The actual out-of-pocket costs expended to date are summarized below:

Category	Total
Filing Fees	\$542.00
Mediation Fees	\$8,475.00
Westlaw Fees	\$140.00
Postage	\$71.68
Service Fees	\$447.81
TOTAL:	\$9,676.49

24. The costs sought are reasonable and were necessary for the prosecution of this action.

The Requested Service Awards Are Reasonable

25. Plaintiff Vincien Currie seeks a service award of \$2,500 in recognition of his assistance in prosecuting and settling this action. The requested Service Award is modest, customary, and fully warranted given Plaintiff's substantial efforts and dedication to serving as an effective Class Representative.

26. Plaintiff was dedicated to his role as Class Representative and actively engaged in this action by, *inter alia*, assisting in the investigation of the case, producing relevant documents, reviewing and approving pleadings, reviewing the Settlement documents, and answering counsel's many questions. Furthermore, he was prepared to take on additional responsibilities if necessary such as being deposed and testifying at trial.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 9, 2024, at Eagan, Minnesota.

Dated: September 9, 2024

By: /s/ Raina C. Borrelli
Raina C. Borrelli (*pro hac vice*)
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CERTIFICATE OF SERVICE

I, Raina C. Borrelli, hereby certify that on September 9, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record, below, via the ECF system.

DATED this 9th day of September, 2024.

STRAUSS BORRELLI PLLC

By: /s/ Raina C. Borrelli
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