

LAW OFFICES OF RONALD A. MARRON

RONALD A. MARRON (SBN 175650)

ron@consumersadvocates.com

ALEXIS M. WOOD (SBN 270200)

alexis@consumersadvocates.com

KAS L. GALLUCCI (SBN 288709)

kas@consumersadvocates.com

651 Arroyo Drive

San Diego, California 92103

Telephone: (619) 696-9006

Facsimile: (619) 564-6665

*Attorneys for Plaintiff and
the Settlement Class*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

RONA KOMINS, on behalf of herself, her children,
B.K. and M.K, and all others similarly situated,

Plaintiff,

v.

DAVE YONAMINE, JOHN LIBBY,
MOBILITYWARE, LLC; DOES 1-100, inclusive,
and ROES Software Development Kit Business
Entities 1-100, inclusive,

Defendants.

Case No: 19STCV24865

**DECLARATION OF RONALD A. MARRON
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: September 18, 2024

Time: 11:00 a.m.

Dept.: 14

Judge: Hon. Kenneth R. Freeman

1 I, Ronald A. Marron, hereby declare as follows:

2 1. I am a member in good standing of the State Bar of California and I represent Plaintiff
3 Rona Komins in the above-captioned action. I submit this Declaration in Support of Plaintiff's Motion
4 for Final Approval of Class Action Settlement. I make this Declaration based on my personal
5 knowledge and if called to testify, I could and would competently testify to the matters contained
6 herein.

7 2. On July 17, 2019, Plaintiff filed a Class Action Complaint in the Superior Court of
8 California for the County of Los Angeles (the "Court"), captioned *Rona Komins v. Dave Yonamine, et*
9 *al.*, Case No. 19STCV24865. Plaintiff's complaint alleged that as users download and play
10 MobilityWare's gaming apps, Defendants automatically collect personal information about the users
11 and track online behavior. *See* Third Amended Complaint ("TAC"). Plaintiff's operative complaint
12 alleged causes of action for (a) violations of California's Constitutional Right to Privacy, (b) Intrusion
13 Upon Seclusion, (c) violations of California's Unfair Competition Law, (d) Fraud by Omission, (e)
14 Negligent Misrepresentation, and (f) Quasi-Contract. *See* TAC.

15 3. On February 11, 2020, Defendants filed a Motion to Compel Arbitration, arguing that
16 Plaintiff was required to arbitrate her claims. Defendants' Motion to Compel Arbitration was denied on
17 August 20, 2020. On September 30, 2020, Defendants filed a Joint Brief regarding Defendants'
18 Demurrer to Plaintiff's First Amended Complaint. On October 20, 2020, the Court entered an Order
19 declining to rule on the demurrer and permitting Plaintiff to file a further amended complaint. On
20 October 26, 2020, Plaintiff filed a Second Amended Complaint. On November 25, 2020, Defendants
21 Dave Yonamine and John Libby demurred to Plaintiff's Second Amended Complaint, and all
22 Defendants filed a Motion to Strike Plaintiff's Second Amended Complaint. On February 9, 2021, the
23 Court overruled Defendants' Demurrer and Motion to Strike in their entirety, except that it *sua sponte*
24 struck Plaintiff's claim for unjust enrichment with leave to amend to file a claim for quasi-contract. On
25 March 1, 2021, Plaintiff filed a Third Amended Complaint which substituted a claim for quasi-contract
26 in place of the claim for unjust enrichment. *See* TAC.

27 4. On March 31, 2021, Defendants filed a Notice of Removal to federal court, and filed a
28 Motion to Dismiss on April 7, 2021. *See Komins v. Yonamine, et al.* (C.D. Cal.) Case No. 2:21-cv-

1 02757-MCS-RAO, at Dkt. Nos. 1, 9. On April 19, 2021, Plaintiff filed a Motion to Remand, and on
2 April 21, 2021, Plaintiff filed an opposition to Defendants' Motion to Dismiss. *See id.* at Dkt. Nos. 11-
3 12. On May 17, 2021, the action was remanded to Superior Court. *See id.* at Dkt. No. 28 [Order
4 Granting Motion to Remand]. On May 28, 2021, Defendants filed a Motion to Transfer Venue. On July
5 2, 2021, the Court denied Defendants' Motion to Transfer Venue. On July 7, 2021, Defendants filed an
6 Answer to Plaintiff's Third Amended Complaint in which they denied Plaintiff's allegations and
7 asserted affirmative defenses.

8 5. The parties exchanged multiple rounds of written discovery and attended multiple
9 informal discovery conferences with the Court concerning the written discovery. After motion practice
10 and significant discovery efforts, the Parties attended a full day mediation session before the Honorable
11 Judge Jay C. Gandhi (Ret.) of JAMS. On November 2, 2021, the Parties attended their full-day
12 mediation session before Judge Gandhi, where they agreed in principle to certain terms of an injunctive
13 relief class action settlement. Following the first mediation session, the Parties participated in further
14 telephonic sessions with Judge Gandhi and engaged in extensive negotiations to finalize the text of the
15 Settlement Agreement themselves, as well as a notice plan and proposed order for the Court.

16 6. The Settlement Agreement is the product of vigorous, adversarial, and competent
17 representation of the Parties and substantive negotiations throughout the pendency of this litigation.
18 Plaintiff's counsel exercised due diligence to confirm the adequacy, reasonableness, and fairness of the
19 settlement, both before and after mediation. Plaintiff's counsel was aware of the attendant strengths,
20 risks, and uncertainties of Plaintiff's claims, and Defendants' defenses, during the course of
21 negotiations. Defendants, throughout the course of the litigation, have vigorously denied any
22 wrongdoing or liability, and contend that they would be wholly successful in defeating Plaintiff's
23 claims at or before trial.

24 7. Despite the vigorous opposition on both sides, the Parties appreciate the costs and
25 uncertainty attendant to any litigation, and have agreed to a proposed settlement agreement. Plaintiff's
26 counsel agreed to settle the action pursuant to the provisions of the Settlement, after considering,
27 among other things: (i) the substantial benefits to Plaintiff and the Class under the terms of the
28 Settlement; (ii) the uncertainty of being able to prevail at trial; (iii) the uncertainty relating to

1 Defendants' defenses and the expense of additional motion practice in connection therewith; (iv) the
2 attendant risks, difficulties and delays inherent in litigation, especially in complex actions such as this;
3 and (v) the desirability of consummating this Settlement promptly in order to provide substantive relief
4 to Plaintiff and the Class without unnecessary delay and expense.

5 8. After several status conferences with the Court and additional briefing submitted on
6 February 22, 2022, April 21, 2023, August 9, 2023, and December 14, 2023, Plaintiff filed an amended
7 settlement agreement on March 29, 2024. The Court granted the motion for preliminary class
8 settlement on June 11, 2024 and set the final approval hearing for September 18, 2024. The deadline to
9 submit any opt-out notices and written objections was set for August 19, 2024.

10 9. Based on my experience, I conclude that the Settlement provides exceptional results for
11 the Class while sparing the Class from the uncertainties of continued and protracted litigation. The
12 Settlement Agreement is fair, reasonable and adequate and is in the best interest of the Settlement Class
13 in light of all known facts and circumstances, including the risk of loss of class certification, loss on the
14 merits of each claim, significant delay, and defenses asserted by Defendants. Proceeding also has its
15 risks of appellate issues. Plaintiff and Class Counsel recognize the expense and burden of continuing to
16 litigate and try this action against Defendants through possible appeals, which could take several years.
17 Class Counsel has also considered the uncertain outcome and risk of litigation.

18 10. Plaintiff Komins has performed an exemplary job representing the Settlement Class
19 Members for the past five years. Ms. Komins remained committed to securing substantive relief on
20 behalf of all class members, as evidenced by the successful outcome of the settlement. Ms. Komins
21 has, and, if appointed, will continue to adequately represent the Settlement Class. The proposed
22 Incentive Award is fair and well earned, as Plaintiff has been an active participant and advocate for the
23 Settlement Class throughout the process.

24 11. My law firm, the Law Offices of Ronald A. Marron, is also qualified to to represent the
25 Settlement Class. As discussed in detail below, my law firm has experience handling class action
26 settlements and will adequately represent the Settlement Class Members' interests. My law firm has
27 worked diligently to prosecute this case and to reach a fair settlement for the Settlement Class.

28 12. The settlement in this litigation is the result of hard-fought capable advocacy on both

1 sides. There was no collusion in creating the Settlement Agreement, which is the result of skilled
2 negotiation. The parties exchanged formal discovery that formed the basis of negotiations and included
3 information necessary for Class Counsel to ensure that the settlement was proper.

4 13. The deadline for class members to submit requests for exclusion was set for August 19,
5 2024. To date, the Notice Administrator has received zero requests for exclusion and zero written
6 objections. Class members who fail to make objections in writing by the response deadline may still
7 make their objections orally at the final approval hearing. Settlement Agreement § 5.3.

8 **Ronald A. Marron Firm's Qualifications and Experience Prosecuting**

9 **Consumer Class Action Lawsuits**

10 14. My work experience and education began in 1984 when I enlisted in the United States
11 Marine Corps (Active Duty 1984-1988, Reserves 1988-1990) and thereafter received my Bachelor of
12 Science in Finance from the University of Southern California (1991). While attending Southwestern
13 University School of Law (1992-1994), I also studied Biology and Chemistry at the University of
14 Southern California and interned at the California Department of Corporations with emphasis in
15 consumer complaints and fraud investigations. I was admitted to the State Bar of California in January
16 of 1995 and have been a member in good standing since that time. In 1996, I started my own law firm
17 with an emphasis in consumer fraud. My firm currently employs three full-time attorneys.

18 15. Over the years I have acquired extensive experience in class actions and other complex
19 litigation, and have obtained large settlements as lead counsel.

20 16. On May 17, 2024, the the Honorable Carolyn Caietti granted final approval of a class
21 action settlement in the matter of *Marin v. Cheeky Scientist, LLC, et al.*, Case No. 37-2022-00043918-
22 CU-CO-CTL in the San Diego Superior Court in which the Law Offices of Ronald A. Marron served
23 as class counsel.

24 17. On March 30, 2023, the Honorable Andrew Y.S. Cheng granted class certification of a
25 California injunctive relief class, appointing the Law Offices of Ronald A. Marron as class counsel. On
26 August 2, 2023, the Honorable Samuel K. Feng granted final approval of a class settlement for
27 injunctive relief. *Mirzoyan et al. v. The Hershey Company*, Case No. CGC-20-583659 (San Francisco
28 Sup. Ct.)

1 18. On July 21, 2023, the Honorable Maxine M. Chesney granted final approval to a class
2 action settlement on \$3,700,000.00 for all persons who enrolled in an automatically renewing monthly
3 subscription with PlushCare during the Class Period. The settlement provided approxmatly 3.5 months
4 of renewal subscription fees to approximately 332,547 class members with a 9.4% claims rate. Alexis
5 M. Wood and Kas L. Gallucci of the Law Offices of Ronald A. Marron were appointed as class
6 counsel. *Robbins et al v. Plushcare, Inc. et al*, Case No. 3:21-cv-03444-MMC (N.D. Cal).

7 19. On June 2, 2023, the Honorable Susan Illston granted preliminary approval to a class
8 action settlement which included a Nationwide class of approximately 7 million employees whose data
9 was stored on UKG, Inc’s. KPC environment during a December 2021 cyberattack. The settlement
10 confers \$7,500,000 in benefits to the class, including a non-reversionary cash fund of \$5,500,000, a
11 supplemental cash fund of up to an additional \$500,000, and security hardening measures which cost
12 \$1,500,000. *In Re UKG Cybersecurity Litigation*, Case No. 3:22-cv-00346-SI (N.D. Cal).

13 20. On December 14, 2022, the Honorable Maren E. Nelson granted final approval to a
14 class action settlement for breach of contract and declaratory relief with respect to annuities sold to the
15 plaintiffs by defendants in which the Law Offices of Ronald A. Marron was appointed as co-lead class
16 counsel. *Sanchez v. Allianz Life Insurance Company of North America*, Case No. BC594715 (Los
17 Angeles Sup. Ct.).

18 21. On October 8, 2021, the Honorable Jeffrey S. White of the United States District Court
19 for the Northern District of California granted final approval of an injunctive-relief only settlement in
20 the certified class action styled *Young v. Neurobrands, LLC*, Case No. 4:18-cv-05907-JSW (N.D. Cal.)
21 to which the Law Offices of Ronald A. Marron served as class counsel. *See* Dkt. No. 96.

22 22. On July 4, 2021, the Honorable Keri Katz granted final approval of a class action
23 settlement in the matter of *Randolph v. Amazon.com LLC*, Case No. 37-2017-00011078-CU-OE-CTL
24 in the California Superior Court for the County of San Diego to which the Law Offices of Ronald A.
25 Marron served as co-lead class counsel. *See* Dkt. No. 210.

26 23. On March 4, 2021, the Honorable James D. Pederson granted final approval to a class
27 action settlement regarding two data breaches of a healthcare system’s patient and employees personal
28 and private information in the matter styled *Fox v. Iowa Health System*, No. 3:18-cv-00327-JDP (W.D.
Wiscon.). Dkt. No. 115.

1 24. On November 25, 2020, the Honorable Judge Joel Wohlfeil granted final approval of a
2 class action settlement concerning Defendant Axos' Bank's failure to pay 2% simple interest on
3 homeowners' impound escrow accounts. *Daniel McSwain v. Axos Bank*, Case No. 37-2019-00015784-
4 CU-BC-CTL (S.D. Sup. Ct.).

5 25. On November 19, 2020, the Honorable Jeffrey Miller granted final approval to a
6 certified class action regarding the illegal recording of inmates and their counsel. *Romero v. Securus*
7 *Technologies, Inc.* No. 3:16-cv-01283 (JM) (S.D. Cal.). Dkt. No. 184.

8 26. On August 3, 2020, the Honorable Judge Gonzalo P. Curiel of the United States District
9 Court for the Southern District of California granted final approval of a settlement in the certified class
10 action styled *Hilsley v. Ocean Spray Cranberries, Inc.*, No. 3:17-cv-02335-GPC-MDD (S.D. Cal.),
11 Dkt. No. 259.

12 27. On February 24, 2020, the Honorable Christina A. Snyder of the United States District
13 Court for the Central District of California granted final approval of a \$2,500,000.00 class action
14 settlement in *Graves v. United Industries Corp.*, No. 2:17-cv-06983-CAS-SK (C.D. Cal.) and
15 appointed the Marron Firm as class counsel. Judge Snyder noted that the Law Offices of Ronald A.
16 Marron had "vigorously represented the Class" and has "extensive experience in consumer class action
17 litigation." Judgment & Order at 9, *Graves v. United Indus. Corp.*, No. 2:17-cv-06983-CAS-SK (C.D.
18 Cal. Feb. 24, 2020), Dkt. No. 87.

19 28. On January 28, 2020, the Honorable William Alsup granted final approval of a
20 settlement of a nationwide certified class in *Esparza v. Smartpay Leasing, Inc.*, No. 3:17-cv-03421-
21 WHA (N.D. Cal.), Dkt. No. 110. The court also appointed Ronald A. Marron, Alexis M. Wood, and
22 Kas L. Gallucci of the Law Offices of Ronald A. Marron as class counsel.

23 29. On October 11, 2019, the Honorable Judge Wilhelmina M. Wright granted final
24 approval of a nationwide TCPA settlement class in *Busch v. Bluestem Brands, Inc.*, No. 0:16-cv-00644-
25 WMW-HB (D. Minn.), Dkt. No. 106, and appointed the Law Offices of Ronald A. Marron as co-lead
26 class counsel. The settlement created a \$5.25 million non-reversionary Settlement Fund for the benefit
27 of the class.

28 30. On September 12, 2019, the Honorable Judge Jose E. Martinez granted final approval of
a nationwide TCPA settlement class in *Medina v. Enhanced Recovery Co., LLC*, No. 2:15-cv-14342-

1 JEM (S.D. Fla.), Dkt. No. 131, and appointed the Law Offices of Ronald A. Marron as co-lead class
2 counsel. The settlement created a \$1.45 million common fund.

3 31. On June 17, 2019, the Honorable Anthony J. Battaglia granted final approval of a
4 nationwide CLRA settlement case in *Littlejohn v. Ferrara Candy Co.*, No. 18-cv-0658-AJB-WVG
5 (S.D. Cal.), stating “Class Counsel has fully and competently prosecuted all causes of action, claims,
6 theories of liability, and remedies reasonably available to the Class Members.” Final Judgment &
7 Order at 5, *Littlejohn v. Ferrara Candy Co.*, No. 3:18-cv-00658-AJB-WVG (S.D. Cal. June 17, 2019),
8 Dkt. No. 47.

9 32. On October 19, 2018, the Honorable William T. Lawrence granted final approval of a
10 nationwide TCPA settlement case in *Simms v. ExactTarget, LLC*, No. 1-14-cv-00737-WTL-DLP (S.D.
11 Ind.), Dkt. No. 178, where the Law Offices of Ronald A. Marron served as class counsel. The
12 settlement created a \$6.25 million common fund.

13 33. On April 3, 2018, the Honorable Robert N. Scola, Jr. granted preliminary approval of
14 class action settlement regarding false advertising claims in *Mollicone v. Universal Handicraft*, No.
15 1:17-cv-21468-RNS (S.D. Fla.), in which the Law Offices of Ronald A. Marron served as class
16 counsel. In his preliminary approval order, Judge Scola stated that the Marron Firm is “experienced and
17 competent in the prosecution of complex class action litigation.” Order Prelim. Certifying Settlement
18 Class, Granting Prelim. Approval of Settlement, & Setting Final Fairness H’rg at 2, *Mollicone v.*
19 *Universal Handicraft*, No. 1:17-cv-21468-RNS (S.D. Fla. Apr. 3, 2018), Dkt. No. 120.

20 34. On June 29, 2018, in *Mason v. M3 Financial Services, Inc.*, No. 1:15-cv-04194 (N.D.
21 Ill.), the Honorable Andrea R. Wood granted final approval of a nationwide TCPA settlement which
22 provided a common fund in the amount of \$600,000. The Law Offices of Ronald A. Marron served as
23 co-lead class counsel.

24 35. On May 4, 2018, the Honorable Analisa Torres granted final approval of a false
25 advertising class settlement in *In re Tommie Copper Products Consumer Litigation*, No. 7:15-cv-
26 03183-AT-LMS (S.D.N.Y.), Dkt. No. 129. On January 4, 2016, the Honorable Analisa Torres
27 appointed the Marron firm as Interim Lead Class Counsel over the opposition and challenge of other
28 Plaintiff’s counsel, noting that the Marron firm’s “detailed” complaint was “more specifically pleaded,
... assert[ing] a more comprehensive set of theories . . . and [was] more factually developed.” *Potzner*

1 v. *Tommie Copper Inc.*, Nos. 15 CIV. 3183 (AT), 15 Civ. 6055 (AT), 2016 WL 304746, at *1
2 (S.D.N.Y. Jan. 4, 2016). Judge Torres also noted that Mr. Marron and his firm’s attorneys had
3 “substantial experience litigating complex consumer class actions, are familiar with the applicable law,
4 and have the resources necessary to represent the class.” *Id.*

5 36. On March 26, 2018, the Honorable Marilyn Huff granted final approval of a nationwide
6 TCPA class action settlement in *Gutierrez-Rodriguez v. R.M. Galicia, Inc.*, No. 16-CV-00182-H-BLM,
7 2018 WL 1470198, at *2 (S.D. Cal. Mar. 26, 2018). The Law Offices of Ronald A. Marron was
8 appointed to serve as class counsel.

9 37. On January 27, 2017, my firm obtained final approval of a TCPA class action against
10 RBS Citizens, N.A. *Sanders v. RBS Citizens, N.A.*, No. 13-cv-3136-BAS-RBB, 2017 WL 406165 (S.D.
11 Cal. Jan. 27, 2017). In granting final approval, the Honorable Cynthia Bashant found that “Class
12 Counsel [had] fairly and adequately represented the Class for purposes of entering into and
13 implementing the Settlement, and, thus, continues to appoint . . . Ronald A. Marron, Alexis M. Wood
14 and Kas L. Gallucci of the Law Offices of Ronald A. Marron as Class Counsel for the Settlement
15 Class.” *Id.* at *4.

16 38. In addition to the above cases and the present action, my firm has an in-depth
17 knowledge of other consumer cases including litigating over-the-counter (“OTC”) product cases,
18 including the FDCA’s history, principles, and regulations, and courts have recognized my firm’s ability
19 to litigate complex class actions. This action involved extensive motion practice, and my firm’s
20 opposition brief was so persuasive that defendants decided to withdraw their motion. My firm’s well-
21 drafted briefing, knowledge, and experience resulted in a \$5 million common fund and injunctive relief
22 settlement in favor of Gallucci against French homeopathic giant, Boiron, Inc. On April 25, 2012, the
23 Honorable John A. Houston granted preliminary approval, noting that:

24 39. During the pendency of the Litigation, Class Counsel conducted a extensive
25 examination and evaluation of the relevant facts and law to assess the merits of the named Plaintiff’s
26 and class claims to determine how best to serve the interests of Plaintiff and the Class. . . . Class
27 Counsel conducted thorough review of the Food, Drug and Cosmetic Act, its numerous changes over
28 the years, and the Act’s implementing regulations. Class Counsel have carefully considered the merits
of Plaintiff’s claims, and the defenses raised by defendants. Order Granting Prelim. Approval of Class

1 Action Settlement at i, *Gallucci v. Boiron, Inc.*, No. 3:11-cv-02039- JAH-NLS (S.D. Cal. Apr. 25,
2 2012), Dkt. No. 89.

3 40. Accordingly, Judge Houston appointed my firm as class counsel, finding that class
4 counsel “will fairly and adequately protect the interests of the Class . . . [and] are experienced and
5 competent to prosecute this matter on behalf of the Class.” *Id.* at iii-iv. The fairness hearing was held
6 on October 1, 2012, and, on October 31, 2012, the court granted final approval. *See Gallucci v. Boiron,*
7 *Inc.*, No. 11cv2039 JAH(NLS), 2012 WL 5359485 (S.D. Cal. Oct. 31, 2012).

8 41. Further, on June 26, 2015, the Honorable Maxine M. Chesney of the United States
9 District Court for the Northern District of California granted preliminary approval to a class action
10 settlement with injunctive relief for class wide claims of false representations regarding the
11 Defendants’ weight loss teas. *See Order Prelim. Approving Class Action Settlement, Johnson v. Triple*
12 *Leaf Tea Inc.*, No. 3:14-cv-01570-MMC (N.D. Cal. June 26, 2015), Dkt. No. 53 (“Having considered
13 the factors set forth in Rule 23(g)(1) of the Federal Rules of Civil Procedures, the Court appoints
14 Plaintiff’s counsel, the Law offices of Ronald A. Marron APLC, to serve as Class Counsel.”).

15 42. On October 31, 2013, the Honorable Gonzalo P. Curiel of the United States District
16 Court for the Southern District of California granted preliminary approval to a class action settlement
17 of \$1 million and injunctive relief for class-wide claims of false and deceptive advertising of OTC
18 drugs, which was negotiated by my firm in *Mason v. Heel, Inc.*, No. 3:12-cv-03056-GPC-KSC (S.D.
19 Cal.), and, “[h]aving considered the factors set forth in Rule 23(g)(1) of the Federal Rules of Civil
20 Procedure,” appointed my firm as class counsel. *Order Prelim. Approving Class Action Settlement at 5,*
21 *Mason v. Heel, Inc.*, No. 3:12-cv-03056-GPC-KSC (S.D. Cal. Oct. 31, 2015), Dkt. No. 27.

22 43. On October 23, 2013, the Honorable Michael M. Anello of the United States District
23 Court for the Southern District of California granted final approval to a \$1.2 million and injunctive
24 relief class action settlement concerning false and deceptive advertising of OTC drugs, which was
25 negotiated by my firm, in *Nigh v. Humphreys Pharmacal, Inc.*, No. 3:12-cv-02714-MMA-DHB (S.D.
26 Cal.), finding that “the Class was adequately represented by competent counsel.” *Order Affirming*
27 *Tentative Ruling & Granting Mot. for Final Approval of Settlement at 14, Nigh v. Humphreys*
28 *Pharmacal, Inc.*, No. 3:12-cv-02714-MMA-DHB (S.D. Cal. Oct. 23, 2013), Dkt. No. 30.

44. On March 13, 2012, my firm settled a case against manufacturers of OTC dietary

1 supplement products for \$900,000 in a common fund and injunctive relief settlement, styled *Burton v.*
2 *Ganeden Biotech, Inc.*, No. 3:11-cv-01471-W-NLS (S.D. Cal.). Burton alleged that defendants falsely
3 advertised their products as containing “clinically proven” proprietary bacteria that improved and
4 benefitted the digestive and immune health of individuals when, in fact, no clinical proof existed.
5 Before this settlement was finalized, my firm rejected defendants’ coupon settlement offer, because we
6 did not believe it constituted the best relief for the class members. Instead, we continued extensive and
7 lengthy rounds of negotiations with the defendants to obtain the best result for the class. These months-
8 long negotiations included back and forth exchange of approximately twenty versions of the settlement
9 agreement, multiple conference calls and e-mails. On March 14, 2012, the parties filed a Joint Motion
10 for Preliminary Approval of Class Action Settlement, Dkt. No. 38, which the court granted on April 16,
11 2012, Dkt. No. 42. After the fairness hearing in this case on August 21, 2012, Dkt. No. 48, Judge
12 Thomas J. Whelan granted final approval on October 4, 2012, Dkt. No. 52.

13 45. On March 1, 2012, the Honorable Janis L. Sammartino appointed my firm interim class
14 counsel in an action styled *Margolis v. Dial Corp.*, No. 3:12-cv-00288-JLS-WVG (S.D. Cal.). Order
15 Granting Joint Mot. for Consolidation & Appointment of Interim Co-Lead Counsel at 2, *Margolis v.*
16 *Dial Corp.*, No. 3:12-cv-00288-JLS-WVG (S.D. Cal. Mar. 1, 2012), Dkt. No. 14. This case involved an
17 OTC pheromone soap product that its manufacturer advertised as enhancing a man’s sexual attraction
18 to women.

19 46. When my firm was appointed interim lead class counsel for a class of consumers in a
20 deceptive food labeling case in March of 2011, the Honorable Marilyn Huff recognized class counsel
21 “appears to be well qualified to represent the interest of the purported class and to manage this
22 litigation.” *Hohenberg v. Ferrero U.S.A., Inc.*, Nos. 11-CV-205 H (CAB), 11-CV-249 H (CAB), 2011
23 WL 13134161, at *2 (S.D. Cal. Mar. 22, 2011). Subsequently, when my firm obtained certification of
24 the proposed class, the court reaffirmed its finding that my firm is adequate to serve as class counsel.
25 *See In re Ferrero Litig.*, 278 F.R.D. 552, 559 (S.D. Cal. 2011). Judge Huff gave final approval of a
26 settlement on July 9, 2012. Final Judgment & Order Approving Settlement, *In re Ferrero Litig.*, No.
27 3:11-cv-00205-H-KSC (S.D. Cal. July 9, 2012), Dkt. No. 127.

28 47. On November 14, 2011, my firm obtained the certification of a nationwide class of
consumers who purchased Qunol CoQ10, a dietary supplement making misleading efficacy claims. *See*

1 *Bruno v. Quten Research Inst., LLC*, 280 F.R.D. 524 (C.D. Cal. 2011). My firm then successfully
2 defeated the defendants’ motion to decertify the class following the Ninth Circuit’s decision in *Mazza*
3 *v. American Honda Motor Co.*, 666 F.3d 581 (9th Cir. 2012). See *Bruno v. Eckhart Corp.*, 280 F.R.D.
4 540 (C.D. Cal. 2012). The case then settled on the eve of trial, which was scheduled for October 2,
5 2012.

6 48. On June 14, 2011, the Honorable Richard Seeborg appointed my firm interim class
7 counsel, over a competing application from a former partner at the New York law firm Milberg Weiss
8 regarding a deceptive food labeling case. See *Chacanaca v. Quaker Oats Co.*, No. 10-0502 RS, 2011
9 WL 13141425, at *3 (N.D. Cal. June 14, 2011) (since restyled as *In re Quaker Oats Labeling Litig.*)
10 (“There is no question here that both the Weston/Marron counsel . . . have ample experience handling
11 class actions and complex litigation. It is also clear that both have particular familiarity with suits
12 involving issues of mislabeling in the food industry.”).

13 49. I was appointed class counsel in *Peterman v. North American Co. for Life & Health*
14 *Ins.*, No. BC357194 (L.A. Cty. Super. Ct.), which was litigated for more than 4 years and achieved a
15 settlement of approximately \$60 million for consumers. In granting preliminary approval of the
16 settlement, the Honorable Carolyn B. Kuhl noted that “the excellent work that the Plaintiff’s side has
17 done in this case has absolutely followed through to the settlement . . . The thought and detail that went
18 into the preparation of every aspect was very impressive to me.”

19 50. I also served as class counsel in *Clark v. National Western Life Insurance Co.*, No.
20 BC321681 (L.A. Cty. Super. Ct.), a class action that, after being litigated for more than 6 years,
21 resulted in a settlement of approximately \$25 million for consumers.

22 51. In *Iorio v. Asset Marketing*, No. 3:05-cv-00633-JLS-CAB (S.D. Cal.), I was appointed
23 class counsel on August 29, 2006, Dkt. No. 121, following class certification, which was granted on
24 July 27, 2006 by the Honorable Irma E. Gonzalez, Order Granting Pls.’ Class Certification, Dkt. No.
25 113. After nearly 6 years of intensive litigation, a settlement valued at \$110 million was reached in
26 *Iorio* and approved on March 3, 2011, by the Honorable Janis Sammartino. Final Order Approving
27 Class Action Settlement, Dkt. No. 480. Co-counsel and I successfully defended multiple motions
28 brought by Defendants in the Southern District of California, including “challenges to the pleadings,
class certification, class decertification, summary judgment, . . . motion to modify the class definition,

1 motion to strike various remedies in the prayer for relief, and motion to decertify the Class’ punitive
2 damages claim,” plus three petitions to the Ninth Circuit, attempting to challenge the Rule 23(f) class
3 certification. *Id.* at 6:9-15, 7:18-22 (commenting that class counsel were “highly experienced trial
4 lawyers with specialized knowledge in insurance and annuity litigation, and complex class action
5 litigation generally” and “capable of properly assessing the risks, expenses, and duration of continued
6 litigation, including at trial and on appeal”). Judge Sammartino also noted “the complexity and subject
7 matter of this litigation, and the skill and diligence with which it has been prosecuted and defended,
8 and the quality of the result obtained for the Class.” *Id.* at 17:25-27.

9 52. Besides these cases, I have also represented plaintiffs victimized in other complex cases
10 such as Ponzi schemes, shareholder derivative suits, and securities fraud cases. I have litigated
11 hundreds of lawsuits and arbitrations against major corporations; of these, approximately 30 cases
12 against the likes of such corporate titans as Shell Oil, Citigroup, Wells Fargo, Morgan Stanley and
13 Merrill Lynch have gone through trial or arbitration. Many more have settled on the eve of trial
14 although I was fully prepared to proceed to trial.

15
16 I declare under penalty of perjury of the laws of the California that the foregoing is true and
17 correct.

18 Executed on this 28th day of August, 2024 at San Diego, California.

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21 _____
22 Ronald A. Marron
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