

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

YVONNE MART FOX, GRANT NESHEIM,
DANIELLE DUCKLEY, and SHELLEY
KITSIS, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

IOWA HEALTH SYSTEM, doing business as
UNITYPOINT HEALTH, an Iowa non-profit
corporation,

Defendant.

Case No.: 18-cv-00327-JDP

**DECLARATION OF RONALD A. MARRON IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARDS AND PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to 28 U.S.C. § 1746, I, Ronald A. Marron, hereby declare as follows:

1. I, along with my colleagues Kas L. Gallucci, Michael Houchin, Lilach Halperin and Elisa Pineda, as well as Robert L. Teel, Of Counsel to my firm, and co-counsel at Keller Rohrback L.L.P., am counsel of record for Yvonne Mart Fox, Grant Nesheim, Danielle Duckley, and Shelley Kitsis (collectively, "Plaintiffs"). I am a member in good standing of the State Bar of California, the United States District Court for the Western District of Wisconsin, the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

2. I respectfully submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Incentive Awards and Plaintiffs' Motion for Final Approval of Class Action Settlement ("Motions"). I make this declaration based on my personal knowledge of the facts and could testify competently to them if called upon to do so.

3. In the interest of judicial economy, I incorporate by reference paragraphs 2 to 14 of the Declaration of Cari Laufenberg in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, filed at ECF No. 86, as if fully stated herein. Said paragraphs detail the litigation history, an explanation of the settlement agreement, and other relevant information required for purpose of Plaintiffs' Motion for Attorneys' Fees, Costs, and Incentive Awards and Plaintiffs' Motion for Final Approval of Class Action Settlement.

4. In brief summary, my firm has worked closely with the attorneys at Keller Rohrback L.L.P. and Robert Teel, Of Counsel to my firm, in prosecuting this action since our association, sharing both litigation duties and costs. Specifically, my firm aided in discovery, including document review and responding to discovery requests, meet and confer telephone calls and correspondence, settlement negotiations, developing a comprehensive notice plan, overseeing notice distribution, and overall case prosecuting and strategy, and will continue to aid in the claims process.

5. I and my firm are experienced and qualified to evaluate Plaintiffs' and the Settlement Class's claims and viability of UnityPoint's defenses. Given my extensive experience as a class action litigator, it is my view that the settlement is fair, reasonable, and adequate, in the best interest of the class members, and should be approved by this Court.

6. My firm, Robert Teel, Of Counsel to my firm, and Keller Rohrback L.L.P. will continue to expend time and effort to ensure that Settlement Class members are able to file claims and receive benefits from the Settlement, although the fees lasrequested presented to the Court do not include the significant time that is likely to be expended on these future efforts.

7. From inception to October 31, 2020, my firm spent 1,121.1 hours developing and managing the case, negotiating and conducting offensive and defensive discovery, client management, negotiating a settlement, as well as preparing notice documents and overseeing notice to the Class, among other tasks.

8. Class Counsel has not received any inquiries from any federal or state official in response to the CAFA Notice.

9. In my experience, these tasks are typical of this sort of litigation. They were necessary to the successful prosecution and resolution of the claims.

10. The hours billed in this action by my firm are reasonable, reflect the intensity with which issues were disputed and the amount of work necessary for this litigation to culminate in the successful resolution on behalf of the Class.

11. I reviewed my firm's time records and made my best effort to eliminate any duplicative billing. In addition, my firm does not use block billing and maintains contemporaneous time records. As part of my review of the time records for this case, many of my hours were marked as no charge, and thus not included.

12. In support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Incentive Awards, Class Counsel has submitted for *in camera* review a true and correct copy of the detailed time records including the reasonable hours incurred by my firm in this matter as well as the hourly rates charged by my firm's attorneys and paralegals for those hours. These detailed time records consist of contemporaneous logs, with separate entries for the hours spent on specific tasks, indicating who performed the work and giving a description of the task.

13. My firm's total hours figure does not include time spent on the Plaintiffs' Motion for Attorneys' Fees, Costs, and Incentive Awards nor on further claims administration, time for which Class Counsel at my firm has not and will not seek reimbursement.

14. I took measures to litigate this case efficiently. Tasks were assigned to associates or paralegals who bill at lower hourly rates, or to other employees whose time Class Counsel does not seek to recover. I have not sought time o for work on unsuccessful motions that did not otherwise advance the case and that was work that would not have been necessary if the Class Counsel had pursued successful avenues.

15. I communicated proactively among firms to ensure that no duplicate work would occur.

16. My firm litigated this case on a contingent basis.

17. My firm received no compensation for our efforts during the course of this litigation.

18. My firm bases its rates upon the experience and skill of the attorney performing the work.

19. The chart below reflects the reasonable hourly rates for work at my firm on this matter as well as the number of reasonable hours worked:

Timekeeper	Position	Hourly Rate	Total Hours	Total Amount
Ron Marron	Partner	\$815.00	180.8	\$147,352.00
Kas Gallucci	Senior Associate	\$575.00	244.9	\$140,817.50
Mike Houchin	Senior Associate	\$550.00	104.8	\$57,640.00
Lilach Halperin	Associate	\$490.00	272.4	\$133,476.00
Elisa Pineda	Associate	\$440	307.6	\$135,344.00
Paralegals		\$215.00	10.6	\$2,385.00

20. My understanding is that my firm's hourly rates are on par with the hourly rates sought in litigation by other plaintiffs' firms handling multistate data-breach class actions. My firm's requested rates fall within the average/mean range of the typical rates of a San Diego law firm that practices complex litigation. *See generally Catala v. Resurgent Capital Servs., L.P.*, 2010 U.S. Dist. LEXIS 63501, at *19 n.3 (S.D. Cal. June 22, 2010).

21. The hourly rates identified above are based on the ordinary professional billing rate that we charge clients, including those that pay for legal services by the hour. Successfully resolving this case required an understanding of the complex, technical subject matter of data security, industry best practices, and the mechanisms of a data breach, particularly in the healthcare context. Obtaining this understanding was necessary to drafting targeted discovery requests, consulting with experts, and negotiating for meaningful injunctive relief in the Settlement process.

22. Courts have also recognized that my law firm's attorney's hourly rates are reasonable. For example:

a. On November 25, 2020, the Marron Firm's hourly rates of \$815 for Ronald A. Marron, \$575 for Kas Gallucci, \$550 for Michael Houchin, \$490 for Lilach Halperin, and \$215 for paralegals and legal assistants were approved in the matter of *Daniel McSwain v. Axos Bank*, Case No. 37-2019-00015784-CU-BC-CTL in the California Superior Court for the County of San

Diego before the Honorable Judge Joel Wohfiel (Dkt. No. 71 (declaration in support of fee motion) & Dkt. No. 79 (Order Granting Final Approval)).

b. On November 19, 2020, the Marron Firm's hourly rates of \$815 for Ronald A. Marron, \$615 for Alexis Wood, \$575 for Kas Gallucci, \$550 for Michael Houchin, \$490 for Lilach Halperin, \$440 for Elisa Pineda, and \$225 for paralegals and legal assistants were approved in the matter of *Romero v. Securus Technologies, Inc.*, Case No. 3:16-cv-01283-JM-MDD in the United States District Court for the Southern District of California before the Honorable Judge Jeffrey T. Miller (Dkt. No. 181-2 (declaration in support of fee motion) & Dkt. No. 184 (Order Granting Final Approval)).

c. On February 24, 2020, the Marron Firm's hourly rates of \$785 for Ronald A. Marron, \$495 for Michael Houchin, \$440 for Lilach Halperin, and \$215 for paralegals and legal assistants were approved in the matter of *Graves v. United Industries, Inc.*, Case No. :17-cv-06983-CAS-SK in the United States District Court for the Central District of California before the Honorable Christina A. Snyder (Dkt. No. 78-2 (declaration in support of fee motion) & Dkt. No. 87 (Order Granting Final Approval)).

d. On January 20, 2020, the Marron Firm's hourly rates of \$785 for Ronald A. Marron, \$575 for Alexis Wood, \$525 for Kas Gallucci, and \$215 for paralegals and legal assistants were approved in the matter of *Esparza v. Smartpay Leasing, Inc.*, Case No. 3:12-cv-03421-WHA in the United States District Court for the Northern District of California before the Honorable William H. Alsup (Dkt. No. 110).

e. On August 3, 2020, the Marron Firm's hourly rates of \$815 for Ronald A. Marron, \$575 for Kas Gallucci, \$550 for Michael Houchin, \$490 for Lilach Halperin, and \$215 for paralegals and legal assistants were approved in the matter of *Hilsley v. Ocean Spray Cranberries, Inc.*, Case No. 3:17-cv-02335-GPC-MDD in the United States District Court for the Southern District of California before the Honorable Gonzalo P. Curiel (Dkt. No. 245-2 (declaration in support of fee motion) & Dkt. No. 259 (Order Granting Final Approval)).

f. On October 11, 2019, the Marron Firm's hourly rates of \$785 for Ronald A. Marron, \$575 for Alexis Wood, \$525 for Kas Gallucci, and \$215 for paralegals and law clerks

were submitted to the Court and approved in *Busch v. Bluestem Brands, Inc.*, No. 16-cv-0644 (WMW/HB), which received final approval, with costs and fees approved in full, on October 11, 2019. *See* Dkt. No. 106.

g. On October 7, 2019, the Marron Firm's hourly rates of \$785 for Ronald Marron, \$495 for Michael Houchin, \$440 for Lilach Halperin and other associate attorneys, and \$215 for paralegals were approved in the matter of *Woodard v. Labrada*, Case No. 5:16-cv-00189-JGB-SP that is pending in the United States District Court for the Central District of California before the Honorable Jesus G. Bernal. (Dkt. No. 295-2 (declaration in support of fee motion) & Dkt. No. 321 (final approval order)).

h. On September 12, 2019, the Honorable Jose E. Martinez of the Southern District of Florida approved the following hourly rates (Ronald A. Marron at \$785, Alexis Wood at \$575 and Kas Gallucci at \$525) in *Medina v. Enhanced Recovery Company, LLC*, No. 15-cv-14342 (S.D. Fla.).

i. On June 17, 2019, the Marron Firm's hourly rates of \$785 for Ronald A. Marron, \$495 for Michael Houchin, \$440 for Lilach Halperin and other associate attorneys, and \$215 for paralegals were approved in the matter of *Littlejohn v. Ferrara Candy Company*, Case No. 3:18-cv-00658-AJB-WVG that was pending in the United States District Court for the Southern District of California. (Dkt. No. 30-2 (declaration in support of fee motion) & Dkt. No. 47 (final approval order)). During the final approval hearing, the Honorable Anthony J. Battaglia stated that the Marron Firm's rates "appear to the Court to be typical for the community and counsel that are handling a class action, consumer-type litigation, in particular, I find them fair, reasonable and will approve those." (Dkt. No. 51 [June 14, 2019 Hr. 'g Tr. at 11:3-9]).

j. On January 15, 2019, the Marron Firm's hourly rates of \$785 for Ronald A. Marron and \$495 for Michael Houchin and other associate attorneys, and \$350 for post-bar law clerks were approved in the matter of *William Jackson, et al. v. Lang Pharma Nutrition, Inc.*, et al., Case No. 37-2017-00028196-CU-BC-CTL that was pending in the California Superior Court for the County of San Diego. (Dkt. No. 86 (declaration in support of fee motion) & Dkt. No. 112 (final approval order)). In his Final Approval Order, the Honorable Joel R. Wohlfeil stated that my

firm had “adequately represented the Class” and that the “value of the settlement is fair, represents a reasonable compromise after five years of litigation, and is adequate for the Class.” (Dkt. No. 112).

k. On October 19, 2018, the Honorable William T. Lawrence of the Southern District of Indiana approved the following hourly rates (Ronald A. Marron at \$745, Alexis Wood at \$500, and Kas Gallucci \$475) in the case *Simms v. ExactTarget, LLC*, No. 1-14-cv-737-WTL-DKL (S.D. Ind.).

l. On June 20, 2018, the Honorable Andrea R. Wood of the Northern District of Illinois approved the following hourly rates (Ronald A. Marron at \$745, Alexis Wood at \$475, Kas Gallucci at \$450), in the case *Elaine Mason v. M3 Financial Services, Inc.*, No. 15-cv-4194 (N.D. Cal.).

m. On August 14, 2018, the Marron Firm’s hourly rates of \$785 for Ronald A. Marron, \$495 for Michael Houchin and other associate attorneys, and \$245 for law clerks were approved in *Mollicone v. Universal Handicraft, Inc.*, Case No. 1:17-cv-21468-RNS (S.D. Fla.) (Dkt. No. 122-1 (declaration in support of fee motion) & Dkt. No. 134 (Final Approval Order)). In his Final Approval Order, the Honorable Robert N. Scola, Jr. awarded 31.9% of the total Settlement Fund and stated that “[t]he requested percentage from the Settlement Fund is reasonable, considering the results obtained, the nature of the case, and Class Counsel’s significant work in this case and experience in litigating class actions.” (Dkt. No. 134).

n. On May 4, 2018, the Marron Firm’s hourly rates of \$745 for Ronald A. Marron, \$440 for Michael Houchin and other associate attorneys, and \$245 for law clerks were approved in *In re Tommie Copper Products Consumer Litigation*, Case No. 7:15-cv-03183-AT (S.D. N.Y.) (Dkt. No. 127 (declaration in support of fee motion) & Dkt. No. 129 (Final Approval Order)). In her Final Approval Order, the Honorable Analisa Torres found that the settlement was “entered into by experienced counsel and only after extensive, arms-length negotiations conducted in good faith and with the assistance” of a mediator. (Dkt. No. 129).

o. On March 26, 2018, the Honorable Marilyn Huff of the Southern District of California approved the following hourly rates (Ronald A. Marron at \$745, Alexis Wood at \$500,

Kas Gallucci at \$475, Skye Resendes at \$475, law clerks at \$240 and paralegals at \$215), in the case *Gutierrez-Rodriguez v. R.M. Galicia, Inc.*, No 16-CV-0182-H-BLM.

p. On October 31, 2017, the Honorable Thomas R. Allen of the Circuit Court of Cook County, Illinois, approved the following hourly rates (Ronald Marron at \$745, Alexis Wood at \$500, Skye Resendes at \$475, Kas Gallucci at \$450, William Richards at \$440, Beth Goodman at \$440, Erin Minelli at \$440, law clerks at \$245, and legal assistants/paralegals at \$215), in the case of *Thornton v. NCO Financial Systems, Inc.*, Case No. 16 CH 5780.

q. On September 5, 2017, The Marron Firm's hourly rates of \$745 for Ronald A. Marron, \$440 for Michael Houchin and other associate attorneys, and \$245 for law clerks were also approved in a class action captioned *Elkind et al. v. Revlon Consumer Products Corporation*, Case No. 2:14-cv-02484-AKT (E.D. N.Y) (Dkt. No. 125-2 (Declaration in Support of Fee Motion) & Dkt. No. 131 (Final Approval Order)). In her Final Approval Order dated September 5, 2017, the Honorable Judge Tomlinson stated that the settlement was "negotiated by highly capable and experienced counsel with full knowledge of the facts, the law and the risks inherent in litigating the Action and was the product of vigorously fought litigation." (Dkt. No. 131).

r. On November 16, 2015, the Honorable Maxine M. Chesney, Senior District Court Judge for the Northern District of California, approved the following hourly rates (Ronald Marron at \$745, Alexis Wood at \$475, Skye Resendes at \$475, Kas Gallucci at \$450, William Richards at \$440, Marshall Lurtz at \$440, Erin Minelli at \$440, law clerks at \$245, and legal assistants/paralegals at \$215), in the case of *Johnson v. Triple Leaf, Inc.*, Case No. 3:14-cv-01570-MMC. The Court found that the fee requested was "reasonable when judged by the standards in this circuit," and also that my firm's attorney, law clerk and staff rates were "reasonable in light of the complexity of this litigation, the work performed, Class Counsel's reputation, experience, competence, and the prevailing billing rates for comparably complex work by comparably-qualified counsel in the relevant market." Dkt. 65.

s. On August 6, 2015, the Honorable Kenneth R. Freeman of the Superior Court of California, County of Los Angeles, approved the following hourly rates for Class Counsel: Ronald Marron at \$745, Skye Resendes at \$475, Alexis Wood at \$475, Kas Gallucci at

\$450, William Richards at \$440, Marshall Lurtz at \$440, Erin Minelli at \$440, and law clerks at \$290 in the case of *Perry v. Truong Giang Corp.*, No. BC58568.

t. On August 7, 2015, the Honorable Brendan Linehan Shannon of the United States Bankruptcy Court for the District of Delaware approved the following hourly rates for Class Counsel: Ronald Marron at \$745, Skye Resendes at \$475, Alexis Wood at \$475, Kas Gallucci at \$450, William Richards at \$440, Marshall Lurtz at \$440, Beth Goodman at \$440, Erin Minelli at \$440, and law clerks at \$290 in the case of *In re: LEAF123, INC. (f/k/a NATROL, INC.)*, et al., No. 14-11446 (BLS).

u. On July 29, 2014, the Honorable Richard Seeborg of the Northern District of California approved the following hourly rates for Class Counsel: Ronald Marron at \$715, Skye Resendes at \$440, Kas Gallucci at \$400, and law clerks at \$290 in the case of *In re Quaker Oats Litig.*, No. 5:10-cv-00502-RS (N.D. Cal.), Dkt. No. 221.

v. On March 13, 2014, the Honorable Gonzalo P. Curiel of the Southern District of California approved my hourly rate of \$715 per hour; Ms. Resendes' rate of \$440 per hour; Ms. Wood's rate of \$425 per hour; Ms. Minelli and Ms. Gallucci's rates of \$400 per hour; Ms. Danielle Eisner's post-Bar law clerk rate of \$290 per hour; and \$215 per hour for legal assistants in *Mason v. Heel, Inc.*, No. 3:12-cv-3056-GPC-KSC, 2014 WL 1664271 (S.D. Cal. Mar. 13, 2014).

w. On October 31, 2013, the Honorable Michael M. Anello of the Southern District of California awarded me fees of \$680 per hour, Ms. Resendes fees of \$400 per hour, Ms. Wood fees of \$385 per hour, Ms. Minelli fees of \$385 per hour, and Ms. Gallucci fees of \$385 per hour in a homeopathic drug consumer class action case; and also approved \$280 per hour for patent agent/post-Bar law clerk Danielle Eisner; \$245 per hour for regular law clerks; and \$215 hourly rates for support staff such as paralegals. See also *Nigh v. Humphreys Pharmacal Incorporated*, 3:12-cv-02714-MMA-DHB, 2013 WL 5995382 (S.D. Cal. Oct. 23, 2013).

x. On March 13, 2013, the Honorable David O. Carter of the Central District of California awarded me fees of \$680 per hour, Ms. Resendes fees of \$400 per hour, and former associate, Maggie Realin, fees of \$375 per hour in a dietary supplement consumer fraud class

action case; and also approved \$245 per hour for law clerks and \$215 hourly rates for support staff such as paralegals. *Bruno v. Quten Research Inst., LLC*, No. 8:11-cv-00173-DOC-E, 2013 WL 990495, at *4-5 (C.D. Cal. Mar. 13, 2013) (“Class Counsel, . . . the Law Offices of Ronald A. Marron displayed competence and diligence in the prosecution of this action, and their requested rates are approved as fair and reasonable.”); *see also id.* at *4 (“The Court notes that, in addition to the monetary relief obtained by Class Counsel for class plaintiffs, there is a high value to the injunctive relief obtained in this case. New labeling practices affecting hundreds of thousands of bottles per year, over ten years, bring a benefit to class consumers, the marketplace, and competitors who do not mislabel their products.”).

y. On October 31, 2012, the Honorable John A. Houston of the Southern District of California awarded me fees of \$650 per hour and Ms. Resendes fees of \$385 per hour in a homeopathic drug consumer fraud class action case. *Gallucci*, 2012 WL 5359485, at *9 (S.D. Cal. Oct. 31, 2012) (“The Court finds the [foregoing] hourly billing rates reasonable in light of the complexity of this litigation, the work performed, Class Counsels’ reputation, experience, competence, and the prevailing billing rates for comparably complex work by comparably-qualified counsel in the relevant market.”).

z. On August 21, 2012, the Honorable Thomas J. Whelan awarded me fees of \$650 per hour, Ms. Resendes at \$385 per hour and Ms. Realin at \$375 per hour, in the consumer dietary supplement class action of *Burton v. Ganeden*, No. 11-cv-1471 W (NLS), Dkt. Nos. 52, 48, 45.

aa. On July 9, 2012, the Honorable Marilyn L. Huff awarded me fees of \$650 per hour, and approved the rates of my associate attorneys, Ms. Resendes at \$385 per hour, and former associate, Maggie Realin, at \$375 per hour in the consumer food class action of *In re Fererro*, Case No. 3:11-cv-00205 H (KSC) (S.D. Cal.), Dkt. No. 127. Judge Huff noted that the fees requested were “appropriate given the contingent nature of the case and the excellent results obtained for the Class, and because no enhancement or multiplier was sought above the actual amount of Class Counsel’s lodestar. The Court concludes the billing rates used by Class Counsel

to be justified by prior awards in similar litigation and the evidence presented with their motion showing these rates are in line with prevailing rates in this District.”

bb. In March 2011, the Honorable Janis L. Sammartino awarded me fees based on a discounted hourly rate of \$595. *Iorio*, 2011 U.S. Dist. LEXIS 21824, at *31 (S.D. Cal. Mar. 3, 2011). Despite being of similar seniority and experience, at the request of and in deference to my co-counsel, I reduced my requested rate to \$595.

23. My firm advanced \$18,490.83 in reasonable expenses, knowing that if our efforts were unsuccessful, we would not receive payment or other reimbursement for either our work or expenses.

24. These costs are attributable to ordinary and necessary costs such as filing fees, expert fees, document organization, travel, and engaging a mediator as follows:

Costs and Expenses	Amount
Research and Computer Services	\$313.30
Meals while Traveling	\$223.66
Travel and Flights	\$2,661.64
Postage and Delivery	\$65.63
Document copying service	\$3,676.60
Expert Fees and related costs	\$11,550.00
Total	\$18,490.83

25. I have reviewed these costs to ensure that they are not excessive or unnecessary.

Ronald A. Marron Firm’s Qualifications and Experience Prosecuting

Consumer Class Action Lawsuits

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

full-time attorneys and one paralegal. Attached hereto as **Exhibit 1** is a true and correct copy of my firm's current resume.

27. Over the years I have acquired extensive experience in class actions and other complex litigation, and have obtained large settlements as lead counsel. In recent years, I have devoted almost all of my practice to the areas of false and misleading labeling of food, nutrition or over-the-counter products; cases involving violations of the Telephone Consumer Protection Act; and other privacy cases.

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

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

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

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

32. On January 28, 2020, the Honorable William Alsup granted final approval of a settlement of a nationwide certified class in *Esparza v. Smartpay Leasing, Inc.*, No. 3:17-cv-

03421-WHA (N.D. Cal.), Dkt. No. 110. The court also appointed Ronald A. Marron, Alexis M. Wood, and Kas L. Gallucci of the Law Offices of Ronald A. Marron as class counsel.

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

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

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

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

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

H'rg at 2, *Mollicone v. Universal Handicraft*, No. 1:17-cv-21468-RNS (S.D. Fla. Apr. 3, 2018), Dkt. No. 120.

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

39. On May 4, 2018, the Honorable Analisa Torres granted final approval of a false advertising class settlement in *In re Tommie Copper Products Consumer Litigation*, No. 7:15-cv-03183-AT-LMS (S.D.N.Y.), Dkt. No. 129. On January 4, 2016, the Honorable Analisa Torres appointed the Marron firm as Interim Lead Class Counsel over the opposition and challenge of other plaintiffs' 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 v. Tommie Copper Inc.*, Nos. 15 CIV. 3183 (AT), 15 Civ. 6055 (AT), 2016 WL 304746, at *1 (S.D.N.Y. Jan. 4, 2016). Judge Torres also noted that Mr. Marron and his firm's attorneys had "substantial experience litigating complex consumer class actions, are familiar with the applicable law, and have the resources necessary to represent the class." *Id.*

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

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

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

During the pendency of the Litigation, Class Counsel conducted a extensive examination and evaluation of the relevant facts and law to assess the merits of the named plaintiffs’ and class claims to determine how best to serve the interests of Plaintiffs and the Class. . . . Class Counsel conducted thorough review of the Food, Drug and Cosmetic Act, its numerous changes over the years, and the Act’s implementing regulations. Class Counsel have carefully considered the merits of Plaintiffs’ claims, and the defenses raised by defendants.

Order Granting Prelim. Approval of Class Action Settlement at i, *Gallucci v. Boiron, Inc.*, No. 3:11-cv-02039- JAH-NLS (S.D. Cal. Apr. 25, 2012), Dkt. No. 89.

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

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

Counsel.”).

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

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

47. On March 13, 2012, my firm settled a case against manufacturers of OTC dietary supplement products for \$900,000 in a common fund and injunctive relief settlement, styled *Burton v. Ganeden Biotech, Inc.*, No. 3:11-cv-01471-W-NLS (S.D. Cal.). Burton alleged that defendants falsely advertised their products as containing “clinically proven” proprietary bacteria that improved and benefitted the digestive and immune health of individuals when, in fact, no clinical proof existed. Before this settlement was finalized, my firm rejected defendants’ coupon settlement offer, because we did not believe it constituted the best relief for the class members. Instead, we continued extensive and lengthy rounds of negotiations with the defendants to obtain the best result for the class. These months-long negotiations included back and forth exchange of approximately twenty versions of the settlement agreement, multiple conference calls and e-mails. On March 14, 2012, the parties filed a Joint Motion for Preliminary Approval of Class Action

Settlement, Dkt. No. 38, which the court granted on April 16, 2012, Dkt. No. 42. After the fairness hearing in this case on August 21, 2012, Dkt. No. 48, Judge Thomas J. Whelan granted final approval on October 4, 2012, Dkt. No. 52.

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

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

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

51. I was appointed class counsel in *Peterman v. North American Co. for Life & Health Ins.*, No. BC357194 (L.A. Cty. Super. Ct.), which was litigated for more than 4 years and achieved

a settlement of approximately \$60 million for consumers. In granting preliminary approval of the settlement, the Honorable Carolyn B. Kuhl noted that “the excellent work that the plaintiffs’ side has done in this case has absolutely followed through to the settlement . . . The thought and detail that went into the preparation of every aspect was very impressive to me.”

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

53. In *Iorio v. Asset Marketing*, No. 3:05-cv-00633-JLS-CAB (S.D. Cal.), I was appointed class counsel on August 29, 2006, Dkt. No. 121, following class certification, which was granted on July 27, 2006 by the Honorable Irma E. Gonzalez, Order Granting Pls.’ Class Certification, Dkt. No. 113. After nearly 6 years of intensive litigation, a settlement valued at \$110 million was reached in *Iorio* and approved on March 3, 2011, by the Honorable Janis Sammartino. Final Order Approving Class Action Settlement, Dkt. No. 480. Co-counsel and I successfully defended multiple motions brought by defendant in the Southern District of California, including “challenges to the pleadings, class certification, class decertification, summary judgment, . . . motion to modify the class definition, motion to strike various remedies in the prayer for relief, and motion to decertify the Class’ punitive damages claim,” plus three petitions to the Ninth Circuit, attempting to challenge the Rule 23(f) class certification. *Id.* at 6:9-15, 7:18-22 (commenting that class counsel were “highly experienced trial lawyers with specialized knowledge in insurance and annuity litigation, and complex class action litigation generally” and “capable of properly assessing the risks, expenses, and duration of continued litigation, including at trial and on appeal”). Judge Sammartino also noted “the complexity and subject matter of this litigation, and the skill and diligence with which it has been prosecuted and defended, and the quality of the result obtained for the Class.” *Id.* at 17:25-27.

54. Besides these cases, I have also represented plaintiffs in other complex cases including Ponzi scheme-related litigation, shareholder derivative suits, and securities fraud cases. I have litigated hundreds of lawsuits and arbitrations against major corporations, including approximately thirty (30) cases against large corporations such as Shell Oil, Citigroup, Wells

Fargo, Morgan Stanley, and Merrill Lynch, which have gone through trial or arbitration. Many more have settled on the eve of trial, although I was fully prepared to proceed to trial.

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

Executed on this 2nd day of December, 2020 at San Diego, California.

/s/ Ronald A. Marron

Ronald A. Marron

4837-4217-3395, v. 2

Exhibit 1

LAW OFFICES OF RONALD A. MARRON, APLC

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Firm Resume

FIRM OVERVIEW

The Law Offices of Ronald A. Marron is a recognized class action and complex litigation firm based out of San Diego, California, representing clients across the nation. Founded in 1996 with an emphasis in consumer and securities fraud, the firm has expanded its practice to include complex cases such as electronic privacy, banking regulations, antitrust, automatic renewals, Telephone Consumer Protection Act and Government Environmental Law Litigation. The firm has skillfully litigated hundreds of lawsuits and arbitrations against investment advisors and stockbrokers, such as Morgan Stanley, LPL Financial, Merrill Lynch, Banc of America Securities, and Citigroup, who placed clients into unsuitable investments, failed to diversify, and who violated the Securities Act of 1933 and/or 1934. Aptly and competently prepared to represent its clients, the firm has taken on cases against the likes of Shell Oil, Citigroup, Wells Fargo, Union Bank of California, American Express Advisors, Morgan Stanley and Merrill Lynch. Since 2004, the firm has devoted most of its practice to the area of false and misleading labeling of Consumer Products and food, drug and over-the-counter products, as well as seeking to protect consumers from unauthorized and unsolicited telephone calls, SMS or text messages to cellular phones from corporations under the Telephone Consumer Protection Act. The firm employs six attorneys, whose qualifications are discussed in brief below.

THE MARRON FIRM'S ATTORNEYS:

Ronald A. Marron, Founder

As the founder of the Law Offices of Ronald A. Marron, APLC, Mr. Marron has been practicing law for 25 years. He was a member of the United States Marine Corps from 1984 to 1990 (Active Duty 1984-1988, Reserves 1988-1990) and thereafter received a B.S. in Finance from the University of Southern California (USC) in 1991. While attending Southwestern University School of Law (1992-1994), he interned at the California Department of Corporations with emphasis in consumer complaints and fraud investigations; and studied Bio-Chemistry at the University of Southern California and was a member of the Trojan Chemistry Club. Mr. Marron has extensive experience in class actions and other complex litigation and has obtained hundreds of millions of dollars on behalf of consumers as lead counsel. Mr. Marron has represented plaintiffs victimized in TCPA cases, Consumer Fraud, Antitrust, Broker-Dealer Liability, Ponzi schemes, shareholder derivative suits, and securities fraud cases.

Mr. Marron has assisted two United States Senate Subcommittees and their staff in investigations of financial fraud, plus the Senate Subcommittee on Aging relating to annuity sales practices by agents using proceeds from reverse mortgages. Mr. Marron's clients have testified before the United States Senate Subcommittee on Investigations relating to abusive sales practices alleged in a complaint he filed against All-Tech Investment Group. The hearings resulted in federal legislation that: (a) raised

the minimum capital requirements, and (b) required written risk disclosure signed by consumer. The civil action resulted in return of client funds and attorneys' fees pursuant to the private attorney general statute and/or Consumers Legal Remedies Act. Mr. Marron conducted the legal research and co-wrote the brief that resulted in the largest punitive damages award (500%) in NASD history for aggrieved investors against Dean Witter Reynolds in securities arbitration. Mr. Marron's opinion on deferred annuity sales practices targeting the elderly has often been sought by major financial news organizations and publications such as Forbes, the Wall Street Journal, the Kiplinger's Retirement Report, CNN, and FOX News affiliates. In addition, he has devoted significant energy and time educating seniors and senior citizen service providers, legislators, and various non-profits (including Elder Law & Advocacy) about deferred annuity sales practices targeting the elderly. Mr. Marron had numerous speaking engagements at FAST (Fiduciary Abuse Specialist Team), which is an organization devoted to the detection of, prevention, and prosecution of elder financial abuse; Adult Protective Services; and Elder Law & Advocacy, a non-profit dedicated to assisting seniors who have been the victims of financial fraud. He has litigated hundreds of lawsuits and arbitrations against major corporations, such as Shell Oil, Citigroup, Wells Fargo, Morgan Stanley, and Merrill Lynch. In recent years, Mr. Marron has devoted almost all of his practice to the area of TCPA and Privacy Violations, false and misleading labeling of food, dietary supplements, and over-the-counter products. He is a member in good standing of the State Bar of California; the United States District Courts for the Eastern, Southern and Northern Districts of New York; the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the United States District Court for the Eastern District of Michigan; the United States District Court for the Eastern and Western Districts of Wisconsin; the United States District Court of Colorado; the United States District Court for the Eastern District of Arkansas; the United States Court of Appeals for the Ninth Circuit; and the Supreme Court of the United States.

Alexis M. Wood, Senior Associate

Ms. Wood graduated *cum laude* from California Western School of Law in 2009, where she was the recipient of the Dean's Merit Scholarship for Ethnic & Cultural Diversity and also Creative Problem Solving Scholarships. In addition, during law school, Ms. Wood was the President of the Elder, Child, and Family Law Society, and participated in the study abroad program on international and comparative human rights law in Galway, Ireland. Ms. Wood interned for the Alternate Public Defender during law school, and also held a judicial externship with the San Diego Superior Court. Upon graduation, Ms. Wood obtained her Nevada Bar license and worked at the law firm Alverson Taylor Mortensen & Sanders in Las Vegas, Nevada where she specialized in medical malpractice. Ms. Wood then obtained her license to practice law in California in 2010 and worked at the bankruptcy firm Pite Duncan, LLP in San Diego, California, in which she represented financial institutions in bankruptcy proceedings. She additionally worked for the national law firm Gordon & Rees, LLP as an associate attorney in the professional liability defense and tort & product liability practice groups. Ms. Wood was also selected to the 2015 and 2016 California Super Lawyers Rising Star list (general category)—a research-driven, peer influenced rating service of outstanding lawyers who have attained a high degree of peer recognition and professional achievement. No more than 2.5% of the lawyers in the state were selected for the Rising Stars list. Ms. Wood joined the Law Office of Ronald Marron in September of 2012 and has dedicated her practice to consumer advocacy. Ms. Wood is also a foster youth advocate with Voices for Children. She is a member in good standing of the State Bar of California; the State Bar of Nevada; the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the United States District Court of Nevada; the United States District Court for the Eastern and Western Districts of Wisconsin; the

United States District Court of Colorado; the United States Court for the Eastern District of Arkansas; and the United States Court of Appeals for the Ninth Circuit.

Kas L. Gallucci, Senior Associate

Ms. Gallucci graduated *cum laude* from California Western School of Law in 2012, where she ranked in the top 12% of her graduating class and was listed on the Dean's Honor List for four terms. During law school, Ms. Gallucci received the highest grade in her Legal Skills and Advanced Legal Research classes. She also participated in the Capitals of Europe Summer Study Abroad Program, where the Honorable Samuel A. Alito, Jr. was a Distinguished Guest Jurist. Ms. Gallucci has worked for the firm since 2009 and has a number of years' experience in consumer fraud cases and is currently prosecuting violations of the Telephone Consumer Protection Act. Ms. Gallucci also regularly assists with the firm's food, drug, and cosmetic cases. She is a member in good standing of the State Bar of California; the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the United States District Court for the Eastern District of Michigan; the United States District Court for the Eastern and Western Districts of Wisconsin; the United States District Court for New Mexico; the United States District Court of Colorado; the United States Court for the Eastern District of Arkansas; and the United States Court of Appeals for the Ninth Circuit.

Michael Houchin, Associate

Mr. Houchin has been with the Law Offices of Ronald A. Marron since 2011. Prior to passing the California bar exam, Mr. Houchin worked as a law clerk for the firm while he attended law school courses in the evenings at the Thomas Jefferson School of Law. During law school, Mr. Houchin received four Witkin Awards for the highest grade achieved in his Legal Writing, Constitutional Law, American Indian Law, and California Civil Procedure courses. He also served as an editor on the *Thomas Jefferson Law Review* and was a member of an editing team that prepared a student Note for compliance with publishable quality standards. See I. Suruelo, *Harmonizing Section 14(B) with The Policy Goals of the NLRA on the Heels of Michigan's Enactment of Right-To-Work Laws*, 36 T. JEFFERSON L. REV. 427 (2014). Mr. Houchin graduated *magna cum laude* in May of 2015 and ranked in the top 5% of his graduating class. Through his work at the Law Offices of Ronald A. Marron, APLC, Mr. Houchin has gained substantial familiarity with multi-district litigation proceedings, solutions for e-discovery management, and false advertising investigations. He is a member in good standing of the State Bar of California; and the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the Western District of Wisconsin; the United States Court of Appeals for the Ninth Circuit; and the Supreme Court of the United States.

Lilach Halperin, Associate

Ms. Halperin graduated *cum laude* from the University of San Diego School of Law in 2018. During law school, Ms. Halperin held a judicial externship with the San Diego Superior Court and volunteered for numerous pro bono clinics, including the USD Entrepreneurship Clinic, the USD State Sales and Use Tax Clinic, and the San Diego Clean Slate Clinic. In addition, Ms. Halperin was the Chair of the USD Pro Bono Legal Advocates Consumer Affairs Clinic, where she worked with the Legal Aid Society of San Diego to assist indigent clients with lawsuits in consumer protection law. In her third year of law school, Ms. Halperin was hired as a law clerk for the Law Offices of Ronald A. Marron and assisted in consumer fraud cases for the firm, including the areas of false and misleading labeling of consumer products. She is a member of good standing of the State Bar of California; the United States District Courts for the Central, Eastern, Northern and Southern Districts of California; and the Western District of Wisconsin.

Elisa Pineda, Associate

Ms. Pineda graduated *magna cum laude* from California Western School of Law in 2019, where she was the recipient of the Dean's Merit Scholarship for Ethnic & Cultural Diversity and ranked in the top 3% of her graduating class. During law school, Ms. Pineda received an award for obtaining the highest grade in the following classes: Property I, Torts I, Trusts & Estates, Professional Ethics, and the Mediation Clinic. Ms. Pineda was listed on the Dean's Honor List for three terms. In addition, during law school, Ms. Pineda received an Outstanding Editor Award for her efforts as Senior Editor for her law school's International Law Journal. Ms. Pineda interned for both the San Diego District Attorney's Office and the San Diego Public Defender's Office. She also held a judicial externship with the Honorable United States Magistrate Judge Jill Burkhardt at the United States District Court for the Southern District of California. Ms. Pineda recently passed the California Bar and is now working as an Associate Attorney at the Law Offices of Ronald A. Marron. She is a member in good standing of the State Bar of California and the United States District Court for the Central, Eastern, Northern and Southern Districts of California.

Support Staff

The Marron Firm also employs a number of knowledgeable and experienced support staff, including paralegals and legal assistants.

EXAMPLES OF MARRON FIRM'S SUCCESSES ON BEHALF OF CONSUMERS

***Graves v. United Industries Corp.*, No. 2:17-cv-06983-CAS-SK (C.D. Cal.)**

On February 24, 2020, the Honorable Christiana A. Snyder granted final approval of a nation-wide class action settlement concerning United Industries Corporation's Spectracide® Weed and Grass Killer Concentrate Products. The Plaintiffs alleged that the Spectracide® Concentrate Products were labeled as making more solution than the products were capable of making when mixed for certain weed control purposes. The Law Offices of Ronald A. Marron served as Class Counsel. The settlement created a \$2.5 million dollar common fund in addition to injunctive relief in the form of labeling changes.

***Esparza v. Smartpay Leasing, Inc.*, No. 3:17-cv-03421-WHA (N.D. Cal.)**

On January 28, 2020, the Honorable William Alsup granted final approval of a nation-wide certified class action settlement. The class included individuals who were texted on behalf of the defendant, using its vendor Twilio, Inc.'s platform after texting the word "STOP", between September 29, 2015 to June 13, 2017. Ronald A. Marron, Alexis M. Wood and Kas L. Gallucci of the Law Offices of Ronald A. Marron served as class counsel. The settlement created a \$8.67 million dollar common fund. *See Esparza v. Smartpay Leasing, Inc.*, No. 3:17-cv-03421-WHA, 2020 WL 465865, at *2 (N.D. Cal. Jan. 28, 2020), *judgment entered*, 2020 WL 465863 (N.D. Cal.).

***Busch v. Bluestem Brands, Inc.*, No. 16-cv-0644(WMW/HB) (D. Minn.)**

On October 11, 2019, the Honorable Judge Wilhelmina M. Wright granted final approval of a nationwide TCPA class action settlement where Ronald A. Marron, Alexis M. Wood and Kas L. Gallucci served as co-lead class counsel. The settlement created a \$5.25 million common fund. *See Busch v. Bluestem Brands, Inc.*, No. 0:16-cv-00644-WMW-HB, 2019 WL 5092952, at *1 (D. Minn. Oct. 11, 2019).

Medina v. Enhanced Recovery Company, LLC, No. 15-CV-14342-MARTINEZ-MAYNARD (S.D. Fla.)

On September 12, 2019, the Honorable Judge Jose E. Martinez granted final approval of a nationwide TCPA class action settlement and the Law Offices of Ronald A. Marron served as co-lead class counsel. The settlement created a \$1.45 million common fund.

Littlejohn v. Ferrara Candy Company, No. 18-cv-0658-AJB-WVG (S.D. Cal.)

On June 17, 2019, the Honorable Anthony J. Battaglia granted final approval of a nationwide CLRA class action settlement stating “Class Counsel has fully and competently prosecuted all causes of action, claims, theories of liability, and remedies reasonably available to the Class Members.” *Littlejohn v. Ferrara Candy Co.*, No. 318CV00658AJBWVG, 2019 WL 2514720, at *3 (S.D. Cal. June 17, 2019).

Rwomwijhu v. SMX, LLC, No. BC634518 (L.A. Supr. Ct.)

On January 11, 2019, the Honorable Carolyn B. Kuhl granted final approval of case brought under California’s Private Attorneys General Act where the Law Offices of Ronald A. Marron served as co-lead class counsel.

Jackson v. Lang Pharma Nutrition, Inc., No. 37-2017-00028196-CU-BC-CTL (S.D. Supr. Ct.)

On December 20, 2018, the Honorable Joel R. Wohlfeil of the California Superior Court granted final approval to a nationwide labeling case settlement involving Co-q10 dietary supplements where the Law Offices of Ronald A. Marron served as class counsel. The settlement created a fund in the amount of \$1,306,000 for which class members could elect to obtain cash or product vouchers.

Simms v. ExactTarget, LLC, No. 1-14-cv-00737-WTL-DKL (S.D. Ind.)

On October 19, 2018, the Honorable William T. Lawrence granted final approval of a nationwide TCPA class action settlement where the Law Offices of Ronald A. Marron served as class counsel. The settlement created a \$6.25 million common fund.

Mancini v. The Western and Southern Life Insurance Company, et al., No. 16-cv-2830-LAB (WVG) (S.D. Cal)

On September 18, 2018, the Honorable Larry Alan Burns granted final approval of settlement in the amount of \$477,500 to resolve claims under California’s Private Attorneys General Act.

Gonzales v. Starside Security & Investigation, No. 37-2015-00036423-CU-OE-CTL (S.D. Supr. Ct.)

On September 7, 2018, the Honorable Gregory W. Pollack granted final approval of a wage and hour class action settlement and where the Law Offices of Ronald A. Marron served as class counsel.

Mollicone v. Universal Handicraft, No. 17-21464-Civ-Scola (S.D. Fla.)

On August 10, 2018, the Honorable Robert N. Scola, Jr. granted final approval of a class action settlement regarding false advertising claims of Adore cosmetics products marketed as containing a plant stem cell formula in which the Law Offices of Ronald A. Marron served as class counsel. In his Preliminary Approval Order, Judge Scola stated that the Marron Firm is “experienced and competent in the prosecution of complex class action litigation.” (Dkt. No. 120).

Mason v. M3 Financial Services, Inc., No. 15-cv-4194 (N.D. Ill.)

On June 29, 2018, the Honorable Andrea R. Wood granted final approval of a nationwide TCPA class action settlement in the amount of \$600,000 in which the Law Offices of Ronald A. Marron served as co-lead class counsel.

Lucero v. Tommie Copper, Inc., No. 15 Civ. 3183 (AT) (S.D. N.Y.)

On May 4, 2018, the Honorable Analisa Torres granted final approval of a false advertising class settlement in the amount \$700,000. This case involved allegations of false and deceptive advertising and endorser liability for copper fabric compression clothing. On January 4, 2016, the Honorable Analisa Torres appointed the Marron firm as Interim Lead Class Counsel over the opposition and challenge of other plaintiffs' 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 v. Tommie Copper Inc.*, No. 15 CIV. 3183 (AT), 2016 WL 304746, at *1 (S.D.N.Y. Jan. 4, 2016). Judge Torres also noted that Mr. Marron and his firm's attorneys had "substantial experience litigating complex consumer class actions, are familiar with the applicable law, and have the resources necessary to represent the class." *Id.*

Gutierrez-Rodriguez v. R.M. Galicia, Inc., No. 16-cv-00182-H-BLM (S.D. Cal.)

On March 26, 2018, the Honorable Marilyn Huff granted final approval of a nationwide TCPA class action settlement which provided monetary relief in the amount of \$1,500,000, in addition to significant injunctive relief. (Dkt. 67.) The Law Offices of Ronald A. Marron served as class counsel. *Gutierrez-Rodriguez v. R.M. Galicia, Inc.*, No. 16-CV-00182-H-BLM, 2018 WL 1470198, at *2 (S.D. Cal. Mar. 26, 2018).

Thornton v. NCO Financial Systems, No. 16-CH-5780 (Cook County, Ill)

On October 31, 2017, the Honorable Tomas R. Allen of the Circuit Court of Cook County, Illinois, granted final approval to a nationwide TCPA class which created a common fund in the amount of \$8,000,000 and also provided for injunctive relief. The Law Offices of Ronald A. Marron served as co-lead class counsel.

Elkind v. Revlon Consumer Products Corporation, No. 14-cv-2484(JS)(AKT) (E.D.N.Y.)

On September 5, 2017, the Honorable A. Kathleen Tomlinson granted final approval of a nationwide false advertising class action settlement which challenged Revlon's advertising of its "Age Defying with DNA Advantage" line of cosmetics in the amount of \$900,000, and significant injunctive relief. The Law Offices of Ronald A. Marron served as co-lead class counsel.

Sanders v. R.B.S. Citizen, N.A., No. 13-CV-03136-BAS (RBB) (S.D. Cal.)

On January 27, 2017 the Honorable Cynthia A. Bashant granted final approval of a nationwide TCPA class action settlement in the amount of \$4,551,267.50. *Sanders v. R.B.S. Citizen, N.A.*, No. 13-CV-03136-BAS (RBB), 2017 WL 363536 (S.D. Cal. Jan. 25, 2017). On July 1, 2016, the Honorable Cynthia A. Bashant certified a nationwide class, for settlement purposes, of over one million persons receiving cell phone calls from Citizens made with an alleged automatic telephone dialing system. Dkt. 107. The Court appointed the Law Offices of Ronald A. Marron as class counsel, noting they have "significant experience in handling class actions." *Id.*

In re Leaf123 (Augustine v. Natrol), No. 14-114466 (U.S. Bankruptcy Court for the District of Delaware)

This action involved allegations of false and deceptive advertising of Senna Leaf tea products as dietary aids. Plaintiff alleged Senna Leaf is nothing more than a stimulant laxative which does not aid diets but hinders them. After a strong showing in the district court, and pursuant to other actions against the defendant manufacturer, the defendant filed for bankruptcy. The Marron Firm followed defendant to the federal bankruptcy court and retained bankruptcy counsel to assist. After a full day mediation before a retired federal jurist, and months of follow up negotiations, a settlement was reached. On August 7, 2015, in *In re Leaf123* (adversary proceeding of *Augustine v. Natrol*), the Honorable Brendan L. Shannon approved an injunctive relief-only settlement, finding it “fair, reasonable and adequate.”

Johnson v. Triple Leaf Tea, Inc., No. 3:14-cv-01570-MMC (N.D. Cal.)

An injunctive relief class action settlement, requiring manufacturer of senna leaf diet teas to re-label their products and remove ingredients based on alleged consumer confusion and harm, was filed in April 2014. The Marron firm served as class counsel and the Honorable Maxine M. Chesney, Senior U.S. District Court Judge granted final approval to a classwide settlement on November 16, 2015. *Johnson v. Triple Leaf Tea Inc.*, No. 3:14-CV-01570-MMC, 2015 WL 8943150, at *3, *5 (N.D. Cal. Nov. 16, 2015) (“Class Counsel has fully and competently prosecuted all causes of action, claims, theories of liability, and remedies reasonably available to the Class Members. The Court hereby affirms its appointment of the Law Offices of Ronald A. Marron, APLC as Class Counsel Class Counsel and Defendant's counsel are highly experienced civil litigation attorneys with specialized knowledge in food and drug labeling issues, and complex class action litigation generally.”).

Perry v. Truong Giang Corp., Case No. BC58568 (L.A. Supr. Ct.)

Plaintiff alleged defendant’s Senna Leaf teas, advertised as diet aids, were falsely or misleadingly advertised to consumers. After an all-day mediation, a class wide settlement was reached. In granting final approval to the settlement on August 5, 2015, the Honorable Kenneth Freeman noted that class counsel’s hourly rates were “reasonable” and stated the Marron Firm’s lawyers used skill in securing the positive results achieved on behalf of the class. The court also noted “this case involved difficult legal issues because federal and state laws governing dietary supplements are a gray area, . . . the attorneys displayed skill in researching and settling this case, which provides a benefit not only to Class Members but to the public at large”

Carr v. Tadin, Inc., No. 3:12-cv-03040-JLS-JMA (S.D. Cal.)

An injunctive relief class action settlement, requiring manufacturer of diet teas and other health supplements to re-label their products to avoid alleged consumer confusion, was filed in January 2014 before the Honorable Janis L. Sammartino. The Marron Firm was appointed as class counsel and the classwide settlement was granted final approval on December 5, 2014.

Gallucci v. Boiron, Inc., No. 3:11-cv-2039-JAH (S.D. Cal.)

The firm was class counsel for consumers of homeopathic drug products in an action against Boiron, Inc., the largest foreign manufacturer of homeopathic products in the United States, involving allegations that Boiron’s labeling and advertising were false and misleading. We obtained a nationwide settlement for the class which provided injunctive relief and restitution from a common fund of \$5 million. The settlement was upheld by the Ninth Circuit on February 21, 2015. The case

also set an industry standard for homeopathic drug labeling. See www.homeopathicpharmacy.org/pdf/press/AAHP_Advertising_Guidelines.pdf.

Red v. Kraft Foods Global, Inc., No. 2:10-1028-GW (C.D. Cal)

The firm represented consumers in a class action against one of the world's largest food companies and was appointed lead counsel in a consolidated putative class action. The action has resulted in a permanent injunction barring the use of deceptive health claims on Nabisco packaged foods containing artificial trans fat. The Court has also granted an interim award of attorneys' fees.

Mason v. Heel, Inc., No. 3:12-cv-3056-GPC-KSC (S.D. Cal.)

Plaintiff alleged false and deceptive advertising of over-the-counter homeopathic drugs. On October 31, 2013, the Honorable Gonzalo P. Curiel granted preliminary approval to a nationwide class settlement of \$1 million in monetary relief for the class plus four significant forms of injunctive relief. Final approval was granted on March 13, 2014. See *Mason v. Heel, Inc.*, 3:12-CV-03056-GPC, 2014 WL 1664271 (S.D. Cal. Mar. 13, 2014).

Clark v. National Western Life Insurance Co., No. BC321681 (L.A. Co. Super. Ct.)

Class action involving allegations of elder financial abuse and fraud. After litigating the case for well over six years, including Mr. Marron being appointed co-lead class counsel, the case resulted in a settlement of approximately \$25 million for consumers.

In re Quaker Oats Labeling Litig., No. 5:10-cv-00502-RS (N.D. Cal.)

False and deceptive advertising case concerning Instant Oats, Chewy Granola Bars and Oatmeal To Go products, including use of partially hydrogenated vegetable oil while also representing the products as healthy snacks. An injunctive relief class action settlement was granted preliminary approval on February 2, 2014, with the Marron firm being appointed Class Counsel. On July 29, 2014, the court granted the final approval of the settlement.

Nigh v. Humphreys Pharmacal, Inc., No. 3:12-cv-02714-MMA-DHB (S.D. Cal.)

Case involving allegations of false and deceptive advertising of homeopathic over-the-counter drugs as effective when they allegedly were not. On October 23, 2013, a global settlement was granted final approved by the Honorable Michael M. Anello, involving a common fund of \$1.4 million plus five significant forms of injunctive relief for consumers.

Burton v. Ganeden Biotech, Inc., No. 3:11-cv-01471-W-NLS (S.D. Cal.)

Action alleging false and deceptive advertising of a dietary probiotic supplement. On March 13, 2012, the Marron Firm settled the case for \$900,000 in a common fund plus injunctive relief in the form of labeling changes. Final approval was granted on October 5, 2012.

Hohenberg v. Ferrero U.S.A., Inc., No. 3:11-CV-00205-H-CAB (S.D. Cal.)

This case involved false and deceptive advertising of sugary food product as a healthy breakfast food for children. After successfully defeating a motion to dismiss, *Hohenberg*, 2011 U.S. Dist. LEXIS 38471, at *6 (S.D. Cal. Mar. 22, 2011), the Honorable Marilyn Huff certified a class on November 15, 2011, resulting in a published decision, *In re Ferrero Litig.*, 278 F.R.D. 552 (S.D. Cal. 2011). A final settlement consisting of injunctive relief labeling and marketing changes, plus a \$550,000 common fund for monetary relief to the class was finally approved on July 9, 2012.

In re Qunol CoQ10 Liquid Labeling Litigation, No. 8:11-cv-173-DOC (C.D. Cal.)

This case involved false and deceptive consumer advertising of a dietary supplement. The Marron Firm was appointed class counsel and successfully defeated defendants' motion to decertify the class following the Ninth Circuit's decision in *Mazza v. Am. Honda Motor Co.*, 666 F.3d 581 (9th Cir. 2012). See *Bruno v. Eckhart Corp.*, 2012 U.S. Dist. LEXIS 30873 (C.D. Cal. Mar. 6, 2012); see also *Bruno v. Quten Research Inst., LLC*, 2011 U.S. Dist. LEXIS 132323 (C.D. Cal. Nov. 14, 2011). The case settled on the eve of trial (originally scheduled for October 2, 2012) for cash payments to the class and injunctive relief.

Iorio v. Asset Marketing Systems, Inc., No. 05cv00633-IEG-CAB (S.D. Cal.)

This action involved allegations of elder financial abuse and fraud. Mr. Marron was appointed class counsel on August 24, 2006 and the Court certified a class on July 25, 2006. After nearly six years of intensive litigation, including "challenges to the pleadings, class certification, class decertification, summary judgment, . . . motion to modify the class definition, motion to strike various remedies in the prayer for relief, and motion to decertify the Class' punitive damages claim," plus three petitions to the Ninth Circuit, attempting to challenge the Rule 23(f) class certification, a settlement valued at \$110 million was reached and approved on March 3, 2011. *Iorio*, Dkt. No. 480. In granting final approval to the settlement, the Court noted that class counsel were "highly experienced trial lawyers with specialized knowledge in insurance and annuity litigation, and complex class action litigation generally" and "capable of properly assessing the risks, expenses, and duration of continued litigation, including at trial and on appeal." *Id.* at 7:18-22.

Martinez v. Toll Brothers, No. 09-cv-00937-CDJ (E.D. Penn.)

Shareholder derivative case alleging breach of fiduciary duty, corporate waste, unjust enrichment and insider trading, filed derivatively on behalf of Toll Brothers and against individual corporate officers. Under a joint prosecution agreement, this action was litigated along with other consolidated and related actions against Toll Brothers in a case styled *Pfeiffer v. Toll Brothers*, No. 4140-VCL in the Delaware Chancery Court. After extensive litigation, the case settled in September 2012 for \$16.25 million in reimbursement to the corporation.

Peterman v. North American Co. for Life & Health Insurance, No. BC357194, (L.A. Co. Super. Ct.), involved allegations of elder financial abuse. This case was litigated for over four years and achieved a settlement of approximately \$60 million for consumers.

Vaccarino v. Midland Nat'l Life Ins. Co., No. 2:11-cv-05858-CAS (MANx) (C.D. Cal.)

This action involved allegations of elder financial abuse and fraud. On June 17, 2013, the Honorable Christina A. Snyder appointed the Marron Firm as Class Counsel, and on February 3, 2014, the Court certified a class of annuities purchasers under various theories of relief, including breach of contract and the UCL. On September 22, 2014, the court granted final approval to a class action settlement that achieved a settlement of approximately \$5.55 million for consumers, including *cy pres* relief to the Congress of California Seniors.

CURRENT AND NOTABLE APPOINTMENTS AS CLASS COUNSEL

Hilsley v. Ocean Spray Cranberries, Inc., No. 3:17-cv-02335(GPC) (S.D. Cal.)

A nationwide class of consumers brought this suit against Ocean Spray Cranberries, Inc. and Arnold Worldwide LLC for violations of California's Consumer Legal Remedies Act. Plaintiff alleges that

certain Ocean Spray products falsely state “no artificial flavors” when they in fact contain the artificial flavoring agent, malic acid. On November 29, 2018, the Honorable Gonzalo P. Curiel granted class certification, appointing Ronald A. Marron and Michael Houchin of the Marron Firm as class counsel. On July 3, 2019, Judge Curiel denied Defendant’s Motion for Summary Judgment and on July 10, 2019 denied Defendant’s Motion to Decertify the Class. On November 8, 2019, Ocean Spray agreed to a \$5.4 million dollar Class Action Settlement that was preliminarily approved by the Court on January 31, 2020. Ocean Spray has also agreed to remove the “no artificial flavors” statement from its product labels. A final approval hearing is currently set for July 31, 2020.

Romero v. Securus Technologies, Inc., No. 3:16-cv-01283 (JM) (S.D. Cal.)

Plaintiffs Juan Romero, Kenneth Elliot, and Frank Tiscareno allege that Securus Technologies illegally recorded telephone conversations between inmates and their counsel. On November 21, 2018, the Honorable Jeffrey Miller granted class certification in part, appointing the Law Offices of Ronald A. Marron as co-lead class counsel. On June 16, 2020, the class action settlement was preliminarily approved by the Court. A final approval hearing is currently set for September 28, 2020.

O’Shea v. American Solar Solutions, Inc., No. 3:14-cv-00894-L-RBB (S.D. Cal.)

On March 3, 2017, the Honorable M. James Lorenz certified a TCPA class of all individuals in the United States who were called on behalf of the defendant, using the ViciDial predictive dialers, on a cellular telephone number, between November 22, 2012 and August 22, 2015, and appointed Ronald A. Marron, Alexis Wood and Kas Gallucci as class counsel.

Reyes v. Education Credit Management Corporation, No. 3:15-cv-00628-BAS-AGS (S.D. Cal.)

Plaintiff A.J. Reyes brought suit against Education Credit Management Corporation under California’s Invasion of Privacy Act. Plaintiff alleges due to an error in the Defendant’s phone system, inbound calls to ECMC were being recorded without their consent. On September 20, 2017, the Honorable Cynthia Bashant certified a class of individuals who made inbound calls to lines with the faulty setting, as well as granted certification of plaintiff’s demand for injunctive relief and monetary damages. The Law Offices of Ronald A. Marron was appointed as class counsel. Currently remanded back from 9th Circuit after vacating Class Certification, this case is back at the District Court for further proceedings.

Robbins v. Gencor Nutrients, Inc., No. 16AC-CC00366 (Circuit Court, Cole Cty. Mo.).

On May 14, 2018, the Honorable Jon E. Beetem granted preliminary approval of a nationwide false advertising class action settlement concerning testosterone boosting supplements and appointed the Law Offices of Ronald A. Marron as co-lead class counsel.

Allen v. Hyland’s, Inc., No. 12-CV-1150 DMG (MANx) (C.D. Cal.)

Nationwide class of consumers certified for false and deceptive advertising against largest U.S.-based manufacturer of homeopathic drugs, involving ten over-the-counter homeopathic drug products. A nationwide class was certified after two years of vigorous litigation, including Marron firm counsel surviving against two motions to dismiss, a motion for judgment on the pleadings, and a motion to strike punitive damages. *See* 300 F.R.D. 643 (C.D. Cal. 2014). Following a thirteen-day jury trial before the Honorable Judge Dolly M. Gee, a verdict was returned in favor of Hyland’s. The Marron Firm timely appealed. On May 15, 2019, the Ninth Circuit reversed the judgment in part holding that “the jury’s narrow findings as to deceptive advertising do not resolve [Plaintiffs’]

broader unfair practices theory” and that “the district court must engage in fact-finding to resolve [the UCL claim], and erred in granting judgment to Hyland’s without doing so.” *Allen v. Hylands, Inc.*, No. 17-56184, 2018 WL 2142843, at *3 (9th Cir. May 15, 2019).

Allen v. Similasan Corp., No. 12-cv-376 BAS (JLB) (S.D. Cal.)

A California class of consumers alleging false and deceptive advertising of six homeopathic drugs was certified by the Honorable Cynthia A. Bashant on March 30, 2015, with the Court noting that the firm was experienced and competent to prosecute the matter on behalf of the Class. Judge Bashant denied summary judgment on the class’s claims that the drug products were not effective, as advertised, and certified claims under California’s Consumers Legal Remedies Act, Unfair Competition Law, False Advertising Law, breach of express and implied warranty, and violation of the federal Magnuson-Moss Warranty Act.

OTHER NOTABLE CASES

In re Santa Fe Natural Tobacco Company Marketing & Sales Practices Litig., No. 1:16-md-02695-JB-LF (D.N.M.)

On May 24, 2016, Ronald A. Marron was appointed to the Executive Committee in a multidistrict litigation labeling case. (Dkt. 24.)

Henderson v. The J.M. Smucker Company, No. 2:10-cv-4524-GHK (C.D. Cal.)

This action was the catalyst forcing the defendant to reformulate a children’s frozen food production to remove trans-fat. On June 19, 2013, the Honorable George H. King held the firm’s client was a prevailing Private Attorney General and entitled to her costs and attorneys’ fees.

APPELLATE CASES

Shyriaa Henderson v. United States Aid Funds, Inc., Case No. 17-55373 (9th Cir.)

On March 22, 2019, the Ninth Circuit reversed the District Court’s order granting summary judgment in favor of Defendant, and remanded for further proceedings in a class action where debt collectors acting on behalf of defendant were in violation of the Telephone Consumer Protection Act (TCPA). The Ninth Circuit found that a reasonable jury could hold Defendant vicariously liable for the alleged TCPA violations by debt collectors.

John Sandoval v. Pharmacare US, Inc., Case No. 16-56301 (9th Cir.)

On April 5, 2016, the Ninth Circuit reversed, in part, the District Court’s order granting summary judgment in a false advertising class action concerning an aphrodisiac dietary supplement called “IntenseX” The Marron Firm successfully argued that statements on the intensex.com website showed that the defendant failed to obtain approval of IntenseX as an OTC aphrodisiac drug, thus creating a basis for liability under California’s Unfair Competition Law.

Reid v. Johnson & Johnson, Case No. 12-56726 (9th Cir.)

On March 13, 2015, the Ninth Circuit reversed, in part, the District Court’s order granting the defendant’s motion to dismiss in a false advertising class action concerning Benecol spread that was allegedly falsely advertised as containing “No Trans Fat.” The Marron Firm successfully argued that the plaintiff’s claims are not preempted by the Federal Food, Drug, and Cosmetics Act. *Reid v. Johnson & Johnson*, 780 F.3d 952, 964 (9th Cir. 2015).