

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

YVONNE MART FOX, GRANT NESHEIM,  
DANIELLE DUCKLEY, and SHELLY  
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-327-JDP**

**DECLARATION OF ROBERT L. TEEL IN SUPPORT OF PLAINTIFFS' MOTION  
FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARDS**

Pursuant to 28 U.S.C. § 1746, I, Robert L. Teel, hereby declare and state:

1. I am Of Counsel to the Law Offices of Ronald A. Marron APLC. I, along with my co-counsel, am counsel of record for Yvonne Mark Fox, Grant Nesheim, Danielle Duckley, and Shelley Kitsis (collectively, "Plaintiffs") in the above-referenced action. I am a member in good standing of the State Bar of California and the United States District Court for the Southern District of California, and I am duly registered as a member of the Kansas State Bar to practice law. I am also admitted to practice before the Ninth Circuit Court of Appeals, the United States District Court for the Eastern District California, the United States Federal Court of Claims, and this Court. I am admitted *pro hac vice* to practice before the United States District Court for the Southern District Court of Florida, the United States District Court for the Northern District Court of Illinois, the United States District Court for the Western District of Missouri, the United

States District Court for the Northern District of Georgia, and the Circuit Court of Cook County Illinois. I am also admitted to practice for purposes of multi-district litigation proceedings in the United States District Court for the District of South Carolina – Charleston.

2. I am over the age of eighteen and am fully competent to make this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Incentive Awards. This declaration is based on my own personal knowledge unless otherwise indicated. If called to testify, I could and would do so competently on the matters stated herein.

**Work Performed by Counsel, Hours and Expenses**

3. To date, I and my co-counsel have diligently investigated, prosecuted, and dedicated substantial resources to the claims in this matter. I have spent hundreds of hours investigating and litigating this case since May 1, 2018, and have personally, without limitation:

- a. reviewed thousands of pages of documents;
- b. engaged in early written and telephonic “meet and confer” discussions with counsel for Defendant Iowa Health Systems doing business as UnityPoint Health (“Defendant” or “UnityPoint”);
- c. interviewed and corresponded with dozens of witnesses in Wisconsin, Iowa, and Illinois and in some instances their attorneys as well;
- d. engaged in propounding and responding to Freedom of Information Act and state open records requests;
- e. prepared and filed the original, first amended, and second amended complaints in this action;
- f. participated in responding to Defendant’s motion to dismiss Plaintiffs’ complaint;

g. engaged and participated in reviewing, propounding, and responding to written discovery requests;

h. participated in drafting and filing Plaintiffs' motion for consolidation of related action and appointment of interim lead counsel for the putative class; and

i. prepared and responded to other substantial law and motion matters.

4. Class Counsel 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 requested presented to the Court in this motion do not include the significant time that is likely to be expended on these future efforts.

5. From inception to October 31, 2020, I have spent 564 hours developing and managing the case, litigating the motion to dismiss, negotiating and conducting offensive and defensive discovery, and client management, among other tasks.

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

7. 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 I incurred in this matter as well as the hourly rate charged 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.

8. The hours I have billed in this action 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 of behalf of the Class.

9. I reviewed my time records and made my best effort to reduce duplicate billing. In addition, I do not use block billing and maintain 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. I have not included time for work on unsuccessful motions that did not otherwise advance the case or work that would not have been necessary if the Plaintiffs had pursued successful avenues.

10. My total hours do 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.

11. My rate is based upon my experience and the skill required in performing the work.

12. The chart below reflects my \$700 hourly rate for the reasonable hours of work I performed on this matter.

Timekeeper	Position	Hourly Rate	Total Hours	Total Amount
Robert Teel	Principal	\$700	564	\$394,800.00

13. My hourly rate is on par with the hourly rates sought in litigation by other plaintiffs' firms handling multistate data-breach class actions.

14. 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. An understanding of large class actions was essential to developing damages theories appropriate to this litigation.

15. I took measures to litigate this case efficiently.

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

17. I litigated this case on a contingent basis, and have received no compensation for my efforts during the course of this litigation.

18. I received no compensation for my efforts during the course of this litigation.

19. I advanced \$942.94 in reasonable expenses, knowing that if my efforts were unsuccessful, I would not receive payment or other reimbursement for either my work or expenses.

20. These costs are attributable to ordinary and necessary costs as follows:

<b>Costs and Expenses</b>	<b>Amount</b>
Research and Computer Services	\$84.40
Meals while Traveling	\$18.30
Parking	\$44.00
Travel and Flights	\$60.14
FOIA Services	\$40.00
Postage and Delivery	\$15.10
E-filing and related fees	\$631.00
Process Service	\$50.00
<b>Total</b>	<b>\$942.94</b>

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

22. The work and participation of Plaintiffs were essential to achieve the Settlement.

### **Plaintiffs and the Putative Class**

23. Plaintiffs have represented the interests of the proposed class to date throughout this litigation, will continue to do so, and understand their obligations as class representatives. To my knowledge, the Plaintiffs have no interests antagonistic or conflicting with the class they seek to represent.

24. Plaintiffs have retained counsel with experience and expertise in the areas of complex litigation and class actions, as well as in the specific areas of consumer protection, privacy, and health care data breaches at issue herein.

### **Qualifications and Experience**

25. In 1981 I received a Bachelor of Arts in Political Science and a Bachelor of Arts in International Relations from the University of Southern California, with a minor emphasis in civil engineering and architecture. I received my Juris Doctor and Masters in Business Administration from the University of Kansas in 1986 with an emphasis in finance. While attending the Kansas University Schools of Law and Business (1982-1986), I worked as a futures contract floor trader at the Kansas City Board of Trade.

26. I was admitted to the State Bar of California on January 2, 1987, and have been a member in good standing since that time. I actively practiced the law full time from 1987 to 1997. I started my solo practice in 1991 after working for two law firms, including the firm of Weissburg & Aronson, which was acquired by Foley & Lardner LLP, before leaving the active full-time practice of law to pursue a career in both law and finance as a member of the Chicago Mercantile Exchange, Chicago Board of Trade, and New York Mercantile Exchange.

27. As part of my career responsibilities in law and finance I have been responsible for prosecuting claims as a named plaintiff in the case of *Robert Charles Class A, L.P. v. Bank of Nova Scotia, et al.*, which is a class action on behalf of gold futures traders against several banks for manipulating the gold market; *Robert Charles Class A, L.P. v. Deutsche Bank, et al.*, which is a class action on behalf of forex futures traders against several banks for conspiring to rig the foreign exchange market; and *Robert Charles Class A, L.P. v. J.P. Morgan, et al.*, which is a class action on behalf of treasury market futures traders against several banks for manipulating the treasury bond market.

28. I returned to practice the law full time in January 2016 following the death of my business partner in 2010. I currently work as a sole practitioner and Of Counsel to the Law Offices of Ronald A. Marron APLC, with an emphasis on complex impact litigation and class actions, including consumer protection cases.

### **Complex and Class Action Litigation**

29. Over the years, I have acquired extensive experience in successfully prosecuting, defending, and advising plaintiffs and defendants in complex litigation, including matters pertaining to federal class actions, over 800 state court cases, adversary bankruptcy proceedings, several state and federal regulatory actions, and a grand jury investigation resulting from “Ponzi scheme” litigation. In the course of my legal career, I have obtained settlements worth nearly \$100,000,000 as counsel to plaintiffs.

30. I am now devoting myself full time to prosecuting impact litigation and class action cases. In addition to this action, and without limitation, I currently serve as counsel for plaintiffs in the class action cases of *Romero, et al. v. Securus Technologies, Inc.*, Case No.: 16-cv-01283 (S.D. Cal.), *Owino, et al. v. CoreCivic, Inc.*, Case No. 17-cv-1112 (S.D. Cal.), *McCormick v. Adtalem Global Education, Inc.*, Case No. 2018-CH-04872 (Cir. Ct. Cook Co. Ill.), *Jackson v. The 3M Company, et al.*, Case No. 19-cv-00167 (Dist. of S.C.), *Marks v. City of San Diego*, Case No. 37-2018-000141120CU-MC-CTL (San Diego Sup. Ct.), *Hall v. Marriott International, Inc.*, Case No. 19-cv-1715 (S.D. Cal.), *Case v. Merlin Entertainments Group U.S. Holdings Inc.*, Case No. 20-cv-1049, and *Pickard v. United States*, Case No. 19-1928L (Fed. Ct. Claims).

31. As a sole practitioner, I rely on support from other law firms, either as co-counsel of record or to provide case support and assistance. It is my custom and practice to work with teams of colleagues with specialties in appropriate areas, such as my co-counsel in this case,

Keller Rohrback L.L.P and the Law Offices of Ronald A. Marron, APLC. I have a close, regular, personal, continuous, and ongoing relationship with the Marron firm on over half a dozen matters in addition to this case.

32. I have been appointed class counsel in the *Romero, et al. v. Securus Technologies, Inc.* litigation (class action litigation concerning the recording of telephone calls between persons in the custody of law enforcement and their attorneys) and the *Owino v. CoreCivic, Inc.* litigation (representing a class of over 100,000 civil immigration detainees who were allegedly subjected to unlawful state and federal forced labor practices). In addition, I have been appointed class counsel for the settlement class in the *McCormak v. Adtalem Global Education, Inc.* case (representing a class estimated of over 323,000 students who were allegedly subjected to violations of state and consumer protection laws).

33. As the above examples demonstrate, during my career I have litigated and advised in dozens of matters, including lawsuits and arbitrations against major corporations, some of which have gone to trial or arbitration, and others which have successfully settled. I have been responsible for handling such diverse matters as a grand jury investigation and the prosecution of an election contest resulting in modification to the California election laws.

34. In the present action I have been responsible for, *inter alia*, the initial and ongoing claims investigation, client communications, preparing and filing the initial complaints and pleadings, meeting and conferring with opposing counsel, interfacing with third parties on behalf of the Plaintiffs' legal team, discussions with witnesses, responding to Defendant's motion to dismiss, participating in the preparation and filing of the motion for consolidation, participating in preparing and responding to law and motion matters, and participating in discovery.

35. I have served as first or second chair in numerous jury and bench trials, trials by reference, and arbitrations. I have handled law and motion proceedings and all forms of written

discovery and depositions. I have been responsible for determining and providing legal opinions in connection with the value and potential returns of plaintiffs' legal rights and lawsuits.

36. I also have experience in selecting jurors and witnesses and presenting evidence during trial and arbitration proceedings. I have defended and prosecuted appeals. I have also handled regulatory and compliance matters before the Commodity Futures Trading Commission, the Securities and Exchange Commission, the Office of the Comptroller of the Currency, the Department of Labor, the Financial Industry Regulatory Authority, commodity exchange arbitration boards, and other governmental and self-regulatory agencies.

37. As set forth above, I have substantial experience and resources to bring to bear in this matter on behalf of Plaintiffs and the proposed settlement class. I have committed, and will continue to commit, my experience and resources to adequately represent Plaintiffs and the proposed class through the conclusion of this action.

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

Executed this 2nd day of December, 2020 at Seattle, Washington.

By:   
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Robert L. Teel