

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR ALFONSO RODRIGUEZ
QUEZADA, BRENDAN MONAGHAN,
KEVIN SCHMID, and JOHN SCHMID, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

ARBITERSPORTS, LLC,

Defendant.

CIVIL ACTION NO. 2:20-cv-05193-TJS

**PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES,
REIMBURSEMENTS OF LITIGATION EXPENSES, AND
CLASS REPRESENTATIVE INCENTIVE AWARDS**

Plaintiffs, Victor Alfonso Rodriguez Quezada, Brendan Monaghan, Kevin Schmid, and John Schmid (together, "Plaintiffs"), move, pursuant to Federal Rule of Civil Procedure 23(h), for an award of attorneys' fees, reimbursements of litigation expenses, and class representative incentive awards. The grounds are set forth in the accompanying legal memorandum and its attachments.

Plaintiffs respectfully request that their Motion be granted.

Dated: August 20, 2021

Respectfully submitted,

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Plaintiffs Victor Alfonso Rodriguez Quezada, Brendan Monahan, Kevin Schmid and John Schmid (“Plaintiffs”) submit this Memorandum of Law in support of their motion for an award of attorneys’ fees of \$1,064,897, for reimbursement of expenses incurred in the prosecution of this class action in the amount of \$12,941.17, and for incentive awards of \$7,500 for each class representative.

I. INTRODUCTION

This class action litigation arises from the data breach announced by Defendant, ArbiterSports, LLC, (“ArbiterSports”) on August 24, 2020 (the “Data Security Incident”), in which cyber-criminals accessed ArbiterSports’ Database and accessed and obtained the confidential personal information of approximately 539,199 of ArbiterSports’ individual users, including their account usernames and passwords, names, addresses, dates of birth, email addresses, and Social Security numbers. Plaintiffs initiated this action on October 19, 2020, (ECF No. 4), and filed their amended complaint on November 9, 2020 (ECF No. 5) (“Complaint”), alleging, among other things, that despite the foreseeability of a data breach, ArbiterSports failed to implement adequate data security measures to protect the sensitive personal information entrusted to it by its users. Plaintiffs further alleged that the Class Members experienced and would continue to experience immediate, tangible injury as a direct result of the Data Security Incident, including the actual misuse of their personal information, the loss of their legally protected interest in the confidentiality and privacy of their personal information, the decreased value of their personal information, the loss of significant time and expense responding to the Data Security Incident, including monitoring their financial accounts and other online accounts for fraudulent activity, spending money for protective measures, and an increased, imminent risk of future misuse of their personal information. Plaintiffs sought to

remedy those harms through, among other things, reimbursement of their out-of-pocket losses and compensation for time spent in response to the Data Security Incident, as well as injunctive relief providing for substantial improvements to ArbiterSports' data security practices. *Id.*

While litigating this action on a wholly contingency fee basis, Plaintiffs, through Class Counsel,¹ successfully negotiated a valuable settlement that offers significant, meaningful relief to the proposed Class of approximately 539,199 individuals whose personal information was exposed to cybercriminals in the Data Security Incident. The Settlement, which was preliminarily approved by this Court on July 19, 2021 (ECF No. 35), provides direct benefits to the Settlement Class as follows: (a) ArbiterSports shall reimburse each Settlement Class Member for their documented out-of-pocket expenses up to \$350.00 incurred as a result of the Data Security Incident, or, up to \$5,000.00 if extraordinary circumstances exist that warrant an increase in the individual reimbursement cap; (b) ArbiterSports shall reimburse each Settlement Class Member up to five (5) hours of lost time spent as a result of the Data Security Incident compensated at a rate of \$20.00 per hour, comprised of up to three (3) hours of undocumented lost time and up to two (2) additional hours of documented lost time; (c) If the claims rate for undocumented lost time claims is below 2% (i.e., if there are less than approximately 10,784 undocumented lost time claims submitted before the Claims Deadline), ArbiterSports will still pay a guaranteed minimum payment equal to a 2% claims rate for undocumented lost time (approximately \$647,038.80), which will be distributed to those Settlement Class Members who have submitted a Valid Claim for undocumented lost time, on a per-hour-claimed-pro-rata basis; (d) In addition to the cash payments, ArbiterSports shall pay for eighteen (18) months of free comprehensive credit monitoring and credit restoration protections, a \$360 value, for each

¹ "Class Counsel" are Scott H. Wolpert, Christine M. Gordon and Keith T. Vernon of Timoney Knox, LLP; and Jonathan Shub and Kevin Laukaitis of Shub Law Firm, LLC.

Settlement Class Member that accepts the offer of credit monitoring and credit restoration protections, which may be deferred for up to one year if they have existing credit monitoring services. These services will be provided through Identity Guard's Total Plan and will include, among other things, dark web monitoring, and up to \$1 million dollars reimbursement insurance from AIG (with a zero deductible) covering losses due to identity theft and stolen funds; (e) ArbiterSports shall implement security-system and practice enhancements, as well as undertake, at its own expense, third-party IT security audits to ensure compliance with applicable certifications for the next two years following approval of the Settlement, which provides innumerable additional benefits to the class and ensures increased protection of the Settlement Class Members' personal information in the future; (f) ArbiterSports shall pay all notice and administration costs, including the fees and expenses of the Claims Administrator and the Claims Referee; and (g) ArbiterSports shall pay any class representative incentive awards and any award of Class Counsel's attorneys' fees and costs approved by the Court.

This Settlement provides substantial benefits to the Settlement Class Members, commensurate with or beyond the benefits offered in other data breach settlements. See Exhibit 2, Declaration of Jonathan Shub ("Shub Decl.") at ¶ 10.

Over the past year, Class Counsel has devoted over 1,846 hours to this litigation. To date, Class Counsel has not received any payment for any of their efforts in litigating and ultimately resolving this case on favorable terms that will provide meaningful relief to the Class, nor have they received reimbursement for any of the out-of-pocket costs that they have advanced. All compensation to Class Counsel is contingent upon this Court's determination of an award of reasonable attorneys' fees and expenses as provided in the Settlement Agreement. Likewise, the named Plaintiffs have not received any compensation for the time they have invested in the

litigation, the benefits they have provided the Settlement Class, or the risks they undertook in bringing this action.

As compensation for their successful efforts on behalf of the Settlement Class and the risks undertaken, Class Counsel respectfully request an award of attorneys' fees of \$1,064,897, which represents a modest multiplier of 1.25 on Class Counsel's collective lodestar of \$851,918.25, and is commensurate with approximately 22.7% of a conservative valuation of the total Settlement. This request does not include any time that will be incurred hereafter, including time to be incurred by Class Counsel for final approval and settlement administration. Class Counsel also request reimbursement of litigation expenses of \$12,941.17, which were reasonably and necessarily incurred in the prosecution of this action. Finally, Class Counsel respectfully request class representative incentive awards in the amount of \$7,500.00 for each of the four Plaintiffs to compensate them for their contributions of time and efforts expended on behalf of the Settlement Class, a request supported by case law.

For all the reasons set forth herein, Class Counsel respectfully submit that (1) the fees requested are fair and reasonable; (2) the expenses requested are reasonable; and (3) the request for class representative incentive awards is well within the bounds of what has been approved in other cases. Accordingly, Plaintiffs respectfully request that the Court grant the present motion and approve the requested amounts.

II. OVERVIEW OF THE LITIGATION, WORK OF CLASS COUNSEL AND THE PROPOSED SETTLEMENT

A. The Litigation And Work Of Class Counsel

Litigating this case to a successful resolution, albeit at a relatively early stage of the proceedings, required substantial commitments of time and resources from Class Counsel.² Specifically, upon receiving notice of the data breach on August 24, 2020, Plaintiffs and Class Counsel spent substantial time over a period of two months on pre-suit investigation, vetting, and research to develop the factual and legal groundwork for the case. See Exhibit 1, Declaration of Scott H. Wolpert (“Wolpert Decl.”) at ¶ 37. Class Counsel participated in regular telephone conferences amongst each other, which were crucial to devising case strategy and streamlining efforts on behalf of the Class. Class Counsel also consulted extensively with two independent IT/cybersecurity experts to understand the full scope of ArbiterSports’ alleged data security failures, the damages suffered by the Class, and appropriate remedial measures. *Id.* Class Counsel’s extensive analysis of the numerous liability and damages issues helped set the stage for this litigation and laid the groundwork for the settlement negotiations and the outstanding resolution reached. *Id.* A significant amount of Class Counsel’s time was also spent researching, preparing, and filing a robust class action complaint on October 19, 2020 (ECF No. 4), and preparing and filing an amended complaint on November 9, 2020 (ECF No. 5), which asserted multiple statutory and common law claims against ArbiterSports under both Pennsylvania and New Jersey law. See Wolpert Decl. at ¶ 38

On December 14, 2020, ArbiterSports moved to dismiss Plaintiffs’ Amended Complaint for lack of personal jurisdiction (ECF No. 17). Additionally, on December 16, 2020, Plaintiffs

² See detailed invoices from Timoney Knox, LLP and from Shub Law Firm, LLC, attached as Exhibits 7 and 8, which reflect the exact amount of time spent by each attorney and paralegal on particular activities in this action.

and Class Counsel prepared and served Rule 26(a) initial disclosures and filed the required Report of Rule 26(f) Meeting. Following a preliminary Rule 16 pre-trial conference held on December 22, 2020, the Court entered an Order on December 22, 2020 that provided a deadline for the Parties to complete jurisdictional discovery and set forth a briefing schedule on ArbiterSports' motion to dismiss (ECF No. 22).

Class Counsel expended significant time researching the factual and legal issues raised in ArbiterSports' motion, and then drafting the discovery related to personal jurisdiction. See Wolpert Decl. at ¶ 40. On January 8, 2021, Class Counsel served written discovery consisting of interrogatories and requests for production of documents related to personal jurisdiction. *Id.* On January 29, 2021, Class Counsel served three depositions notices on ArbiterSports related to personal jurisdiction. *Id.*

Additionally, during the time period from October 2020 through January 2021, Class Counsel and ArbiterSports' Counsel participated in multiple lengthy telephone calls and Zoom meetings in order to discuss and debate the Parties' respective positions in the action, including exploring whether resolution of Plaintiffs' claims was possible. See Wolpert Decl. at ¶ 41. At all times, Class Counsel zealously advocated on behalf of the proposed class. *Id.*

At all times, ArbiterSports' Counsel fiercely contested Plaintiffs' core allegations and challenged Plaintiffs' legal theories. *Id.* More specifically, ArbiterSports has consistently asserted that (a) Plaintiffs' Complaint contained "no facts whatsoever supporting personal jurisdiction" and that "the Complaint should be dismissed on this basis alone"; (b) that the Complaint should be dismissed due to lack of general or specific jurisdiction because "there is no connection between Plaintiffs' claims and Pennsylvania"; (c) Plaintiffs cannot prove their statutory and/or common law claims; and (4) the case cannot be maintained as a class action."

(Report of Rule 26(f) Meeting, pgs. 2-3, 5 (ECF No. 18)). Despite these asserted positions of ArbiterSports, Plaintiffs were able to reach a successful settlement which provides meaningful benefits to the Class of sports officials herein.

Recognizing the desirability and benefits of reaching an early settlement, Class Counsel collaborated extensively among themselves and with the Plaintiffs to devise a settlement demand that they believed would provide meaningful relief to the proposed class. See Wolpert Decl. at ¶ 42. On December 8, 2021, Class Counsel provided ArbiterSports' counsel with a written settlement demand, which led to further subsequent discussions and negotiations between Class Counsel and ArbiterSports' Counsel. *Id.* While ArbiterSports' motion to dismiss was still pending, the Parties ultimately agreed to attend a virtual mediation on February 25, 2021, with Bennett G. Picker, Esquire of Stradley Ronon Stevens & Young, LLP, serving as mediator. *Id.*

On February 5, 2021, in order to direct their efforts toward mediation, Class Counsel and ArbiterSports' Counsel drafted and filed a Joint Motion for Extension of Time to file responses/replies to ArbiterSports' Motion to Dismiss (ECF No. 23), which was granted by the Court on February 8, 2021 (ECF No. 24). On February 8, 2021, the Parties drafted, negotiated, and entered into a Confidentiality & FRE 408 Agreement so that ArbiterSports could provide informal discovery regarding the Data Security Incident in aid of settlement negotiations and in anticipation of the mediation. See Wolpert Decl. at ¶ 43. Class Counsel reviewed all produced documents, as well as public information available regarding ArbiterSports and the Data Security Incident in advance of the mediation. See Wolpert Decl. at ¶ 44. Class Counsel also consulted with their IT/cybersecurity experts on multiple occasions prior to the mediation regarding data security issues in connection with the litigation and the mediation. *Id.* Additionally, in advance of the mediation, as part of the mediation process, the Parties attended one joint preliminary

meeting with Mr. Picker by phone on January 14, 2021, and drafted a detailed confidential mediation statement, which they submitted to Mr. Picker on February 16, 2021, before engaging in an additional pre-mediation call with Mr. Picker on February 22, 2021 to substantively address the merits of the case. *Id.*

On February 25, 2021, the Parties attended a full-day virtual mediation with Mr. Picker serving as the mediator. See Wolpert Decl. at ¶ 45. The mediation, which lasted nearly 12 hours, consisted of joint sessions as well as numerous break-out sessions. *Id.* During the mediation session, the negotiations were hard fought and conducted at arm's-length and in good faith by experienced counsel, and the Parties were ultimately able to reach a resolution as to the framework of the benefits that would be awarded to the class. *Id.* After all of the other material terms of the settlement for the class had been agreed upon, the Parties then engaged in further challenging negotiations related to the amount of attorneys' fees and costs to be paid by Arbitersports to Class Counsel and the amount of class representative incentive awards to be paid by Arbitersports to the named Plaintiffs.³ See Wolpert Decl. at ¶ 46. The Parties ultimately reached an impasse as to the amounts, so, at Mr. Picker's proposal, the Parties agreed to submit the dispute as to the amount of attorneys' fees, costs and incentive awards to the Court. *Id.*

Over the following two months, the Parties, both directly, through direct phone calls and emails, and indirectly, through Mr. Picker, engaged in further intense settlement discussions and negotiations related to disputed terms in order to finalize the Term Sheet, which was finally executed on April 23, 2021, approximately two months after the mediation. See Wolpert Decl. at ¶ 47. The Term Sheet represented an agreement in principle on the essential terms of the

³ See *In re Nat'l Football League Players Concussion Injury Litig.*, 821 F.3d 410, 445 (3d Cir. 2016) (deferring discussion of fees until after material settlement terms are agreed upon is a practice routinely approved by courts).

Settlement, which they later memorialized in the Settlement Agreement that was executed on June 18, 2021. *Id.* Class Counsel spent significant time working with ArbiterSports' Counsel to draft and edit the Settlement Agreement as well as the proposed email notice, long form notice, claim form, website content and frequently asked questions, which were attached as exhibits to the Settlement Agreement. *Id.*

In addition, Class Counsel took the lead in drafting and filing Plaintiffs' Unopposed Motion for an Order Preliminarily Approving Class Action Settlement, Provisionally Certifying Settlement Class and Directing Notice (ECF No. 28), supporting Memorandum of Law, and Proposed Order, as well as drafting and filing the Joint Motion for Leave to File Exhibit A to the Settlement Agreement Under Seal (ECF No. 29), supporting Memorandum of Law, and Proposed Order. See Wolpert Decl. at ¶ 48.

Class Counsel attended the Preliminary Approval Hearing on July 7, 2021, and participated in further negotiations with ArbiterSports' Counsel to address questions and concerns raised by the Court, which only further benefitted the Class. See Wolpert Decl. at ¶ 49. Following the Preliminary Approval Hearing, Class Counsel worked with ArbiterSports' Counsel in amending the Settlement Agreement and finalizing the notices, the claims forms, and the frequently asked questions that will be available on the Settlement Website. *Id.* The Court entered an Order granting Plaintiffs' Motion for Preliminary Approval on July 19, 2021 (ECF No. 35).

Class Counsel undertook these substantial efforts on behalf of the Settlement Class on a purely contingent basis and Class Counsel's contingent work on this matter remains ongoing. Class counsel has actively provided input, direction and monitoring related to the initiation of the claims process. Prior to the Fairness Hearing, Class Counsel will draft Plaintiffs' Motion for

Final Approval of the Settlement and respond to any objections. Class Counsel will then attend the Fairness Hearing, and if final approval is granted, will assist in supervising the distribution of payments to eligible Class Members. In addition, Class Counsel will take any other actions necessary to support the Settlement through the conclusion of the Settlement. See Wolpert Decl. at ¶ 49.

B. The Terms Of The Proposed Settlement

The Settlement Agreement was entered into between the Parties on June 18, 2021, and was amended on July 14, 2021, in order to memorialize the amendments that were negotiated between Class Counsel and ArbitratorSports' Counsel on the day of the Preliminary Approval Hearing on July 7, 2021, at the Court's request, for the benefit of the Settlement Class Members. Pursuant to the Settlement Agreement (the "Settlement Agreement" or "S.A."), as amended:

1. ArbitratorSports shall reimburse each Settlement Class Member for their documented out-of-pocket expenses up to \$350.00 incurred as a result of the Data Security Incident, or, up to \$5,000.00 if extraordinary circumstances exist that warrant an increase in the individual reimbursement cap. S.A. ¶¶ 21, 22.
2. ArbitratorSports shall reimburse each Settlement Class Member up to five (5) hours of lost time spent as a result of the Data Security Incident compensated at a rate of \$20.00 per hour, comprised of up to three (3) hours of undocumented lost time and up to two (2) additional hours of documented lost time. S.A. ¶ 21(x) and (xi).
3. If the claims rate for undocumented lost time claims is below 2% (i.e., if there are less than approximately 10,784 undocumented lost time claims submitted by the Claims Deadline), ArbitratorSports will still pay a guaranteed minimum reimbursement payment in an amount equal to a 2% claims rate for undocumented lost time (approximately \$647,038.80), which will be distributed

to those Settlement Class Members who have submitted a Valid Claim for undocumented lost time, on a per-hour-claimed-pro-rata basis. S.A. ¶ 21 (c).

4. ArbiterSports shall pay for eighteen (18) months of free comprehensive credit monitoring and credit restoration protections, a \$360 value, for each Settlement Class Member that accepts the offer of credit monitoring and credit restoration protections, which may be deferred for up to one year if they have existing credit monitoring services. S.A. ¶ 23.

- a. These services will be provided through Identity Guard's Total Plan and will include, among other things, credit monitoring, dark web monitoring, and up to \$1 million dollars reimbursement insurance from AIG (with a zero deductible) covering losses due to identity theft and stolen funds. S.A. ¶ 23.

Notably, the monetary relief available to Settlement Class Members are not subject to a global cap on Settlement benefits – meaning that every Settlement Class Member who files a claim will be fully compensated for Valid Claims, independent of the aggregate amount of claims submitted. This is a significant benefit as compared to other settlements, in which individual class member recovery is subject to pro rata reduction if the aggregate amount of claims exceeds a global cap or other limit. Additionally, the credit monitoring services available to Settlement Class Members are also not subject to a global cap on Settlement benefits or any other limit.

As part of the Settlement, ArbiterSports shall also implement security-system and practice enhancements, as well as undertake, at its own expense, third-party IT security audits to ensure compliance with applicable certifications for the next two years following approval of the Settlement, which provides innumerable additional benefits to the class and ensures better

protection of the Settlement Class Members' personal information in the future. S.A. ¶ 24. These security-system and practice enhancements will benefit both existing and future sports officials who are users of ArbiterSports. Finally, ArbiterSports shall also pay all notice and administration costs, including the fees and expenses of the Claims Administrator and Claims Referee. S.A. ¶ 53.

III. ARGUMENT

After the essential terms of settlement for the Class were agreed upon, the Parties went back and forth numerous times regarding the amount of reasonable attorneys' fees that ArbiterSports would be willing to pay, and that Class Counsel would be willing to accept, for their work in representing the Class in the action and in obtaining the significant, meaningful relief for the Class. See Wolpert Decl. ¶ 24. While the parties could not reach an agreement on an amount, they ultimately agreed, with the mediator's assistance, that ArbiterSports would separately pay attorneys' fees and costs and class representative incentive awards in an amount to be determined by the Court. See Wolpert Decl. ¶ 25. Class Counsel now respectfully request this Court to approve their request for an award of attorneys' fees of \$1,064,897, reimbursement of litigation expenses of \$12,941.17, and class representative incentive awards in the amount of \$7,500 for each of the four Plaintiffs.

A. The Court Should Grant Class Counsel's Request For Attorneys' Fees

1. Legal Standard

Fed. R. Civ. P. 23(h) provides that "[i]n a certified class action, the court may award reasonable attorney's fees and nontaxable costs that are authorized by law or by the parties' agreement." The awarding of fees is within the discretion of the Court, so long as the Court employs the proper legal standards, follows the proper procedures, and makes findings of fact that are not clearly erroneous. *Welch & Forbes, Inc. v Cendant Corp. (In re Cendant Corp.*

Prides Litig.), 243 F.3d 722, 727 (3d Cir. 2001). While the factors will vary from case to case, those generally considered by the Court in making this determination may include: (i) the time and effort applied to the matter by the plaintiff's counsel; (ii) the difficulty of the litigation; (iii) the contingent nature of the retainer; (iv) the standing, experience and expertise of counsel; (iv) the reaction of the class members. See *In re Computron Software*, 6 F.Supp.2d 313, 323 (D.N.J. 1998).

The Third Circuit generally uses two methods for determining attorneys' fees in class action cases: the lodestar method and the percentage-of-recovery method. See *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 300 (3d Cir. 2005); *Krell v. Prudential Ins. Co. of Am. (In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions)*, 148 F.3d 283, 332-33 (3d Cir. 1998). The lodestar method "multiplies the number of hours the class counsel worked on a case by a reasonable hourly billing rate for such services," while the percentage-of-recovery method "applies a certain percentage to the [settlement] fund." *In re Diet Drugs Prod. Liab. Litig.*, 582 F.3d 524, 540 (3d Cir. 2009) (citations and internal quotations omitted). In the Third Circuit, "[t]he percentage-of-recovery method is generally favored in cases involving a common fund, and is designed to allow courts to award fees from the fund 'in a manner that rewards counsel for success and penalizes it for failure.'" *In re Cendant*, 243 F.3d 722, 732 (3d Cir. 2001) (quoting *In re Prudential*, 148 F.3d at 333). The Third Circuit has also relied upon the percentage-of-recovery method in cases where a traditional settlement fund does not exist but a reasonable valuation of the settlement can still be made, or the aggravated value to the class created by the plaintiffs can be reasonably determined. See, e.g., *In re Prudential*, 148 F.3d at 333-34; see also *Yong Soon Oh v. AT&T Corp.*, 225 F.R.D. 142 (D.N.J. 2004). The percentage-of-recovery method has also been used in cases, as in this case, where the attorneys' fees are independently negotiated and paid for by the defendant and not out of a common fund. *In re G.M.C. Pick-Up*

Truck Fuel Tank Prods. Liab. Litig., 55 F.3d 768, 820-22 (3d Cir. 1995) (attorneys' fees paid by defendant independently from settlement benefits created a "constructive common fund"); *Hall v. Best Buy Co.*, 274 F.R.D. 154, 171-72 (E.D. Pa. 2011) ("Though this is not a traditional common fund case because unclaimed amounts in the net settlement fund are returned to Best Buy and any award for attorneys' fees does not affect class recovery, use of the percentage-of-recovery method is still appropriate.")

By contrast, "[t]he lodestar method is generally applied in statutory fee shifting cases and 'is designed to reward counsel for undertaking socially beneficial litigation in cases where the expected relief has a small enough monetary value that a percentage-of-recovery method would provide inadequate compensation.'" *Hegab v. Family Dollar Stores, Inc.*, Civil Action No. 11-1206, 2015 U.S. Dist. LEXIS 28570, at *27-28 (D.N.J. Mar. 9, 2015) (citing *In re Cendant Corp.*, 243 F.3d at 732). The lodestar method is also preferable where "the nature of the recovery does not allow the determination of the settlement's value required for application of the percentage-of-recovery method." *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d at 300.

Regardless of the method applied, federal Circuits across the country, including the Third Circuit, have always recognized the need to properly reward class counsel for pursuing complex cases without the guarantee of any payment. To address the concern that class counsel is adequately compensated, in awarding a fee, courts in the Third Circuit should consider elements such as the skill and efficiency of class counsel, and the risk that they might never have been compensated for their time and resources spent on a case. *In re Ikon Office Solutions, Inc. Sec. Litig.*, 194 F.R.D. 166, 194 (E.D. Pa. 2000) ("The skill and efficiency of class counsel is measured by the quality of the result achieved, the difficulties faced, the speed and efficiency of the recovery, the standing, experience and expertise of the counsel, the skill and professionalism with which counsel prosecuted the case and the performance and quality of opposing counsel.").

As courts have recognized, “providing adequate compensation encourages capable plaintiffs’ attorneys to aggressively litigate complex, risky cases like this one rather than settling lower and earlier than would be in the best interests of the class members they represent.” *In re Tyco Int’l, Ltd.*, 535 F. Supp. 2d 249, 265 (D.N.H. 2007); see also *In re G.M.C.*, 55 F.3d 768, 801-02 (3d Cir. 1995) (discussing the theoretical foundations for fee awards in class action cases).

District courts retain discretion to decide which method to apply. See *In re Philips/Magnavox TV Litig.*, Civil Action No. 09-3072, 2012 U.S. Dist. LEXIS 67287, at *44 (D.N.J. May 14, 2012) (“The Court has discretion to decide which method to employ.”). “While either the lodestar or percentage-of-recovery method should ordinarily serve as the primary basis for determining the fee, the Third Circuit has instructed that it is sensible to use the alternative method to double check the reasonableness of the fee.” *Id.* (citing *Varacallo v. Mass. Mut. Life Ins. Co.*, 226 F.R.D. 207, 249 (D.N.J. 2005)).

2. The Lodestar Method Should Be Used To Analyze Class Counsel’s Fee Request

Class Counsel respectfully request that this Court evaluate their request for attorneys’ fees under the lodestar method. Here, the settlement benefits made available to the Settlement Class Members do not consist of a single, predetermined, common fund from which a percentage-of-recovery can be easily calculated. Instead, the settlement is a “‘claims-made’ settlement, in that it “does not have a fixed settlement fund, but rather provides that the defendant will pay claims of class members who file them.” See 4 Newberg on Class Actions § 13:7 (5th ed.). Moreover, rather than a typical “claims-made” settlement, where the defendant pays “up to some fixed ceiling,” *id.*, here, the Settlement Agreement has no global ceiling. Although ordinary expense reimbursements are capped at \$350.00 per Settlement Class Member (or at \$5,000.00 if there are extraordinary circumstances sufficient to establish good cause to

increase the individual reimbursement cap), ArbitrSports has agreed to pay the full amount for which each claim is eligible. Accordingly, because this Settlement Agreement is a “claims-made” settlement, where the number of claimants does not diminish an individual claimant’s recovery, the lodestar method is the appropriate approach. See e.g., *Daluge v. Cont’l Cas. Co.*, No. 15-cv-297-wmc, 2018 U.S. Dist. LEXIS 183713, at *12 (W.D. Wis. Oct. 25, 2018) (“Here, given that there is no common fund, the court opts to review plaintiffs’ request under the lodestar method”); see also 5 Newberg on Class Actions §§ 15:56 & 15.70 (5th ed.) (describing claims-made settlements in the context of fees). However, regardless of the method the Court applies or the specific factors it considers, the fundamental requirement it must consider in awarding attorneys’ fees to Class Counsel is that they be fair and reasonable. See Fed. R. Civ. P. 23(h) (“[I]n a certified class action, the court may award reasonable attorney’s fees...”).

a. The Request For Attorneys’ Fees Is Fair And Reasonable Using The Lodestar Method.

“The lodestar award is calculated by multiplying the number of hours reasonably worked on a client’s case by a reasonable hourly billing rate for such services based on the given geographical area, the nature of the services provided, and the experience of the attorneys.” *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d at 305. The lodestar is “presumptively reasonable.” *Planned Parenthood of Cent. New Jersey v. Attorney General of the State of New Jersey*, 297 F.3d 253, 265 n.5 (3d Cir. 2002). The party seeking attorneys’ fees must establish the reasonableness of its fee request by submitting evidence of the hours worked and the hourly rate charged. *Rode v. Dellaciprete*, 892 F.2d 1177 (3d Cir. 1990). “When the applicant for a fee has carried his burden of showing that the claimed rates and numbers of hours are reasonable, the resulting product is presumed to be the reasonable fee to which counsel is entitled.” *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001) (citing *Delaware Valley Citizens’ Council*, 478 U.S. 546, 564, 92 L.

Ed. 2d 439, 106 S. Ct. 3088(1986)). The “party opposing the fee award, then has the burden to challenge, by affidavit or brief, with sufficient specificity, to give fee applicants notice, the reasonableness of the requested fee.” *Rode*, 892 F.2d at 1183 (citing *Bell v. United Princeton Properties, Inc.*, 884 F.2d 713 (3d Cir. 1989)). When determining a reasonable hourly rate in any particular case, the usual starting point for the court is the attorney’s own normal billing rate. However, this is only a starting point and is not, in and of itself, dispositive. See *Public Interest Research Group of New Jersey, Inc. v. Windall*, 51 F.3d 1179, 1185 (3d Cir. 1995).

The lodestar for Class Counsel here as described in Class Counsel’s Declarations is as follows: for Timoney Knox, LLP, \$670,241.50, reflecting 1,576 hours of attorney time; and for Shub Law Firm, LLC, \$181,676.75, reflecting 270.27 hours of attorney and paralegal time, for a total lodestar of \$851,918.25. In support of their request for attorneys’ fees and costs, Plaintiffs have attached the following exhibits: (1) detailed invoices reflecting the exact amount of time and rates billed by each attorney and paralegal on particular activities (see Exhibits 7 and 8); and (2) declarations by Scott H. Wolpert, Esquire of Timoney Knox, LLP, and Jonathan Shub, Esquire, of Shub Law Firm, LLC, providing additional information about the hours and the rates billed by their respective firms (see Exhibits 1 and 2).

i. Class Counsel’s Hourly Billing Rates Are Reasonable

The first step in calculating the lodestar amount is determining the appropriate hourly rate, based on the attorneys’ usual billing rate and the “prevailing market rates” in the relevant community. See *In re Schering-Plough/Merck Merger Litig.*, 2010 U.S. Dist. LEXIS 29121, at *54; *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001), (citing *Blum v. Stenson*, 465 U.S. 886, 895 (1984)); *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990). The starting point “is the attorney’s usual billing rate, but this is not dispositive.” *Potence v. Hazleton Area Sch. Dist.*, 357 F.3d 366, 374 (3d Cir. 2004), (citing *Maldonado*, 256 F.3d at 184-85). In

addition, a Court ““should assess the experience and skill of the prevailing party’s attorneys and compare their rates to the rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.”” *Id.* (citing *Rode*, 892 F.2d at 1183).

In the attached Declarations, Class Counsel have presented evidence of their biographies and experience, as well as the hourly rates for the members of their respective firms.⁴ Specifically, Timoney Knox, LLP’s rates range from \$250.00 to \$540.00 per hour. Shub Law Firm, LLC’s rates range from \$550.00 to \$850.00 per hour for attorneys and \$195 per hour for paralegals. The hourly rates for the attorneys in both firms are the same as the regular current rates charged for their services in their standard non-class matters, which are contingent matters. There has not been any alteration or increase to the firms’ standard hourly rates in contingent matters (including class action work and prevailing party statutory fee work) to account for the added complexity or increased risk factor of this action.

Additionally, Class Counsel’s hourly billable rates used to calculate the lodestar values are consistent with the competitive market hourly rates in Philadelphia in complex consumer class action litigation matters that involve sophisticated issues and counsel on both sides, and such rates necessarily reflect the reputation, experience, care, and successful records of Class Counsel. See *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990). The rates for lawyers from the Shub Law Firm, LLC (and for Jonathan Shub, Esquire), who are experienced class action litigators, have been approved numerous times in this District. See, e.g., *Sobiech v. U.S. Gas & Electric*, No. 2:14-CV-04464 (E.D. Pa. Nov. 18, 2017) (ECF No. 64); *Silvis v. Ambit Energy L.P.*, 326 F.R.D. 419, 434 (E.D. Pa. 2018); *In re Linerboard Antitrust Litig.*, No. CIV.A.

⁴ Under *Lanni v. New Jersey*, 259 F.3d 146, 149 (3d Cir. 2001), the reasonable fee is the rate at the time of the petition rather than the rate at the time the services were performed.

98-5055, 2004 U.S. Dist. LEXIS 10532 (E.D. Pa. June 2, 2004), amended, No. CIV.A.98-5055, 2004 U.S. Dist. LEXIS 10531 (E.D. Pa. June 4, 2004).

Additionally, Class Counsel's hourly rates are on par with market rates usually charged by other plaintiffs' firms handling data-breach class actions. See *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 WL 3960068, at *16 (N.D. Cal. Aug. 17, 2018) (finding reasonable hourly rates of partners from \$400 to \$970, non-partner attorneys from \$185 to \$850, and non-attorneys from \$95 to \$440); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-MD-02752-LHK, 2020 WL 4212811, at *26 *N.D. Cal. July 22, 2020) (finding reasonable rates from \$450 to \$900 for partners, \$160 to \$850 for non-partner attorneys, and \$50 to \$380 for paralegals); *Fulton-Green v. Accolade, Inc.*, No. CV 18-274, 2019 U.S. Dist. LEXIS 164375 (E.D. Pa. Sept. 24, 2019) (finding reasonable hourly rates range \$202 to \$975 per hour); *In re Equifax Inc. Customer Data Sec. Breach Litig.*, 2020 U.S. Dist. LEXIS 118209, at *255 (N.D. Ga. Mar. 17, 2020) (finding reasonable hourly rates charged by partners who billed \$1,050, \$1,000, \$750 and \$935 per hour); see also *In re Heartland Payment Sys., Inc. Customer Data Sec. Breach Litig.*, 851 F. Supp. 2d 1040, 1087 (S.D. Tex. 2012) (in 2012, approving as high as \$825 per hour for a co-lead class counsel). Given Class Counsel's experience, the level of skill and experience required in this class action case, and the relevant case law, the effective hourly billing rates for Class Counsel are eminently reasonable.

ii. Class Counsel's Billable Time Was Reasonably Expended

The second step in calculating the lodestar amount is to assess whether the amount of billable time was reasonably expended. See *In re Schering-Plough/Merck Merger Litig.*, 2010 U.S. Dist. LEXIS 29121, at *54 (D.N.J. March 25, 2010). "Time expended is considered 'reasonable' if the work performed was 'useful and of a type ordinarily necessary to secure the

final result obtained from the litigation.” *Id.* at *54-55 (quoting *Public Interest Research Group of N.J., Inc. v. Windall*. 51 F.3d 1179, 1188 (3d Cir. 1995).

Class Counsel expended 1846.27 hours on this litigation, which includes time reasonably spent: investigating information about ArbiterSports; investigating the circumstances of the Data Security Incident; investigating the Class’ potential claims; investigating various defenses raised by ArbiterSports’ Counsel; conferring on and formulating case strategy; communicating with the class representatives on an ongoing basis; research and drafting the complaint; researching drafting an amended complaint; reviewing and researching issues raised in the motion to dismiss; drafting Rule 26 disclosures; attending the Rule 16 conference; drafting jurisdictional discovery; consulting on multiple occasions with independent IT/cybersecurity experts, including two separate consultations on the day of the virtual mediation to discuss appropriate remedial measures; engaging in numerous, ongoing settlement discussions with ArbiterSports’ Counsel via phone and virtual video-conference; drafting a detailed confidential mediation position statement; engaging in a full-day mediation; continuing negotiations of various disputed terms post-mediation; reviewing, negotiating and revising the Settlement Term Sheet, reviewing, negotiating and revising the Settlement Agreement; reviewing, negotiating and drafting the proposed email notice, long form notice, claims form, and frequently asked questions; drafting and filing preliminary approval papers; drafting and filing the joint motion to file Exhibit A of the Settlement Agreement under seal; attending the Preliminary Approval Hearing; amending the Settlement Agreement; and preparing for implementation of the Settlement. See Shub Decl. at ¶ 9.

In support of this Motion, Class Counsel have submitted many pages of detailed, contemporaneously produced time records specifying the date of work performed, the attorney performing the work, the nature of the work, the amount of time spent and the hourly rate

charged for the tasks. See Exhibits 7 and 8. These submissions readily meet this Circuit's requirement of the degree of specificity required. See *Rode v. Dellarciprete*, 892 F.2d 1177, 1190 (3d Cir. 1990) (specificity required to extent necessary to determine if the hours claims are reasonable for the work performed). Additionally, before submitting this Motion, Class Counsel reviewed the time reports to ensure that the lodestar did not include hours that were "excessive, redundant, or otherwise unnecessary." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). All the time submitted was reasonably necessary to achieve the successful outcome for the Plaintiffs and the Class. See Shub Decl. at ¶ 17.

Because Class Counsel's rates are in line with rates of lawyers of reasonably comparable skill, experience, and reputation and the total number of hours expended is reasonable in light of the complexity of the litigation and the work performed, Class Counsel's total lodestar is also reasonable.

b. A Modest Multiplier Is Warranted

In a lodestar analysis, once the lodestar has been calculated, "the court may adjust it upward or downward by an appropriate positive or negative multiplier reflecting a host of 'reasonableness' factors, 'including the quality of representation, the benefit obtained for the class, the complexity and novelty of the issues presented, and the risk of nonpayment.'" *Jones v. G.N. Netcom, Inc. (In re Bluetooth Headset Prods. Liab. Litig.)*, 654 F.3d 935, 941-42 (9th Cir. 2011); *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305-06 (3d Cir. 2005) (the Court may apply a multiplier to the lodestar "to account for the contingent nature or risk involved in a particular case and the quality of the attorney's work"); *In re Cendant Corp. Sec. Litig.*, 404 F.3d 173, 188 (3d Cir. 2005) ("lodestar may be multiplied by a factor intended to compensate the attorneys for the risks they faced.").

In working on behalf of the Settlement Class, as more specifically described on pages 5-10 herein, Class Counsel have spent over 1,846 hours of attorney and paralegal time. Class Counsel ran a substantial risk of non-payment as class action cases generally – and data breach class actions specifically – are notoriously complex and uncertain. As noted in *In re Anthem*, “data-breach litigation is an actively developing field of the law where much of the legal landscape is still shifting and unsettled.” *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 U.S. Dist. LEXIS 140137, at *105 (N.D. Cal. Aug. 17, 2018). The risks inherent in litigating issues in this field are “substantial.” See *id.*; see also *In re Home Depot, Customer Data Sec. Breach Litig.*, No. 1:14-md-02583-TWT, 2016 U.S. Dist. LEXIS 200113, at *40 (N.D. Ga. Aug. 23, 2016) (“Courts presiding over similar cases have recognized that the ‘legal issues involved [in data breach litigation] are cutting-edge and unsettled, so that many resources would necessarily be spent litigating substantive law as well as other issues.’”) (citation omitted). Indeed, there are numerous hurdles that plaintiffs must overcome before the Court would find that a trial is appropriate, including motions to dismiss, class certification and summary judgment. In addition, establishing a cognizable injury tied to the defendant’s conduct (as opposed to, for instance, another data breach), can present challenges. See, e.g., *Krottner v. Starbucks Corp.*, 406 F.App’x 129 (9th Cir. 2010) (holding that, although plaintiffs established injury-in-fact for standing purposes, they failed adequately to allege damages for purposes of their negligence claim). Were the case to proceed in litigation, Plaintiffs would have to establish liability, and it is far from certain that the Court would approve Plaintiffs’ damages theory and certify the Class, or that the class action status would be maintained throughout the litigation. See *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 U.S. Dist. LEXIS 140137, at *107 (N.D. Cal. Aug. 17, 2018) (noting scarcity of precedent favoring class certification in data breach litigation). Continued proceedings necessary to litigate this matter to

final judgment would likely include substantial motion practice, extensive discovery, class certification proceedings, dispositive motion practice, and trial. Class Counsel thus invested considerable resources without any guarantee that their commitment would result in the payment of any fee, and the substantial risks in litigating this case support Class Counsel's request for a modest multiplier. See also *Blum v. Stenson*, 465 U.S. 886, 902 (1984) (Brennan, J., concurring) ("the risk of not prevailing, and therefore, the risk of not recovering any attorney's fees, is a proper basis on which a district court may award an upward adjustment to an otherwise compensatory fee"). Arbitersports in fact contended that this case would be dismissed based on lack of jurisdiction and that the case could not be maintained as a class action. (ECF No. 18, pgs. 2-3, 5).

The "[l]odestar multiplier need not fall within any pre-defined range, provided that the [d]istrict [c]ourt's analysis justifies the award." *In re Rite Aid*, 396 F.3d at 307; *In re AT&T Corp. Sec. Litig.*, 455 F.3d 160, 172-73 (3d Cir. 2006). The Court is not required to engage in this analysis with mathematical precision or "bean-counting." *In re Rite-Aid*, 396 F.3d at 306. Courts "routinely find in complex class action cases that a lodestar multiplier between one and four is fair and reasonable." see also *Skeen v. BMW of N. Am., Ltd. Liab. Co.*, No. 2:13-cv-1531-WHW-CLW, 2016 U.S. Dist. LEXIS 97188, at *77 (D.N.J. July 26, 2016) ("The multiplier 'need not fall within any pre-defined range, provided that the District Court's analysis justifies the award,' but courts 'routinely find in complex class action cases that a lodestar multiplier between one and four is fair and reasonable.'") (citations and quotations omitted); *Saini v. BMW of N. Am., LLC*, No. Civil Action No. 12-6105 (CCC), 2015 U.S. Dist. LEXIS 66242, at *37 (D.N.J. May 21, 2015) (approving multipliers of 1.09 and 1.13); see also *Boone v. City of Philadelphia*, 668 F. Supp. 2d 693, 714-15 (E.D. Pa. 2009) (approving multiplier of 2.3); *McCoy v. Health Net, Inc.*,

569 F. Supp. 2d 448, 479 (D.N.J. 2008) (approving multiplier of 2.3). The Third Circuit recently noted that it has “approved a multiple of 2.99 in a relatively simple case.” *Milliron v. T-Mobile United States*, 423 F. App’x 131, 135 (3d Cir. 2011) (citing *In re Cendant Corp. Prides Litig.*, 243 F.3d at 742). See also *Henderson v. Volvo Cars of N.Am., LLC*, 2013 U.S. Dist. LEXIS 46291, at *48-55 (D.N.J. Mar. 22, 2013) (approving lodestar multiplier of 1.13 for fees and 1.09 for fees and expenses because these multipliers are “within the range found to be to be acceptable by the Third Circuit and this Court”) (citations omitted); *In re Schering-Plough Corp. Enhance ERISA Litig.*, No. 08-1432 (DMC)(JAD), 2012 U.S. Dist. LEXIS 75213, at *22 (D.N.J. May 31, 2012) (stating that a multiplier of 1.6 “is an amount commonly approved by courts of this Circuit”). Given this general framework, the requested lodestar multiplier of approximately 1.25 is reasonable and appropriate.

3. The Request For Attorneys’ Fees Is Fair And Reasonable Under The Percentage-Of-Recovery Method Cross-Check

When a district court employs the lodestar as its primary method of determining attorney’s fees, “[t]he Third Circuit has recommended that district courts perform a ‘cross-check’ of a fee award” using the percentage-of-recovery method. *Saini v. BMW of N. Am., LLC*, No. Civil Action No. 12-6105 (CCC), 2015 U.S. Dist. LEXIS 66242, at *37 (D.N.J. May 21, 2015) (citing *Reibstein v. Rite Aid, Corp.*, 761 F.Supp.2d 241, 260 (E.D. Pa. 2011); *In re G.M.C.*, 55 F.3d at 821. Here, using the percentage-of-fees method as a cross-check, it is clear that Class Counsel’s request for attorneys’ fees is fair and reasonable.

a. The Attorneys’ Fees Requested Are Within The Range Of Percentage Awards Suggested By Free Market Analysis.

Third Circuit jurisprudence applies a two-step approach to derive the appropriate percentage award. The approach requires that the district court (or the fee applicant) select a

market-based percentage to apply as a “benchmark” for the court’s fee determination. As the courts have frequently observed, the contingent fee that plaintiffs in a free market typically agree to pay for legal representation is one-third of the gross recovery. See *Blum v. Stenson*, 465 U.S. 886, 903 (1984). There is no general rule as to what percentage of the common fund should be awarded as attorneys’ fees. The Third Circuit has observed that fee awards range from 19% to 45% of the settlement fund. See *In re G.M.C.*, 55 F.3d at 822; see also *In re Ikon Office Solutions*, 194 F.R.D. 166, 194 (E.D. Pa. 2000) (“Percentages awarded have varied considerably, but most fees appear to fall in the range of nineteen to forty-five percent.”); *In re Computron Software*, 6 F. Supp. 2d 313, 322, 323 (“There is no set standard, however, on how to determine a reasonable percentage. Awards utilizing the percentage-of-recovery method can reasonably range from nineteen percent to forty-five percent of a settlement fund. ... [T]he percentage awarded, should, and generally does, increase commensurate with increased quality of representation.”).

b. Class Counsel’s Fee Request Is Reasonable Under The *Gunter* Factors

Once the benchmark has been selected and is consistent with the requested fee, the district court is required to engage in a qualitative analysis of risk, complexity, work performed and result achieved to determine if the fee produced is reasonable by the application of the *Gunter* factors. *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 195 (3d Cir. 2000); *In Re Diet Drugs*, 582 F.3d at 541-545 (discussing application of *Gunter* factors). The *Gunter* factors to be considered are: (1) the size of the fund created and the number of persons benefited; (2) the presence or absence of substantial objections by members of the class to the settlement terms and/or fees requested by counsel; (3) the skill and efficiency of the attorneys involved; (4) the complexity and duration of the litigation; (5) the risk of nonpayment; (6) the amount of time

devoted to the case by plaintiffs' counsel; and (7) awards in similar cases. *Gunter*, 223 F.3d at 195, n.1. The district court need not apply these *Gunter* fee award factors in a formulaic way. Even if one factor disfavors a requested fee award, other factors often outweigh an outlier. See, e.g., *Meijer, Inc. v. 3M*, 2006 U.S. Dist. LEXIS 56744 *75-76 (E.D. Pa. Aug. 14, 2006) (where time was low when case settled after one year, other *Gunter* considerations outweighed that fact).

In *Prudential*, the Third Circuit suggested additional factors to consider: (1) the value of benefits accruing to class members attributable to the efforts of class counsel as opposed to the efforts of other groups, such as government agencies conducting investigations; (2) the percentage fee that would have been negotiated had the case been subject to a private contingent fee agreement at the time counsel was retained; and (3) any “innovative” terms of settlement. *In re Prudential*, 148 F.3d at 338-40. The purpose of this qualitative analysis is to ensure that the fee awarded is reasonable. *In re Cendant Corp. Litig.*, 264 F.3d 201, 283 (3d Cir. 2001); *Sullivan v. DB Investments, Inc.*, 667 F.3d 273, 331 (3d Cir. 2011).

i. The Size Of The Fund Created And The Number Of Persons Benefitted

“In applying the percentage-of-recovery method, [the Court] must begin by making a reasonable estimate of the settlement value.” *Cullen v. Whitman Med. Corp.*, 197 F.R.D. 136, 147 (E.D. Pa. 2000). “Generally, the factor given the greatest emphasis [in awarding a percentage of the recovery] is the size of the [recovery] created, because [the recovery] ‘is itself the measure of success . . . [and] represents the benchmark from which a reasonable fee will be awarded.’” David F. Herr, *Annotated Manual for Complex Litigation*, Fourth § 14.121, at 220 & n.518 (rev. ed. 2016) (quoting 4 Alba Conte & Herbert B. Newberg, *Newberg on Class Actions* [“Newberg on Class Actions”] § 14.6, at 547, 550 (4th ed. 2002)). When calculating the value of a settlement, courts usually include any cash compensation to class members, cash the defendant

must pay to third parties, non-cash relief that can be reliably valued, attorneys' fees and expenses, and administrative costs paid by the defendant. *In re Heartland Payment Sys., Inc. Customer Data Sec. Breach Litig.*, 851 F. Supp. 2d 1040, 1080 (S.D. Tex. 2012); *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on Apr. 20, 2010*, No. 2179, 2016 WL 6215974, at *15-16 (E.D. La. Oct. 25, 2016).

Here, as discussed above, the Settlement Agreement does not create a class fund of a defined size. The total benefit to the Settlement Class Members will depend on the number and type of claims ultimately received and approved, and, as such, only an approximation of the total compensation that will be provided to Class Members can be calculated. Specifically, the Settlement provides for 18 months of Identity Guard's Total Plan credit monitoring services, which has a retail value to the general public of \$19.99 per month, or \$359.82 total (see printout of monthly cost from Identity Guard's website, www.identityguard.com/plans/total, attached as Exhibit 3),⁵ to each Settlement Class Member. Based upon the Class size of 539,199, the

⁵ The retail value of these services (rather than the discounted bulk cost) is the applicable gauge here, given that it represents the value of that particular benefit that Settlement Class Members will actually receive. See e.g., *Chakejian v. Equifax Info. Servs.*, 275 F.R.D. 201 (E.D. Pa. 2011) (calculated settlement fund based on retail value of credit monitoring services (\$233 per class member)); *Fulton-Green v. Accolade, Inc.*, No. CV 18-274, 2019 U.S. Dist. LEXIS 164375 (E.D. Pa. Sept. 24, 2019) (calculating size of fund using retail value of credit monitoring); *Hutton v. Nat'l Bd. of Exam'rs in Optometry, Inc.*, 2019 U.S. Dist. LEXIS 120558 9d. Md. July 15, 2019) (includes retail value of credit monitoring (\$720) in determining appropriateness of percentage of attorney's fees); *Johansson-Dohrmann v. CBR Sys., Inc.*, No. 12-cv-1115-MMA (BGS), 2013 U.S. Dist. LEXIS 103863, at *25-26 (S.D. Cal. July 24, 2013) (including value of credit monitoring in value of common fund, and finding requested fees "well within the 25% benchmark"); *In re Equifax Inc. Customer Data Sec. Breach Litig.*, 2020 U.S. Dist. LEXIS 118209, at *255 (N.D. Ga. Mar. 17, 2020) ("Moreover, courts have often recognized the benefit of credit monitoring, use its retail costs as evidence of value, and consider that value in awarding fees.") (collecting cases); see also Order Regarding Mot. for Final Approval and Mot. for Attorney's Fees, *In re Experian Data Breach Litig.*, 8:15-cv-01592-AG-DFM, Dkt. 322 at 2 (C.D. Cal. May 10, 2019) (including retail value of credit monitoring in calculation of settlement value for percentage fee request); "); *In re The Home Depot, Inc., Customer Data Sec. Breach Litig.*, No.: 1:14-md-02583-TWT, 2016 U.S. Dist. LEXIS 200113, *36 (N.D. Ga. Aug. 23, 2016) (granting final approval and reasoning that "[t]hese services have a retail value of approximately

economic/retail value of the credit monitoring services, even at a conservative 2% claims rate, is \$3,880,291.68, and for each additional .1% (approximately 539 persons) of the Class that accept these services, an additional \$194,014.58 is added to the total value of the settlement. The Settlement also provides for reimbursement of documented out-of-pocket expenses up to \$350 per Settlement Class Member (and up to \$5,000 for extraordinary circumstances), with a guaranteed absolute minimum payment of \$647,038.80 for reimbursement (i.e., 2% of the undocumented lost time). The Settlement also provides that ArbiterSports is separately paying all costs of claims administration and class notice, which the Settlement Administrator has estimated will cost approximately \$160,000.00. See Exhibit 4. Accordingly, based on these current figures, an extremely conservative total value of the benefits created by the Settlement, which includes only a 2% claims rate on credit monitoring services (\$3,880,291.68), only a 2% claims rate (or less) on undocumented lost time (\$647,038.80), a 0% claims rate on all other documented out-of-pocket expenses (\$0.00), and the costs of administration (\$160,000.00), without even including in the total any award of attorneys' fees, costs or class representative incentives, or the cost to ArbiterSports' of the data security improvements and commitments for specified auditing for two years after Settlement⁶, is \$4,687,330.48. Using the range between

\$180 per enrollee”); *Lockwood v. Certegy Check Servs., Inc.*, No. 07-cv-01434, Dkt. 101 at 9 n.4 (M.D. Fla. Sept. 3, 2008) (“Using the Representative Plaintiffs’ estimates of the value of the monitoring”); *In re Michaels Stores Pin Pad Litig.*, No. 11-cv-03350, Dkts. 103 (fee motion), 107 (final approval order) (N.D. Ill. Mar. 3 & Apr. 17, 2013) (granting fee request justified under percentage method based on retail value of credit monitoring).

⁶ Because “the value to individual class members of benefits deriving from” these remedial measures “can be accurately ascertained,” the Court may “include such relief as part of the value of a common fund for purposes of applying the percentage method of determining fees.” *Staton v. Boeing Co.*, 327 F.3d 938, 974 (9th Cir. 2003); see also *Harris v. Associated Bank, N.A. (In re Checking Account Overdraft Litig.)*, No. 1:09-MD-02036-JLK, 2013 U.S. Dist. LEXIS 190560 (S.D. Fla. Aug. 2, 2013) (adding value of non-assessed overdraft fees to common fund before applying percentage method); *McCoy v. Health Net, Inc.*, 569 F. Supp. 2d 448, 478 (D.N.J.

19% and 45% of this extremely conservative total settlement value, a fee request in the range of \$890,592.79 and \$2,109,298.76 should be considered reasonable. Class Counsel's request for a fee of \$1,064,897 is only 22.7%, and clearly falls well below this range. Thus, this factor weighs in favor of approval.

A still conservative, but more realistic value of the total settlement fund is much higher, if it includes even a 3% claims rate on credit monitoring services (\$5,820,437.53), a 2% claims rate (or less) on undocumented lost time (\$647,038.80), a 0.1% claims rate on the other documented out-of-pocket expenses of \$290 (\$156,367.71), and the costs of administration (\$160,000.00), and still excludes from the total any award of attorneys' fees, costs or class representative incentives, or the cost of the data security improvements, is \$6,783,844.04. Using the range between 19% and 45% of this conservative total settlement fund, a fee request in the range of \$1,288,930.37 and \$3,052,729.82 should likely be considered reasonable. Class Counsel's request for a fee of \$1,064,897 is only 15.7%, and clearly falls within the range of reasonableness in this Circuit. This factors weighs in favor of awarding the requested fees.

ii. The Presence Or Absence Of Substantial Objections By Members Of The Class To The Settlement Terms And/Or Fees Requested By Counsel

As per the Court's July 19, 2021 Preliminary Approval Order, the Claims Administrator was not required to commence notice to the Settlement Class Members until August 19, 2021, dissemination of the email notice is not required to be completed until September 3, 2021, and the objections deadline is not until October 22, 2021. To date, Class Counsel is not aware of any Settlement Class Members raising any objections to the settlement terms, but any analysis based on this factor would be premature.

2008) (including value of injunctive relief that benefits the class in percentage-of-recovery calculation).

iii. The Skill And Efficiency Of The Attorneys Involved

Class Counsel, particularly Jonathan Shub, Kevin Laukaitis and Keith Vernon, are highly experienced in litigating and settling consumer class actions. Jonathan Shub and Kevin Laukaitis also have particular experience in litigating and settling data breach matters. Scott Wolpert and Christine Gordon, who both focus heavily on educational-related litigation, also have significant class action experience related to employment claims. Class Counsel's resumes setting forth the background, experience, qualifications, and accomplishments of Class Counsel are attached as Exhibits 5 and 6. Class Counsel efficiently obtained substantial benefits for the Settlement Class Members – a consideration that further evidences Class Counsel's competence. Moreover, Class Counsel faced formidable opposition from defense counsel, among the premier law firms in the nation, who litigated this case with skill and tenacity. The high "quality of opposing counsel" further supports the fee request. *In re Am. Inv'rs Life Ins. Co. Annuity Mktg. & Sales Practices Litig.*, 263 F.R.D. 226, 244 (E.D. Pa. 2009) (where class counsel were skilled in litigating class actions against insurance companies, defendants were represented by a leading law firm, and the case was vigorously litigated by both sides, class counsel's fee request was supported). This factor weighs in favor of the requested fee award.

iv. The Complexity And Duration Of The Litigation

"[C]omplex and/or novel legal issues, extensive discovery, [and] acrimonious litigation ... spent on the case by class counsel" are the "factors which increase the complexity of class litigation." *In re Cendant Corp. Prides Litig.*, 243 F.3d 722, 741 (3d Cir. 2001). Data breach class actions are complicated cases to bring that require experienced class action attorneys. Class Counsel expended significant effort to achieve substantial meaningful relief for the Settlement Class. If the Parties did not reach a settlement, this case would have required each side to invest considerable sums by prosecuting this lawsuit. This matter presents a host of unique and

challenging issues including the duty of care owed by ArbitrSports when collecting and storing its individual users' personal information; types of damages available at trial; and, whether Plaintiffs can obtain and maintain class certification. The subject matter is also inherently technical and complex. Accordingly, Class Counsel should be rewarded for successfully resolving this matter at an early stage of the litigation. See *In re CertainTeed Fiber Cement Siding Litig.*, 303 F.R.D. 199, 223 (E.D. Pa. 2014) (“Class counsel have also participated in mediation sessions and submitted filings to the Court. Absent Settlement, litigation would likely continue for some time and would require both Plaintiffs and Defendants to incur considerable expert witness fees and other expenses. I find that the complexity and duration of the litigation weigh in favor of the requested award of fees.”). This factor weighs in favor of the requested fee award.

v. The Risk Of Nonpayment

Class Counsel undertook this action on a contingent fee basis, assuming a substantial risk that they might not be compensated for their efforts. Courts recognize the risk of non-payment as a major factor in considering an award of attorney fees. See *In re Prudential-Bache Energy Income P'ships Sec. Litig.*, 1994 U.S. Dist. LEXIS 6621, at *16 (E.D. La. May 18, 1994) (“Counsel’s contingent fee risk is an important factor in determining the fee award. Success is never guaranteed and counsel faced serious risks since both trial and judicial review are unpredictable.”). Courts have analyzed this factor by noting that “while this case has been pending, Class Counsel have not received any payment, and, by proceeding on a contingent-fee basis, ran substantial risk of nonpayment....” *Hall v. Best Buy Co.*, 274 F.R.D. 154, 173 (E.D. Pa. 2011); see also *Med. Mut. of Ohio v. Smithkline Beecham Corp. (In re Flonase Antitrust Litig., Indirect Purchaser Action)*, 291 F.R.D. 93, 104 (E.D. Pa. 2013).

In working on behalf of the Settlement Class, Class Counsel has spent over 1,846 hours of attorney and paralegal time. In litigating this case, as more specifically described on pages 5-10 herein, Class Counsel ran a substantial risk of non-payment as class action cases generally – and data breach class actions specifically – are notoriously complex and uncertain.

Class Counsel invested considerable resources with no guarantee that their commitment would result in the payment of any fee, and the substantial risks in litigating this case support Counsel's requested fee award. See also *Blum v. Stenson*, 465 U.S. 886, 902 (1984) (Brennan, J., concurring) ("the risk of not prevailing, and therefore, the risk of not recovering any attorney's fees, is a proper basis on which a district court may award an upward adjustment to an otherwise compensatory fee"). Class Counsel should be fairly compensated for their time and resources invested to obtain this Settlement on behalf of the Settlement Class, particularly in light of this substantial risk. Accordingly, this factor weighs in favor of approval.

vi. The Amount Of Time Devoted To The Litigation

Class Counsel invested over 1,846 hours over the course of a year litigating and negotiating the settlement of this class. Class Counsel's efforts included conducting significant factual investigation and extensive legal research, as well as research of complex, technical subject matter on issues of data security, industry best practices and the mechanisms of the data breach, drafting pleadings, drafting discovery requests, obtaining and reviewing documents, participating in protracted negotiations with Arbitersports' Counsel, attending the mediation, drafting preliminary approval briefing, drafting an attorneys' fee petition, etc. Class Counsel's commitment to the litigation, however, is far from over, and their lodestar calculation does not account for future work. The requested fee award results in applying a multiplier of 1.25 within the range of multipliers typically awarded in the Third Circuit (and, of course, the multiplier will decline over time as Class Counsel continue to work on the case). See *Stevens v. SEI Invs. Co.*,

2020 U.S. Dist. LEXIS 35471, at *40 (E.D. Pa. Feb. 26, 2020) (recognizing that the multiplier will be lower by the time the matter is closed given that “Class Counsel is expected to perform additional work in connection with this case following the Court’s approval”); *In re Equifax, Inc. Customer Data Sec. Breach Litig.*, 2020 U.S. Dist. LEXIS 118209, at *258 (N.D. Ga. Mar. 17, 2020) (future time should factor into lodestar calculations); *Sullivan v. DB Invs., Inc.*, Civil Action No. 04-2819 (SRC), 2008 U.S. Dist. LEXIS 81146, at *106 (D.N.J. May 22, 2008) (actual multiplier will be lower because counsel’s lodestar “does not include the additional work that will be needed to fully implement the settlement and bring the case to closure, and it is unquestioned that additional work will be required.”). Class Counsel has and will continue to perform all necessary work to help ensure that the claims administration process properly occurs and is properly completed. Class Counsel will actively work to bring this case to a timely conclusion at the Final Hearing on December 14, 2021. Accordingly, this factor supports the requested fee award.

vii. The Awards In Similar Cases

The Court must also take into consideration amounts awarded in similar actions when approving attorney fees. Specifically, the Court must: (1) compare the actual award requested to other awards in comparable settlements; and (2) ensure that the award is consistent with what an attorney would have received if the fee were negotiated on the open market. See e.g., *In re Remeron Direct Purchaser Antitrust Litig.*, 2005 U.S. Dist. LEXIS 27013, *42-46 (D.N.J. Nov. 9, 2005).

As discussed above, the lodestar method should be applied here, and, under the lodestar method, Plaintiffs’ requested fees for Class Counsel are more than reasonable. In assessing a lodestar calculation, it is appropriate for a district court to consider multipliers utilized in comparable cases. *In re Rite Aid*, 396 F.3d at 307 n.17. The “[l]odestar multiplier need not fall

within any pre-defined range, provided that the [d]istrict [c]ourt's analysis justifies the award." *Id.*; *In re AT&T Corp.*, 455 F.3d at 172-73 (citation and quotations omitted); see also *Skeen v. BMW of N. Am., Ltd. Liab. Co.*, No. 2:13-cv-1531-WHW-CLW, 2016 U.S. Dist. LEXIS 97188, at *77 (D.N.J. July 26, 2016) ("The multiplier 'need not fall within any pre-defined range, provided that the District Court's analysis justifies the award,' but courts 'routinely find in complex class action cases that a lodestar multiplier between one and four is fair and reasonable.'") (citations and quotations omitted). Courts across the country in similar data breach cases have awarded similar lodestar multipliers as the one that Class Counsel is requesting. See *Linnins v. Haeco Americas, Inc.*, No. 1:16CV486, 2018 U.S. Dist. LEXIS 183839, at *8-9 (M.D.N.C. Oct. 26, 2018) (approving class counsel's fee recovery with a lodestar multiplier of 1.16).

Moreover, when cross-checked as a percentage of a very conservative value of the fund, the 22.7% request is also reasonable compared to similar class litigation and thus also supports the requested fee. See, e.g., *In re Corel Corporation Inc. Securities Litigation*, 293 F. Supp. 2d 484, 495-497 (E.D. Pa. 2003) (approving 33 $\frac{1}{3}$ % award of counsel fees); *In re Unisys Corp. Securities Litigation*, Civil Action No. 99-5333, 2001 U.S. Dist. LEXIS 20160, at *10 (E.D. Pa. Dec. 6, 2001) (approving 33% attorney's fee award); *In re Safety Components Inc. Sec. Litigation*, 166 F. Supp. 2d 72 (D.N.J. 2001) (33% attorney's fee awarded); *In re Rite Aid Corp. Securities Litigation*, 146 F. Supp. 2d 706, 735-36 (E.D. Pa. 2001) (finding that the average fee awards in class actions is 33% of the settlement fund); *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 U.S. Dist. LEXIS 140137 (N.D. Cal. Aug. 17, 2018) (awarding just over 27% of the fund to counsel for their efforts in that case); *In re Sonic Corp. Customer Data Sec. Breach Litig.*, No. 1:17-md-2807, 2019 U.S. Dist. LEXIS 135573, at *24 (N.D. Ohio Aug. 12, 2019) (awarding fees of 30% of common fund); *In re: Target Corp. Customer Data Security*

Breach Litig., 0:14-md-02522-PAM, Dkt. 645 at 6 (D. Minn. Nov. 17, 2015) (awarding fees of 29% of the common fund); *In re Home Depot, Inc., Customer Data* No. 1:14-md-02583-TWT, 2016 U.S. Dist. LEXIS 200113 (N.D. Ga. Aug. 23, 2016) (awarding fees of about 28% of the common fund in consumer track). Accordingly, this factor supports the requested fee award.

c. The Additional Prudential Factors Also Support Awarding the Requested Fee

i. The Value Of Benefits Accruing To Class Members Attributable To The Efforts Of Class Counsel As Opposed To The Efforts Of Other Groups, Such As Government Agencies Conducting Investigations

For this factor, a district court will assess class counsel’s skill and experience. *Esslinger v. HSBC Bank Nevada, N.A.*, No. 10-3213, 2012 U.S. Dist. LEXIS 165773, at *44 (E.D. Pa. Nov. 19, 2012) (“Class Counsel’s relevant experience, especially brokering settlements in cases involving similar payment protection plans, allowed it to more effectively and efficiently litigate this case.”). There can be no doubt that Class Counsel’s experience in brokering settlements of this nature allowed them to successfully reach a settlement on behalf of Class Members in this case. As mentioned previously, Class Counsel has significant experience in consumer class litigation. Moreover, Class Counsel achieved this result without the help of any other agencies. Accordingly, this factor supports the requested fee award. See *In re AT&T Corp.*, 455 F.3d 160, 173 (3d Cir. 2006) (that “class counsel was not aided by the efforts of any governmental group, and the entire value of the benefits accruing to class members is properly attributable to the efforts of class counsel ... strengthens the District Court’s conclusion that the fee award was fair and reasonable.”).

ii. The Percentage Fee That Would Have Been Negotiated Had The Case Been Subject To A Private Contingent Fee Agreement At The Time Counsel Was Retained

“Attorneys regularly contract for contingent fees between 30% and 40% with their clients in non-class, commercial litigation.” *In re Ins. Brokerage Antitrust Litig.*, 282 F.R.D. 92, 123 (D.N.J. 2012) (citations omitted). As discussed supra, Class Counsel’s fee request is \$1,064,897 and an extremely conservative total value provided by the Settlement, not even including attorneys’ fees and costs, is \$4,687,330.48. This fee request is about 22.7% of this total value, which is well within the realm of what counsel could charge in a private contingent fee agreement. This factor also supports the request.

iii. Any innovative terms of settlement

In some instances, a district court can increase a fee award because of the innovative nature of the settlement. See *In re Prudential*, 148 F.3d at 339; *Haught v. Summit Res., LLC*, No. 1:15-cv-0069, 2016 U.S. Dist. LEXIS 45054, at *33 (M.D. Pa. Apr. 4, 2016). “Particularly where a settlement involved ‘innovative’ or unique terms, such a finding may be warranted.” *Id.* (citation omitted). This factor is neutral and neither supports nor detracts from the fee request. Based on all of the other factors here, the requested fee is reasonable and appropriate.

B. Class Counsel’s Expenses Should Be Reimbursed

“[C]ounsel for a class action is entitled to reimbursement of expenses that were adequately documented and reasonably and appropriately incurred in the prosecution of the class action.” *In re Safety Components, Inc. Secs. Litig.*, 166 F. Supp. 2d 72, 108 (D.N.J. 2001) (citing *Abrams v. Liehtolier Inc.*, 50 F.3d 1204, 1225 (3d Cir. 1995)). Here, “[c]ounsel had a strong incentive to conserve their expenses, given that they were incurred with no guarantee of recovery.” *In re Flonase Antitrust Litig.*, 291 F.R.D. 93, 106 (E.D. Pa. 2013). Class Counsel’s Declarations, including invoices, describe the expenses incurred in connection with this litigation. Class Counsel sufficiently documented their expenses and have reasonably and

appropriately incurred them in the prosecution of this matter. Accordingly, Class Counsel's expenses in the amount of \$12,941.17 should be reimbursed.

C. Incentive Awards To The Class Representatives Should Be Awarded

"[C]ourts routinely award incentive awards to compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation." *In re CertainTeed Corp. Roofing Shingle Prod. Liab. Litig.*, 269 F.R.D. 468 (E.D. Pa. 2010) (citing *Cullen v. Whitman Med. Corp.*, 197 F.R.D. 136, 145 (E.D. Pa. 2000); *Chakejian v. Equifax Info. Servs.*, 275 F.R.D. 201, 220 (E.D. Pa. 2011); *Bradburn Parent Teacher Store, Inc. v. 3M*, 513 F. Supp. 2d 322, 342 (E.D. Pa. 2007) ("It is particularly appropriate to compensate named representative plaintiffs with incentive awards when they have actively assisted plaintiffs' counsel in their prosecution of the litigation for the benefit of the class."); *Tenuto v. Transworld Sys., Inc.*, Civ. Action No. 99-4228, 2002 U.S. Dist. LEXIS 1764, at *13-14 (E.D. Pa. Jan. 31, 2002) (incentive award appropriate where class representative "actively assisted counsel in the prosecution of this litigation to the benefit of the class"). The district court has a substantial amount of authority in permitting class representatives to obtain awards for their service.

Courts evaluate several factors in determining the appropriateness of service award, including: "the financial, reputational, and personal risks to the plaintiff; the degree to which the plaintiff was involved in discovery and other litigation responsibilities; the length of the litigation; and the degree to which the named plaintiff benefitted as a class member." *Fein v. Ditech Financial, LLC*, No. 5:16-cv-00660, 2017 U.S. Dist. LEXIS 158479 (E.D. Pa. Sep. 26, 2017). "The purpose of these payments is to compensate named Plaintiffs for the services they provided and the risks they incurred during the course of class action litigation, and to reward the public service of contributing to the enforcement of mandatory laws." *In re CertainTeed Fiber Cement Siding Litig.*, 303 F.R.D. at 225.

Plaintiffs request incentive awards of \$7,500, for a total of \$30,000 be awarded to the sports officials who have served as class representatives in this Action. Plaintiffs have been actively engaged in this matter at all times, remaining focused on the advancement of the interests and claims of the Class over their own interests and have always been concerned about obtaining a result that was best for the Class. See Plaintiffs' Declarations, attached as Exhibits 9-12. Throughout the litigation, Plaintiffs did everything that was required of them to represent the interests of the Class, including responding to inquiries, and providing documents, participating in numerous conferences and meetings, and being engaged in the decision as to whether to ultimately agree to the terms of the Settlement. The subject of incentive awards was not raised nor negotiated until after the parties had reached a settlement of the underlying claims, and Plaintiffs' consent and agreement to the terms of the settlement was not, nor is it in any way, conditioned on their receipt of incentive awards. Moreover, the award of incentive awards will not reduce the recovery of any Settlement Class Member. Therefore, it is appropriate to make these payments to the class representatives. See e.g., *Bredbenner v. Liberty Travel, Inc.*, No. 09-905 (MF), 2011 U.S. Dist. LEXIS 38663, at *63-68 (D.N.J. 2011) (approving service award payments of \$10,000 to each of the named plaintiffs); *In re Ins. Brokerage Antitrust Litig.*, No. 04-5184 (CCC), 282 F.R.D. 92, 125 (D.N.J. 2012) (approving service awards totaling \$85,000 – which amounted to \$5,000 to each of the class representatives); *Lincoln Adventures LLC v. Those Certain Underwriters at Lloyd's*, Civil Action No. 08-00235 (CCC), 2019 U.S. Dist. LEXIS 171917, at *26 (D.N.J. Oct. 3, 2019) (holding that \$15,000 service awards each to two named plaintiffs was reasonable); *Bonett v. Educ. Debt Servs., Inc.*, No. 01-6528, 2003 U. S. Dist. LEXIS 9757, at *20-21 (E.D. Pa. May 9, 2003) (holding that \$4,000 award to class representative was reasonable where total settlement, minus attorneys' fees, was \$22,000); *Meja v. KVK-Tech, Inc.*, No. 2;19-cv-04841-JDW, 2020 U.S. Dist. LEXIS 162235, at *10 (E.D. Pa.

Sept. 4, 2020) (\$5,000 per plaintiff) (citing cases with larger awards); *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 U.S. Dist. LEXIS 140137 (N.D. Cal. Aug. 17, 2018) (awarding service awards to 29 class representatives of \$7,500 each, and to 76 class representatives, \$5,000 each). Plaintiffs respectfully requests that the Court likewise approve the requested incentive awards here.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs and Class Counsel respectfully request that the Court enter an Order granting Class Counsel's request for attorneys' fees of \$1,064,897, for reimbursement of litigation costs of \$12,941.17, and awarding \$7,500 to each of the named Plaintiffs as incentive awards for their service as class representatives.

Dated: August 20, 2021

Respectfully submitted,

/s/ Scott H. Wolpert

Scott H. Wolpert, Esquire (PA Bar No. 62894)
Christine M. Gordon, Esquire (PA Bar No. 209391)
Keith T. Vernon, Esquire (admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I certify that Plaintiffs' motion for an award of attorneys' fees, reimbursements of litigation expenses, and class representative incentive awards, and supporting brief with attachments, were served upon all counsel of record through the Court's ECF system.

Dated: August 20, 2021

/s/ Scott H. Wolpert
Scott H. Wolpert, Esquire (PA Bar No. 62894)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR ALFONSO RODRIGUEZ
QUEZADA, BRENDAN MONAGHAN,
KEVIN SCHMID, and JOHN SCHMID, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

ARBITERSPORTS, LLC,

Defendant.

CIVIL ACTION NO. 2:20-cv-05193-TJS

**[PROPOSED] ORDER GRANTING MOTION FOR ATTORNEYS' FEES,
REIMBURSEMENTS OF LITIGATION EXPENSES, AND
CLASS REPRESENTATIVE INCENTIVE AWARDS**

AND NOW, this _____ day of _____, 2021, upon consideration of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursements of Litigation Expenses, and Class Representative Incentive Awards (ECF No. ____), it is hereby **ORDERED** that said motion is **GRANTED**.

IT IS FURTHER ORDERED THAT:

1. Defendant, ArbiterSports, LLC, shall pay Class Counsel's attorneys' fees in the amount of \$1,064,897.00 and costs in the amount of \$12,941.17.
2. Defendant, ArbiterSports, LLC, shall further pay the Class Representatives \$7,500.00 each as an incentive award for their services as class representatives.
3. As set forth in paragraph 57 of the Settlement Agreement, Defendant, ArbiterSports, LLC shall pay the awarded attorneys' fees and costs to Class Counsel and incentive awards to the Class Representatives within thirty (30) days after the Effective Date of Settlement.

IT IS SO ORDERED.

Dated: _____, 2021

TIMOTHY J. SAVAGE
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|--|---|------------------------|
| Victor Alfonso Rodriguez Quezada, | : | |
| Brendan Monaghan, Kevin Schmid, | : | |
| and John Schmid, on behalf of themselves and | : | |
| all others similarly situated, | : | Case No. 2:20-cv-05193 |
| | : | |
| Plaintiffs | : | |
| | : | |
| vs. | : | |
| | : | |
| ArbiterSports, LLC, | : | |
| | : | |
| | : | |
| Defendant | : | |
| | : | |

**DECLARATION OF CLASS COUNSEL, SCOTT H. WOLPERT, IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND EXPENSES, AND
INCENTIVE AWARDS**

I, Scott H. Wolpert, of Timoney Knox, LLP, hereby declare as follows:

1. I have personal knowledge of the facts stated in this Declaration and am competent to testify to them. I submit this Declaration in support of Plaintiffs' Motion for Attorneys' Fees and Expenses and Incentive Awards.

Summary of Litigation

2. On August 24, 2020, ArbiterSports, LLC ("ArbiterSports") disclosed that a data security incident occurred and that the confidential personal information of its approximately 539,199 individual users was accessed and obtained by cyber-criminals (the "Data Security Incident"). The accessed personal information may have included account usernames and passwords, names, addresses, dates of birth, email addresses, and Social Security numbers. The 539,199 individual users of ArbiterSports consist mostly of sports officials at all levels of officiating.

3. Plaintiffs initiated this Action on October 19, 2020 following a two-month period of thorough examination and evaluation of the relevant law and facts to assess the merits of the claims, which included, among other things, extensive fact investigation related to ArbiterSports and the circumstances surrounding the Data Security Incident, legal research, and multiple consultations with IT/cybersecurity experts for analysis of liability and damages.

4. On November 9, 2020, Plaintiffs filed their First Amended Class Action Complaint (“Complaint”) asserting legal claims for negligence, gross negligence, negligence per se, breach of implied contracts, violation of Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 Pa. C.S. §§ 201-1 *et seq.*, violation of New Jersey Consumer Fraud Act, N.J. Stat. Ann. §§ 56:8-1 *et seq.*, violation of the New Jersey Customer Security Breach Disclosure Act, N.J. Stat. Ann. §§ 56:8-163, and declaratory relief.

5. From October 2020 through January 2021, Plaintiffs’ counsel and ArbiterSports’ counsel participated in multiple lengthy telephone calls and ZOOM meetings in order to discuss the Parties’ respective positions in the matter and also to explore whether resolution of Plaintiffs’ claims was possible. Recognizing the desirability of early settlement discussions, the Parties ultimately agreed to attend a virtual mediation scheduled for February 25, 2021 with Bennett G. Picker, Esquire, of Stradley Ronon Stevens & Young, LLP.

6. The Parties attended a preliminary meeting with the mediator by phone and agreed to exchange sufficient information to make an informed decision regarding settlement and to submit confidential submissions to the mediator.

7. On February 5, 2021, in order to direct their efforts toward mediation, the Parties filed a Joint Motion for Extension of Time to File Responses/Replies to ArbiterSports’ Motion to Dismiss, which was granted by the Court on February 8, 2021.

8. On February 8, 2021, the Parties entered into a Confidentiality and FRE 408 Agreement so that ArbitrSports could provide informal discovery regarding the Data Security Incident in aid of settlement negotiations and in anticipation of mediation. The Parties reviewed all produced documents, as well as public information regarding ArbitrSports and the Data Security Incident in advance of mediation. Plaintiffs' counsel also consulted with their expert witness on multiple occasions prior to the mediation regarding data security issues in connection with the litigation and mediation.

The Mediation and Continued Settlement Negotiations

9. On February 25, 2021, the Parties took part in a virtual mediation presided over by Mr. Picker. The mediation lasted nearly 12 hours and consisted of joint sessions as well as numerous break-out sessions. The negotiations were hard fought and conducted at arms-length and in good faith by experienced counsel consisting of Jonathan Shub and Kevin Laukaitis from Shub Law Firm, LLC and Scott H. Wolpert, Christine M. Gordon, Keith T. Vernon from Timoney Knox, LLP ("Class Counsel").

10. Over the next two months, the Parties both directly, and indirectly through Mr. Picker, engaged in further good faith, arm's length settlement discussions in order to reach an agreement in principle on the terms of Settlement.

11. On April 23, 2021, the Parties finalized and executed a Term Sheet, which represented an agreement in principle on the terms of the Settlement. The agreement in principle was reached after several rounds of offers and counteroffers.

12. The Settlement resulted from arm's-length negotiations between experienced counsel with an understanding of the strengths and weaknesses of their respective positions in this

litigation, assisted by a neutral and highly experienced mediator. Class Counsel who negotiated the Settlement are experienced and respected class action litigators.

13. The case and proposed Settlement are the product of significant investigation of Plaintiffs' and the Settlement Class Members' claims. Class Counsel were knowledgeable about the strengths and weaknesses of the case prior to reaching the agreement to settle.

14. Class Counsel's knowledge is based on, among other things:

- a. Extensive investigation prior to filing the Complaint, including extensive and lengthy interviews of Plaintiffs and communications with other Settlement Class Members, and extensive fact investigation of publicly-available documents related to ArbiterSports and its business operations, the Data Security Incident, and analysis of anticipated defenses by ArbiterSports to Plaintiffs' claims, including assorted defenses arising from Terms and Conditions that ArbiterSports unilaterally imposed on sports officials/users of ArbiterSports website and game and event assignment platforms;
- b. Formal, written discovery requests on ArbiterSports related to personal jurisdiction;
- c. Analysis of the applicable laws of Pennsylvania, New Jersey, and other jurisdictions regarding data breaches involving customers' personally identifiable information;
- d. Review and analysis of information provided by ArbiterSports in advance of mediation, including information shared relating to ArbiterSports' available insurance coverage and documents related to a formal investigatory report produced by ArbiterSports about the Data Security Incident;
- e. Extensive consultation with Plaintiffs' IT/data security expert witness; and

- f. An extended negotiation process both before and after a full-day mediation that provided Class Counsel with a thorough understanding of ArbiterSports' arguments on liability and damages.

15. The immediate benefits that the Settlement provides, as described hereafter, stand in contrast to the risks, uncertainties, and delays of continued litigation. Class Counsel thoroughly assessed those contingencies in considering the terms of the Settlement. In this litigation, Plaintiffs and the Settlement Class faced substantial risks, including but not limited to, opposing a motion to dismiss, obtaining class certification, opposing motions for summary judgment, defending expert opinions, maintaining certification through trial, proving damages at trial and all other risks related to trial.

The Settlement Agreement

16. While litigating this action on a wholly contingency fee basis, Plaintiffs, through Class Counsel, successfully negotiated a valuable settlement that offers significant, meaningful relief to the proposed class of approximately 539,199 individuals whose personal information was exposed to cybercriminals in the Data Security Incident. The Settlement was preliminarily approved by this Court on July 19, 2021 (ECF No. 35).

17. The Settlement provides direct cash benefits to the Settlement Class as follows: (a) ArbiterSports shall reimburse each Settlement Class Member for their documented out-of-pocket expenses up to \$350.00 incurred as a result of the Data Security Incident, or, up to \$5,000.00 if extraordinary circumstances exist that warrant an increase in the individual reimbursement cap; (b) ArbiterSports shall reimburse each Settlement Class Member up to five (5) hours of lost time spent as a result of the Data Security Incident compensated at a rate of \$20.00 per hour, comprised of up to three (3) hours of undocumented lost time and up to two (2) additional hours of

documented lost time; (c) If the claims rate for undocumented lost time claims is below 2% (i.e., if there are less than approximately 10,784 undocumented lost time claims submitted before the Claims Deadline), ArbiterSports will still pay a guaranteed minimum payment equal to a 2% claims rate for undocumented lost time (approximately \$647,038.80), which will be distributed to those Settlement Class Members who have submitted a Valid Claim for undocumented lost time, on a per-hour-claimed-pro-rata basis.

18. In addition to the cash payments, the Settlement requires ArbiterSports to pay for eighteen (18) months of free comprehensive credit monitoring and credit restoration protections for each Settlement Class Member that accepts the offer of credit monitoring and credit restoration protections, which may be deferred for up to one year if they have existing credit monitoring services. These services will be provided through Identity Guard's Total Plan and will include, among other things, dark web monitoring, and up to \$1 million dollars reimbursement insurance from AIG (with a zero deductible) covering losses due to identity theft and stolen funds. The current retail cost of Identity Guard's Total Plan is \$19.99 per month (if billed monthly). See Identity Guard's Plan Pricing, <https://www.identityguard.com/plans/total> (last accessed August 19, 2021), which is included as Exhibit 3.

19. The Settlement also provides that ArbiterSports will implement security-system and practice enhancements, as well as undertake, at its own expense, third-party IT security audits to ensure compliance with applicable certifications for the next two years following approval of the Settlement, which provides innumerable additional benefits to the class and ensures increased protection of the Settlement Class Members' personal information in the future.

20. Additionally, ArbiterSports shall pay all notice and administration costs, including the fees and expenses of the Claims Administrator and the Claims Referee. The Settlement

Administrator has provided an estimate of the costs, totaling approximately \$158,981 (and not to exceed \$175,000), which is included as Exhibit 4.

21. Pursuant to the Settlement, ArbitrSports shall pay any class representative incentive awards and any award of Class Counsel's attorneys' fees and costs approved by the Court.

22. This Settlement provides substantial benefits to the Settlement Class Members, commensurate with or beyond the benefits offered in other data breach settlements.

23. The Parties spent considerable time revising drafts and negotiating details of the Settlement Term Sheet as well as the final written Settlement Agreement that was approved by the Court. At all times, these negotiations were at arm's length and, while courteous and professional, were intense and hard fought on all sides.

24. The Settlement creates a straight-forward claims procedure for Class Members to claim their cash reimbursements for out-of-pocket expenses or losses and to accept the offer of Credit Monitoring Protections.

Incentive Awards and Attorneys' Fees and Costs

24. At the end of the mediation, after the Parties had agreed on the substantive terms for relief for the Class, the Parties discussed the topics of attorneys' fees and costs, as well as incentive awards to the named class representatives.

25. The Parties agreed that, as part of the Settlement, the Court shall determine the amount of any award of attorneys' fees, costs, and incentive awards to be paid separately by ArbitrSports and that Plaintiffs would file a motion seeking an award of attorneys' fees, costs, and incentive awards in accordance with a schedule set by the Court.

26. ArbiterSports has retained any and all rights to oppose any such filed motions on all available grounds related to the amount of the attorneys' fees, costs, and/or incentive awards.

27. Any awarded attorneys' fees, costs and incentive awards will not diminish the settlement funds available for the Class because any attorney fees, costs and/or incentive awards awarded by the Court will be paid separately by ArbiterSports.

28. The named Plaintiffs, Victor Alfonso Rodriguez Quezada, Brendan Monaghan, Kevin Schmid and John Schmid, have been actively involved in the litigation of this case, and each has produced documents and reviewed and approved the proposed Settlement. Their interests and those of the other Class Members are aligned. All were equally interested in proving the factual averments in the Complaint, establishing ArbiterSports' liability, and obtaining compensation and data security practice changes from ArbiterSports.

29. The named Plaintiffs have retained knowledgeable and well-qualified counsel who have successfully prosecuted many class actions.

30. Class Counsel have vigorously prosecuted the action and have devoted substantial effort and resources on behalf of the Class.

31. Over the past year, Class Counsel has devoted over 1,846.27 hours to this litigation through August 18, 2021.

32. To date, Class Counsel has not received any payment for any of their efforts in litigating and ultimately resolving this case on favorable terms that will provide meaningful relief to the Class, nor has Class Counsel received reimbursement for any of the out-of-pocket costs that they have advanced.

33. All compensation to Class Counsel is contingent upon this Court's determination of an award of reasonable attorneys' fees and expenses as provided in the Settlement Agreement.

34. The named Plaintiffs have not received any compensation for the time they have invested in the litigation, the benefits they have provided the Settlement Class, or the risks they undertook in bringing this action.

35. As compensation for their successful efforts on behalf of the Settlement Class and the risks undertaken, Class Counsel respectfully request an award of attorneys' fees of \$1,064,897 which represents a modest multiplier of 1.25 on Class Counsel's collective lodestar of \$851,918.25 and is commensurate with approximately 22.7% of a conservative valuation of the total Settlement. This request does not include any time that will be incurred hereafter, including time to be incurred by Class Counsel for final approval and settlement administration. Class Counsel also request reimbursement of litigation expenses of \$10,390.59, which were reasonably and necessarily incurred in the prosecution of this action.

36. Class Counsel respectfully request class representative incentive awards in the amount of \$7,500 for each of the four named Plaintiffs to compensate them for their contributions of time and efforts expended on behalf of the Settlement Class, a request supported by case law.

37. Litigating this case to a successful resolution, albeit in an early stage in the proceedings, required substantial commitments of time and resources from Class Counsel. Specifically, upon receiving notice of the data breach on August 24, 2020, Plaintiffs and Class Counsel spent substantial time over a period of two months on pre-suit investigation, vetting, and research to develop the factual and legal groundwork for the case. Class Counsel participated in regular telephone conferences among each other, which were crucial to devising case strategy and streamlining efforts on behalf of the Class. Class Counsel also consulted extensively with two independent IT/cybersecurity experts to understand the full scope of Arbitersports' alleged data security failures, the damages suffered by the Class, and appropriate remedial measures. Class

Counsel's extensive analysis of the numerous liability and damages issues, including opposition to defenses ArbiterSports could seek to assert based on the Terms and Conditions arising from the use of its' website and assignment platform by sports officials, helped set the stage for this litigation and laid the groundwork for the settlement negotiations and the outstanding resolution reached.

38. A significant amount of Class Counsel's time was also spent researching, preparing, and filing a robust class action complaint on October 19, 2020 (ECF No. 4), and preparing and filing an amended complaint on November 9, 2020 (ECF No. 5), which asserted multiple statutory and common law claims against ArbiterSports under both Pennsylvania and New Jersey law.

39. On December 14, 2020, ArbiterSports moved to dismiss Plaintiffs' Amended Complaint for lack of personal jurisdiction (ECF No. 17). Additionally, on December 16, 2020, Plaintiffs and Class Counsel prepared and served Rule 26(a) initial disclosures and filed the required Report of Rule 26(f) Meeting. Following a preliminary Rule 16 pre-trial conference held on December 22, 2020, the Court entered an Order on December 22, 2020 that provided a deadline for the Parties to complete jurisdictional discovery and set forth a briefing schedule on ArbiterSports' motion to dismiss (ECF No. 22).

40. Class Counsel expended significant time researching the factual and legal issues raised in ArbiterSports' motion, and then drafting the discovery related to personal jurisdiction. On January 8, 2021, Class Counsel served written discovery consisting of interrogatories and requests for production of documents related to personal jurisdiction. On January 29, 2021, Class Counsel served three depositions notices on ArbiterSports related to personal jurisdiction.

41. Additionally, during the time period from October 2020 through January 2021, Class Counsel and ArbiterSports' Counsel participated in multiple lengthy telephone calls and

Zoom meetings in order to discuss and debate the Parties' respective positions in the action, including exploring whether resolution of Plaintiffs' claims was possible. At all times, Class Counsel zealously advocated on behalf of the proposed class and, at all times, ArbiterSports' Counsel fiercely contested Plaintiffs' core allegations and challenged Plaintiffs' legal theories.

42. Recognizing the desirability and benefits of reaching an early settlement, Class Counsel collaborated extensively among themselves and with the Plaintiffs to devise a settlement demand that they believed would provide meaningful relief to the proposed class, and on December 8, 2021, Class Counsel provided ArbiterSports' counsel with a written settlement demand, which led to further subsequent discussions and negotiations between Class Counsel and ArbiterSports' Counsel. While ArbiterSports' motion to dismiss was still pending, the Parties ultimately agreed to attend a virtual mediation on February 25, 2021, with Bennett G. Picker, Esquire of Stradley Ronon Stevens & Young, LLP, serving as mediator.

43. On February 5, 2021, in order to direct their efforts toward mediation, Class Counsel and ArbiterSports' Counsel drafted and filed a Joint Motion for Extension of Time to file responses/replies to ArbiterSports' Motion to Dismiss (ECF No. 23), which was granted by the Court on February 8, 2021 (ECF No. 24). On February 8, 2021, the Parties drafted, negotiated, and entered into a Confidentiality & FRE 408 Agreement so that ArbiterSports could provide informal discovery regarding the Data Security Incident in aid of settlement negotiations and in anticipation of the mediation.

44. Class Counsel reviewed all produced documents, as well as public information available regarding ArbiterSports and the Data Security Incident in advance of the mediation. Class Counsel also consulted with their IT/cybersecurity experts on multiple occasions prior to the mediation regarding data security issues in connection with the litigation and the mediation.

Additionally, in advance of the mediation, as part of the mediation process, the Parties attended one joint preliminary meeting with Mr. Picker by phone on January 14, 2021, and drafted a detailed confidential mediation statement, which they submitted to Mr. Picker on February 16, 2021, before engaging in an additional pre-mediation call with Mr. Picker on February 22, 2021 to substantively address the merits of the case.

45. On February 25, 2021, the Parties attended a full-day virtual mediation with Mr. Picker serving as the mediator. The mediation, which lasted nearly 12 hours, consisted of joint sessions as well as numerous break-out sessions. During the mediation session, the negotiations were hard fought and conducted at arm's-length and in good faith by experienced counsel, and the Parties were ultimately able to reach a resolution as to the framework of the benefits that would be awarded to the class.

46. At the mediation, after all of the other material terms of the settlement for the class had been agreed upon, the Parties then engaged in further challenging negotiations related to the amount of attorneys' fees and costs to be paid by Arbitersports to Class Counsel and the amount of class representative incentive awards to be paid by Arbitersports to the named Plaintiffs. The Parties ultimately reached an impasse as to the amounts, so, at Mr. Picker's proposal, the Parties agreed to submit the dispute as to the amount of attorneys' fees, costs and incentive awards to the Court.

47. Over the following two months, the Parties, both directly, through direct phone calls and emails, and indirectly, through Mr. Picker, engaged in further intense settlement discussions and negotiations related to disputed terms in order to finalize the Term Sheet, which was finally executed on April 23, 2021, approximately two months after mediation. The Term Sheet represented an agreement in principle on the essential terms of the Settlement, which they

later memorialized in the Settlement Agreement that was executed on June 18, 2021. Class Counsel spent significant time working with ArbiterSports' Counsel to draft and edit the Settlement Agreement as well as the proposed email notice, long form notice, claim form, website content and frequently asked questions, which were attached as exhibits to the Settlement Agreement.

48. In addition, Class Counsel took the lead in drafting and filing Plaintiffs' Unopposed Motion for an Order Preliminarily Approving Class Action Settlement, Provisionally Certifying Settlement Class and Directing Notice (ECF No. 28), supporting Memorandum of Law, and Proposed Order, as well as drafting and filing the Joint Motion for Leave to File Exhibit A to the Settlement Agreement Under Seal (ECF No. 29), supporting Memorandum of Law, and Proposed Order.

49. Class Counsel, specifically Mr. Shub, Ms. Gordon and I, also attended the Preliminary Approval Hearing on July 7, 2021, and participated in further negotiations with ArbiterSports' Counsel to address concerns raised by the Court, which only further benefitted the Class. Following the Preliminary Approval Hearing, Class Counsel worked with ArbiterSports' Counsel in amending the Settlement Agreement and finalizing the notices, the claim forms, and the frequently asked questions that will be available on the Settlement Website. The Court entered an Order granting Plaintiffs' Motion for Preliminary Approval on July 19, 2021 (ECF No. 35).

50. Class Counsel undertook these substantial efforts on behalf of the Settlement Class on a purely contingent basis and Class Counsel's contingent work on this matter remains ongoing. Class Counsel have actively provided input, direction and monitoring related to the initiation of the claims process. Prior to the Fairness Hearing, Class Counsel will draft Plaintiffs' Motion for Final Approval of the Settlement and respond to any objections. Class Counsel will then attend the

Fairness Hearing, and if final approval is granted, will assist in supervising the distribution of payments to eligible Class Members. In addition, Class Counsel will take any other actions necessary to support the Settlement through the conclusion of the Settlement.

51. Class Counsel have presented evidence of their biographies and experience, as well as the hourly rates for the members of their respective firms. Specifically, Timoney Knox, LLP's attorney rates range from \$250.00 to \$540.00 per hour. Shub Law Firm, LLC's attorney rates range from \$550.00 to \$850.00 per hour. The hourly rates for the attorneys at Timoney Knox are the same as the regular current rates charged for their services in their standard non-class contingent matters. There has not been any alteration or increase from the firm's standard rates in contingent matters to account for the added complexity or increased risk factor of this action.

52. Class Counsel's hourly billable rates used to calculate the lodestar values are consistent with the competitive market hourly rates in Philadelphia in complex consumer class action litigation matters and other litigation matters that involve sophisticated issues and counsel on both sides, and such rates necessarily reflect the reputation, experience, care, and successful records of Class Counsel.

53. Class Counsel expended 1,846.27 hours on this litigation through August 18, 2021, which includes time reasonably spent: investigating information about ArbiterSports; investigating the circumstances of the Data Security Incident; investigating the Class' potential claims; investigating various defenses or that could be raised by ArbiterSports' Counsel; conferring on and formulating case strategy; communicating with the class representatives on an ongoing basis; research and drafting the complaint; researching and drafting an amended complaint; reviewing and researching issues raised in the motion to dismiss; drafting Rule 26 disclosures; attending the Rule 16 conference; drafting jurisdictional discovery; consulting on multiple occasions with

independent IT/cybersecurity experts, including two separate consultations on the day of the virtual mediation to discuss appropriate remedial measures; engaging in numerous, ongoing settlement discussions with ArbitratorSports' Counsel via phone and virtual video-conference; drafting a detailed confidential mediation position statement; engaging in a full-day mediation; continuing negotiations of various disputed terms post-mediation; reviewing, negotiating and revising the Settlement Term Sheet, reviewing, negotiating and revising the Settlement Agreement; reviewing, negotiating and drafting the proposed email notice, long form notice, claims form, and frequently asked questions; drafting and filing preliminary approval papers; drafting and filing the joint motion to file Exhibit A of the Settlement Agreement under seal; attending the Preliminary Approval Hearing; amending the Settlement Agreement; and preparing for implementation of the Settlement.

54. In support of this Motion, Class Counsel have submitted many pages of detailed, contemporaneously produced time records specifying the date of work performed, the attorney performing the work, the nature of the work, the amount of time spent, and the hourly rate charged for the tasks. All the time submitted was reasonable and necessary to achieve the successful outcome and meaningful benefits under the Settlement for the Plaintiffs and the Class.

55. In support of this Motion, Class Counsel has also submitted statements of expenses that were reasonably and necessarily incurred by Class Counsel in this litigation and for which reimbursement is sought.

Exhibits

56. True and correct copies of the following are included with Plaintiffs' Motion herein:

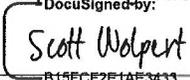
- a. Exhibit 1 - Declaration of Scott H. Wolpert, Esquire

- b. Exhibit 2 - Declaration of Jonathan Shub, Esquire
- c. Exhibit 3 - Identity Guard Privacy Plan
- d. Exhibit 4 - JND Legal Administration Proposal dated May 19, 2021
- e. Exhibit 5 - Shub Law Firm, LLC Resume
- f. Exhibit 6 - Timoney Knox, LLP Resume
- g. Exhibit 7 - Timoney Knox, LLP Billing Statement Through Aug. 18, 2021
- h. Exhibit 8 - Shub Law Firm, LLC Billing Statement Through Aug. 18, 2021
- i. Exhibit 9 - Declaration of Victor Rodriguez Quezada
- j. Exhibit 10 - Declaration of Brendan Monaghan
- k. Exhibit 11 - Declaration of Kevin Schmid
- l. Exhibit 12 - Declaration of John Schmid
- m. Exhibit 13 - Timoney Knox, LLP Expenses Statement
- n. Exhibit 14 – Shub Law Firm, LLC Expenses Statement

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the above is true and correct.

Executed on August 20, 2021

Respectfully submitted,

DocuSigned by:

B19FCF2E1AE3433...

Scott H. Wolpert (PA Bar No. 62894)

TIMONEY KNOX, LLP
400 Maryland Drive
Fort Washington, PA 19034
Tel: (215) 540-2656
swolpert@timoneyknox.com

Attorney for Plaintiffs and the proposed Settlement Class

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | |
|--|--------------------------|
| Victor Alfonso Rodriguez Quezada, | : |
| Brendan Monaghan, Kevin Schmid, | : |
| and John Schmid, on behalf of themselves and | : |
| all others similarly situated, | : Case No. 2:20-cv-05193 |
| | : |
| Plaintiffs | : |
| | : |
| vs. | : |
| | : |
| ArbiterSports, LLC , | : |
| | : |
| Defendant | : |
| | : |

**DECLARATION OF PLAINTIFFS’ COUNSEL, JONATHAN SHUB IN SUPPORT OF
PLAINTIFFS’ MOTION FOR ATTORNEYS’ FEES AND EXPENSES,
AND INCENTIVE AWARDS**

I, Jonathan Shub of the Shub Law Firm, LLC, hereby declare as follows:

1. I have personal knowledge of the facts stated in this Declaration and am competent to testify to them. I submit this Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Expenses and Incentive Awards.

2. I am a partner in the Shub Law Firm, LLC and submit this declaration in support of my firm’s application for fees and expenses incurred in the prosecution of the above-captioned matter (“the Action”) and in support of incentive awards to the named Plaintiffs, Victor Alfonso Rodriguez Quezada, Brendan Monaghan, Kevin Schmid, and John Schmid.

3. Along with the attorneys at Timoney Knox, LLP, I and my colleague, Kevin Laukaitis, (collectively, “Class Counsel”) represent Plaintiffs in the Action.

4. Class Counsel undertook this Action over the course of over a year on a

contingency basis, with no guarantee of payment for any of the hours and expenses they devoted to the litigation.

5. The very successful outcome achieved in the Action was a direct result of Class Counsel's efforts and substantial experience litigating class actions of similar size, scope and complexity to the Action.

6. The statements and information in this Declaration are based on my review of the time-keeping records maintained in the ordinary course of business at Shub Law Firm, LLC and from information available to me at my firm. The purpose of the review was to confirm the accuracy of the information, as well as the necessity for and reasonableness of the time and expenses committed to this Action.

7. The time reflected in my firm's lodestar calculation is reasonable and was necessary to perform the pre-suit investigation and the litigation of this action to this favorable resolution. I believe that the time reflected in the firm's lodestar calculation and the expenses incurred were reasonable and necessary for the successful resolution of the litigation.

8. Shub Law Firm, LLC has spent 270.27 hours litigating this action through August 18, 2021. The firm's lodestar through August 18, 2021 totals \$181,676.75.

9. The work performed and completed by Class Counsel includes time reasonably spent: investigating information about ArbiterSports; investigating the circumstances of the Data Security Incident; investigating the Class' potential claims; investigating various defenses raised by ArbiterSports' Counsel; conferring on and formulating case strategy; communicating with the class representatives on an ongoing

basis; researching and drafting the complaint; researching and drafting an amended complaint; reviewing and researching issues raised in the motion to dismiss; drafting Rule 26 disclosures; attending the Rule 16 conference; drafting jurisdictional discovery; consulting on multiple occasions with independent IT/cybersecurity experts, including two separate consultations on the day of the virtual mediation to discuss appropriate remedial measures; engaging in numerous, ongoing settlement discussions with ArbitratorSports' Counsel via phone and virtual video-conference; drafting a detailed confidential mediation position statement; engaging in a full-day mediation; continuing negotiations of various disputed terms post-mediation; reviewing, negotiating and revising the Settlement Term Sheet, reviewing, negotiating and revising the Settlement Agreement; reviewing, negotiating and drafting the proposed email notice, long form notice, claims form, and frequently asked questions; drafting and filing preliminary approval papers; drafting and filing the joint motion to file Exhibit A of the Settlement Agreement under seal; attending the Preliminary Approval Hearing; amending the Settlement Agreement; and preparing for implementation of the Settlement.

10. This Settlement provides substantial benefits to the Settlement Class Members, commensurate with or beyond the benefits offered in other data breach settlements.

11. The Shub Law Firm, LLC's resume detailing the experience and skills of the Shub Law Firm, LLC's attorneys, is included as Exhibit 5.

12. I have been recognized as one of the nation's leading consumer rights lawyers, and I have served in leadership roles in numerous federal and state class action cases over the past three decades. I have extensive experience representing classes against well-known businesses of all types of consumer rights litigation throughout the nation, including data

breach cases.

13. My colleague, Mr. Kevin Laukaitis, who assisted me in this litigation, and I are highly qualified class action litigators and have extensive experience in complex civil litigation and consumer class actions. We understand the duties imposed upon class counsel in consumer class actions, having been appointed class counsel numerous times, and have proven adept at all phases of litigation, from discovery and motion practice to trial and appeal or settlement.

14. The billing rates used to calculate the firm's lodestar are commensurate with the prevailing rates for class action litigation in our relevant geographical area for attorneys of comparable skill, experience and reputation.

15. These or comparable rates have been approved in other class action cases, including *Basile v. Stream Energy Pennsylvania, LLC* et al., No. 15-1518 (M.D. Pa. Sep. 28, 2018), ECF No. 97; *Silvis v. Ambit Energy, L.P.* et al., No. 14-5005 (E.D. Pa. Aug. 16, 2018), ECF Nos. 97 and 98; *Sanborn v. Viridian Energy, Inc.*, No. 14-1731 (D. Conn. June 27, 2018), ECF Nos. 185 and 186; *Hamlen v. Gateway Energy Services Corporation*, Case No. 7:16-cv-03526-VB-JCM (S.D.N.Y.), ECF No. 141; and *Austin v. Kiwi Energy Services LLC*, Index No. 515350/2017 (Sup. Ct. Kings Cnty.), NYSCEF Doc. No. 90.

16. The total lodestar of Class Counsel through August 18, 2021 was \$851,918.25. As compensation for their successful efforts on behalf of the Settlement Class and the risks undertaken, Class Counsel respectfully request an award of attorneys' fees of \$1,064,897, which represents a modest multiplier of 1.25 on Class Counsel's collective lodestar

of \$851,918.25 and is commensurate with approximately 22.7% of a conservative valuation of the total Settlement.

17. My firm has spent \$2,550.58 in unreimbursed expenses incurred in connection with this case. A breakdown of my firm's additional costs incurred in this action is set forth in Exhibit 14.

18. These costs are reasonable and were necessary to the prosecution of this Action and reflect the costs typically associated with litigating these types of claims. These costs were all paid by Shub Law Firm with no guarantee that they would be recovered.

19. In support of this Motion, Class Counsel have submitted my firm's detailed, contemporaneously produced time records specifying the date of work performed, the attorney performing the work, the nature of the work, the amount of time spent and the hourly rate charged for the tasks. (included with Plaintiffs' Motion as Exhibit 8). All the time submitted was reasonably necessary to achieve the successful outcome for the Plaintiffs and the Class. This does not include any time that may be spent in further support of final approval of the Settlement and any time and the expenses which will be incurred in connection with preparing for and attending the Court's Final Approval Hearing on December 14, 2021.

20. The hours spent thus far in this case reflect extreme billing discretion.

21. In my judgment, and based on my years of experience, the number of hours expended and the services performed by my staff and I were reasonable and necessary and expended for the benefit of Plaintiffs and the Settlement Class in this case.

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

Dated: August 20, 2021

DocuSigned by:
Jonathan Shub
30B02B7BFA1F4EA...
Jonathan Shub, Esquire

Total Plan

Advanced identity protection for individuals interested in credit information, with all the features of Value and more.

\$16.67/month

**START MY
MEMBERSHIP**

Protect your financial, personal, and social identity



IBM Watson® AI

IBM Watson artificial intelligence monitors
and processes billions of pieces of

Plaintiffs' Exhibit 3

information to alert you about threats to
your identity.



Dark Web Monitoring

Be alerted when we detect your SSN, credit card numbers, financial account numbers, health insurance number and more on the Dark Web - places such as thousands of black market websites, secret chat rooms, and underground forums.



Monthly Credit Score*

Get a monthly Vantage 3.0 credit score based on TransUnion data.



Bank Account Takeovers

Get alerts when changes, such as your name, address, or email address are made or a new account holder is added to your bank accounts (for example, checking, savings, IRA, etc.).



3-Bureau Credit Changes

Be notified of changes to your credit profile like new credit inquiries, public records, and more. Total members receive inquiry notifications in near real-time from Experian and Transunion.



Checking and Savings Account Applications

Be alerted when we detect requests using your personal information to open new bank accounts at national banks, regional banks, local banks and credit unions across the United States.

Choose the plan that's right for you

Identity Guard offers a variety of plan options for individual and family protection. For the most complete protection available, we recommend our Ultra plan.

Individual



Family

Basic Identity Protection

\$8.99 /mo

BILLED MONTHLY ▼

GET PROTECTION NOW

Basic Identity Protection:

- ✓ US-based Customer Care Team
- ✓ Data Breach Notifications
- ✓ Dark Web Monitoring
- ✓ \$1Million Identity Theft Insurance**
- ✓ Risk Management Report
- ✓ High Risk Transaction Monitoring
- ✓ Safe Browsing Tool

Total

Standard Identity & Credit Protection

\$19.99 /mo

BILLED MONTHLY ▼

GET PROTECTION NOW

Standard Identity Protection:

- ✓ US-based Customer Care Team
- ✓ Data Breach Notifications
- ✓ Dark Web Monitoring
- ✓ \$1Million Identity Theft Insurance**
- ✓ Risk Management Report
- ✓ High Risk Transaction Monitoring
- ✓ Safe Browsing Tool
- ✓ Bank Account Monitoring

Standard Credit Protection:

✓ 1-Bureau Monthly Credit Score

✓ 3-Bureau Credit Monitoring

RECOMMENDED

Ultra

Premium Identity & Credit Protection

\$29.99 /mo

BILLED MONTHLY ▼

GET PROTECTION NOW

Premium Identity Protection:

- ✓ US-based Customer Care Team
- ✓ Data Breach Notifications
- ✓ Dark Web Monitoring
- ✓ \$1Million Identity Theft Insurance**
- ✓ White Glove Resolution Concierge
- ✓ Risk Management Report
- ✓ High Risk Transaction Monitoring
- ✓ Safe Browsing Tool
- ✓ Social Media Insights Report
- ✓ Bank Account Monitoring
- ✓ Credit & Debit Card Monitoring
- ✓ 401k & Investment Account Monitoring
- ✓ Criminal & Sex Offense Monitoring
- ✓ USPS Address Change Monitoring
- ✓ Home Title Monitoring

Premium Credit Protection:

- ✓ 1-Bureau Monthly Credit Score*
- ✓ 3-Bureau Credit Monitoring
- ✓ 3-Bureau Annual Credit Report



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* The score you receive with Identity Guard is provided for educational purposes to help you understand your credit. It is calculated using the information contained in your TransUnion or Experian credit file. Lenders use many different credit scoring systems, and the score you receive with Identity Guard is not the same score used by lenders to evaluate your credit.

** Identity Theft Insurance underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. The description herein is a [summary](#) and intended for informational purposes only and does not include all terms, conditions and exclusions of

the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

Your card will be charged either a monthly or annual fee, depending on the membership plan you choose. You may cancel your membership anytime simply by contacting us.

No one can prevent all identity theft or monitor all transactions effectively.

AURA, IDENTITY GUARD, HOTSPOT SHIELD, FIGLEAF PRIVACY NOW AND ASSOCIATED DESIGNS ARE TRADEMARKS OR FEDERALLY REGISTERED TRADEMARKS OF INTERSECTIONS INC. DBA AURA OR PANGO INC. IBM WATSON IS A TRADEMARK OF INTERNATIONAL BUSINESS MACHINES CORPORATION, REGISTERED IN MANY JURISDICTIONS WORLDWIDE.



SHUB LAW FIRM LLC

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JSHUB@SHUBLAWYERS.COM

KLAUKAITIS@SHUBLAWYERS.COM



Jonathan Shub is the founder of Shub Law Firm LLC. Mr. Shub graduated from American University (Washington, D.C.), B.A., in 1983 and Delaware Law School of Widener University (now Widener University Delaware School of Law), cum laude, in 1988. While enrolled in Delaware Law School of Widener University, he served as the Law Review Articles Editor. Jon was a Wolcott Fellow Law Clerk to the Hon. Joseph T. Walsh, Delaware Supreme Court in 1988. He is a member of the American Association of Justice (past chairman of class action litigation section), the American Bar Association and the Consumer Attorneys of California. Jon was named a Pennsylvania SuperLawyer from 2005 -2009 and 2011-2019. Jon is also an active member of his local synagogue and an avid political fundraiser.

Jon is recognized as one of the nation's leading class action consumer rights lawyers, based on his vast experience and successes representing classes of individuals and businesses in a vast array of matters involving unlawful conduct. Jon has gained notable attention in the area of defective consumer electronics and computer hardware as a result of many leadership positions in federal and state cases against companies such as Hewlett-Packard, Maytag, IBM and Palm. Infact, Maximum PC Magazine, a leading industry publication, said years back that "Shub is becoming renowned for orchestrating suits that have simultaneously benefited consumers and exposed buggy hardware." He also has vast experience in mass tort class actions such as Vioxx, light tobacco litigation, and in consumer class actions such as energy deregulation. He is currently heavily involved in litigation on behalf of businesses that were denied insurance coverage involving COVID-19.

Jon launched his career in the Washington office of Fried, Frank, Harris, Shriver & Jacobson, where he worked on complex commercial matters including corporate investigations and securities litigation. He then moved into a practice of consumer protection and advocacy. Prior to joining Kohn, Swift & Graf, P.C., Jonathan was the resident partner in the Philadelphia office of Seeger Weiss LLP. He is a frequent lecturer on cutting edge class action issues, and is a past chairman of the Class Action Litigation Group of the American Association for Justice. Jon regularly appears in state and federal courts nationwide, and in many high profile consumer protection cases. Jon's leadership roles require him to develop the theories of liability for the entire class as well as the overall trial strategy for the cases. Most recently, Jon was co-lead and co-trial counsel in a case against municipality for violation of a state privacy law. The trial resulted in a jury award of approximately \$68,000,000 to the Class.

Jon's experience in class action litigation includes the following leadership positions:

Serves as lead counsel in New York against KIWI Energy LLC for deceptive advertising of residential energy practices.

Served as co-lead counsel in Illinois against Direct Energy for deceptive advertising of residential energy practices.

Served as co-lead counsel in Pennsylvania against PG&E for deceptive advertising of residential energy practices.

Served as co-lead counsel in settled national litigation against CPG International for deceptive advertising in connections with deceptive advertising of AZEK-branded decking products.

Served as executive committee counsel in settled national litigation against Western Union for deceptive practices in connection with money transfers.

Served as co-lead counsel in litigation against Facebook for deceptive advertising practices.

Served as co-lead counsel in a national class action against Palm involving defective smart phones.

Served as co-lead counsel in a national class action against Nissan for defective tires on its 350Z model.

Served as co-lead counsel in a national class action against Hewlett Packard claiming defects in certain printer models.

Served as co-lead counsel in litigation against Vonage for consumer fraud.

Served as co-lead counsel in litigation against Maytag, where he was instrumental in negotiating a \$42.5 million nationwide settlement for a class of more than 200,000 Maytag customers.

Served as co-lead counsel in a nationwide class settlement against IBM that affected more than 3 million hard drive purchasers.

Publications and Presentations:

Moderator, Class Actions, Annual Meetings of American Association of Justice, 2015, 2016

Speaker, "Finding the Right Class Action", New Jersey Association of Justice, June, 2016

Speaker, "Nuts and Bolts of MDL Practice", Class Action Symposium, Chicago Illinois, June, 2010

Speaker, "Computer Technology and Consumer Products Class Actions", Consumer Attorneys of California 46th Annual Convention, November, 2007

Frequent speaker, American Association for Justice (formerly ATLA)

Author, "Distinguishing Individual from Derivative Claims in the Context of Battles for Corporate Control", 13 Del. J. Corp. L. 579 (1998)

Author, "Shareholder Rights Plans? Do They Render Shareholders Defenseless Against Their Own Management", 12 Del. J. Corp. L. 991 (1997)

Co-author, "Once Again, the Court Fails to Rein in RICO", Legal Times (April 27, 1992)

Co-author, "Failed One-Share, One Vote Rule Let SEC Intrude in Boardroom", National Law Journal (October 8, 1990).



Kevin Laukaitis is a Philadelphia native who practices in the areas of consumer rights litigation and other complex class action litigation. Mr. Laukaitis is a graduate of Drexel University, where he received a bachelor's degree in Business Administration. He attended law school at Temple University Beasley School of Law in its part-time evening program. During law school, Kevin worked full-time as a paralegal and law clerk where he gained practical experience in consumer rights litigation, including complex class actions. Kevin is a member of American Association for Justice and Philadelphia Trial Lawyers Association, Member

Mr. Laukaitis' practice has been focused on class action consumer litigation involving overcharging of deregulated energy companies, defective products, mislabeling and consumer fraud, and other areas of complex litigation.

Mr. Laukaitis has played a prominent role in cases against deregulated energy companies that have engaged in deceptive practices by overcharging consumers on their energy bills. Mr. Laukaitis' efforts have resulted in over \$50 million dollars in recovery to classes of consumers who were overcharged by these energy companies.

PROMINENT JUDGMENTS AND SETTLEMENTS:

Sobiech v. U.S. Gas & Electric, Inc., Case No. 2:14-cv-04464, United States District Court for the Eastern District of Pennsylvania (worked on the team who obtained \$1.25 million for a class of Pennsylvania resident customers of Pennsylvania Gas & Electric)

Amy Silvis v. Ambit Northeast LLC, Case No. 2:14-cv-05005-ER, United States District Court for the Eastern District of Pennsylvania (worked on the team who obtained \$9.3 million for a class of Pennsylvania resident customers of Ambit Energy)

Basile v. Stream Energy Pennsylvania, LLC, et al., Case No. 1:15-cv-01518-YK, United States District Court for the Middle District of Pennsylvania (worked on the team who obtained \$13.5 million for a class of Pennsylvania resident customers of Stream Energy)

Lori Sanborn, et al. v. Viridian Energy Inc., et al., Case No. 3:14-cv-01731-SRU, United States District Court for the District of Connecticut (worked on the team who obtained \$18.5 million for a nationwide class of customers of Viridian Energy).

Hamlen v. Gateway Energy Services Corporation, Case No. 7:16-cv-03526-VB-JCM, United States District Court for the Southern District of New York (appointed class counsel and worked on the team who obtained \$9.25 million for a class of New York, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, and Ohio resident customers of Gateway Energy).

Austin v. Kiwi Energy Services LLC, Case No. 515350/2017, New York State Supreme Court, Kings County (appointed lead counsel and worked on the team who obtained over \$1 million for a class of customers of Kiwi Energy)

Mr. Laukaitis is also involved in pending class action litigation against several other deregulated energy companies, representing customers throughout the nation, including:

Verde Energy, Sperian Energy, Just Energy, Gateway Energy, Palmco Energy, Greenlight Energy, and Agway Energy.

Mr. Laukaitis was also part of the team of attorneys who worked on Taha v. County of Bucks, No. 12-06867, United States District Court for the Eastern District of Pennsylvania, a seminal case which resulted in a jury verdict for a certified class of nearly 68,000 people. The jury awarded each member of the class \$1,000 in punitive damages.

ADMISSIONS

Pennsylvania

United States District Court for the Eastern District of Pennsylvania

United States District Court for Middle District of Pennsylvania

United States District Court for the Northern District of Illinois

United States District Court for the Eastern District of Michigan

Scott H. Wolpert

Managing Partner

Phone: 215-540-2656

Fax: 215-591-8260

SWolpert@timoneyknox.com

Preparation is the key to success.



Scott H. Wolpert has been with Timoney Knox since 1992 and was elected Managing Partner of the firm effective July 1, 2018. His practice focuses in the area special education and school law, students' rights, and employment law. He regularly handles special education administrative hearings and civil litigation in state and federal court and has extensive experience in handling legal issues involving students and schools, including claims related to special education, bullying, harassment, sexual abuse, physical abuse, compliance with federal or state laws which protect students, and discrimination occurring in schools. He is a frequent speaker in his areas of practice.

Mr. Wolpert also represents parties in all aspects of employee relations, including the litigation of employment-based claims, particularly wage and hour claims. He was lead attorney on a multi-million dollar class action suit in which he represented employees that resulted in a \$4.1 million court-approved settlement of overtime compensation to class members.

He holds a degree in political science from Ursinus College, where he was a Dean's List student and received the Trucksess Prize for the study of law. Mr. Wolpert earned his law degree from the University of Richmond School of Law.

Active in many civic and charitable organizations, Mr. Wolpert served as a mock trial coach through the Pennsylvania Bar Association between 1998 and 2009 and 2019 to the present. He is a past president of the LaSalle College High School Alumni Association and is a past member of the Board of Advisors of the Norwood-Fontbonne Academy. Mr. Wolpert currently serves on the Board of Directors of Planned Lifetime Assistance Network of Pennsylvania, a non-profit organization that provides care management for persons with disabilities. Mr. Wolpert also currently serves on the Maxwell Football Club's Board of Directors and he was a Division 1 NCAA football official between 2011 – 2018.

Before joining Timoney Knox, he was a law clerk for The Honorable Bernard A. Moore in the Montgomery County Court of Common Pleas.

Representative Matters

- Successfully litigated a claim against a Montgomery County School District in 2018 and when a hearing officer awarded parents substantial compensatory education and private school tuition reimbursement

Areas of Practice

- Special Education Law
- Students' Rights
- Bullying, Harassment, Child Abuse Claims
- Employment Law

Bar Admissions

- Pennsylvania, 1991
- New Jersey, 1991
- U.S. District Court District of New Jersey, 1991
- U.S. Court of Appeals for the Third Circuit, 1995
- U.S. District Court for the Eastern District of Pennsylvania, 1999
- U.S. Supreme Court, 2011
- United States District Court for the Middle District of Pennsylvania, 2015

Education

- University of Richmond, The T.C. Williams School of Law, Richmond, Virginia, J.D., 1991
- Ursinus College, Collegeville, PA, B.A., 1988

- Represented a class of over 100 employees in a federal class action seeking wages under the Fair Labor Standards Act that resulted in a multi-million dollar settlement to class members on the eve of trial
- Conducted investigations of bullying, harassment and discrimination in schools
- Successfully litigated and argued a precedent-setting case nationally regarding the applicability of a statute of limitations to a civil rights claim in the United States Third Circuit Court of Appeals
- Successfully handled sexual harassment litigation on behalf of a female employee against a national apparel company which resulted in a substantial settlement prior to trial
- Conducted an extensive internal investigation of an existing public school employee's claim of discriminatory treatment in the workplace
- Successfully pursued a claim on behalf of a female executive of a national corporation who was sexually harassed by the Company's Chief Executive Officer
- Successfully litigated due process complaints at hearing, resulting in substantial settlements and/or awards

Classes/Seminars Taught

- IDEA Requirements on Program Implementation Outside the School Building, Kutztown University Special Education majors/Student Teachers, April 27, 2021
- Special Education Compliance for Teachers, Kutztown University General Education Majors, April 1, 2021
- Due Process Litigation Strategy, Exceptional Children Conference, Pennsylvania Bar Institute, October 25, 2019
- "IEP and 504 Legal Workshop," National Business Institute (NBI) in Reading PA - April 25, 2019
- "The Intersection Between Child Custody and School Law," Montgomery Bar Association - October 29, 2018
- "School Law & Compliance Update," Private School - August 23, 2018
- "Special Education Rights: What Parents Should Know", Goggleworks Center for the Arts, Reading, PA, - April 30 2018
- "School Law Update," Private School - August 30, 2017
- "IEPs and 504 Plans: A Legal Compliance Guide," National Business Institute - December 5-6, 2016
- "Due Process Hearings: How to Pump Up Your Preparations," Pennsylvania Bar Institute - July 21, 2016
- "Advanced Issues That Arise During a Due Process Hearing," Exceptional Children Conference, Pennsylvania Bar Institute - October 26, 2015
- "School Law Update" - August 2015
- "Special Education Due Process Litigation," Pennsylvania Bar Institute - March 10, 2015
- "Introduction to Special Education," Pennsylvania Bar Institute - March 10, 2015
- "School Safety," National Business Institute - December 8, 2014
- "School Law Workshop" - August 26, 2014
- "Compliance with Section 504 in Public School Districts" - June 24, 2014
- "Compliance with Section 504 in Public School Districts" - June 23, 2014
- "The Wish List of Parents and Schools: What Each Wants The Other To Know," Lehigh University 42nd Annual Special Education Law Conference - May 9, 2014
- "Social Skills and Compliance Under the IDEA" - April 4, 2014
- "Special Education Laws Made Simple," National Business Institute - December 6, 2013
- "Legally Defensible IEPs" - October 4, 2013
- "Employee Performance Evaluations," School Law Workshop - August 29, 2012
- "Meaningful Educational Benefit Under the IDEA," Lehigh University 40th Annual Special Education Law Conference - May, 2012
- "Special Education Due Process Practice and Procedures," National Business Institute - October 26, 2011
- "Case Law Driven IEPs," Lehigh University 39th Annual Special Education Law Conference - May 13, 2011
- "Legally Defensible IEPs," - January 24, 2011
- "Proper Documentation in Special Education" - November 17, 2010

- "Technology and Ethics in the Schools," Penn State Great Valley – Act 48 Credit Seminar For Educators– November 11, 2010
- "Special Education Settlement Agreements," Exceptional Children's Conference, Pennsylvania Bar Institute – October 15, 2010
- "Legal Issues Related To Therapeutic Support Workers," Lehigh University 38th Annual Special Education Law Conference - May 14, 2010
- "Special Education Gifted Education Under Pennsylvania Law," Exceptional Children's Conference, Pennsylvania Bar Institute – October 23, 2009
- "Section 504/Chapter 15 Compliance" – August 26, 2009
- "Successfully Handling Student Discipline" – August 18, 2009
- "Best Practices In IEP Drafting" – August 28, 2008
- "Special Education Settlement Agreements," West Legal Education - June 25, 2008
- "Special Education Settlement Agreements," National Business Institute - February 28, 2008
- "Successful IEP Implementation By Charter Schools" - November 9, 2007
- "School Law Update - Section 504 of the Rehabilitation Act" - August 30, 2007
- "School District Compliance Under The Fair Labor Standards Act," National Business Institute - November 16, 2006
- "Least Restrictive Environment and The Impact of Gaskins," School District - August 22, 2006
- "Least Restrictive Environment Legal Compliance," Pennsylvania Bar Institute - July 25, 2006
- "Maintaining An Ethical Balance - Special Education," National Business Institute - July 24, 2006
- "Ensuring Successful Due Process Procedures," National Business Institute - July 24, 2006
- "No Child Left Behind Act — The Bottom Line," National Business Institute - March 27, 2006
- "Avoidance of Special Education Claims" - May 11, 2006
- "FERPA Compliance - Handling Students' Records," National Business Institute - March 27, 2006
- "School Law Update" - February 17, 2006
- "Successfully Handling Discipline for Special Needs Students," National Business Institute - December 5, 2005
- "New Developments In Special Education Law: Impact Of Individuals With Disabilities Educational Improvement Act of 2004," National Business Institute - May 13, 2005
- "Special Education In Your Classroom - Applying the Law to Real Life," National Business Institute - February 5, 2005
- "Pennsylvania Special Education Law," National Business Institute - December 16, 2004
- "Hot Topics In Managing And Avoiding School Liability In Pennsylvania," National Business Institute - October 14, 2004
- "Making Use Of The Rules Of Civil Procedure And Other Effective Techniques And Strategies In Defending Discovery and Trial Depositions," Montgomery County Bar Association - October 1, 2004
- "A Primer On The Fair Labor Standards Act, The New Department Of Labor Regulations & Effective Payroll Practices," Pennsylvania School Board Association - June 26, 2004
- "Employment Law Update 2004," Independence Chapter, Association of Legal Administrators - June 11, 2004
- "Liability Avoidance For Employers," Montgomery County Chamber of Commerce - May, 2000
- "Employee Handbooks," Montgomery County Chamber of Commerce - November, 1999
- "Use Of Expert Testimony In Employment Cases," Montgomery County Bar Association - 1996

Keith T. Vernon

Partner

Phone: 202-349-9864

Fax: 202-776-0136

KVernon@timoneyknox.com

"Let no one ever come to you without leaving better and happier." - Mother Theresa



Keith T. Vernon joined the firm as a Partner in 2019 and oversees its Washington, D.C. office. Mr. Vernon is a skilled and talented litigator and advisor with over 20 years' experience. He has successfully guided and represented individuals, businesses, government entities, trade associations and faith-based organizations in class action matters, consumer rights, business advisory matters and corporate social responsibility ("CSR") stakeholder engagements and strategy.

A 1996 Juris Doctor graduate of Loyola University School of Law, Mr. Vernon has received the highest rating, AV Rated, by Martindale-Hubbell and is listed in the *Martindale-Hubbell Bar Register of Preeminent Lawyers Manual* from 2009 to the present.

Mr. Vernon is a member of the District of Columbia Bar Association and serves on the American Bar Association Stakeholder Engagement Sub-Section.

When he is not practicing law, Mr. Vernon remains active in the community. He has served on multiple Boards including as Past-President of The Friends of the Light House Shelter in Annapolis, Maryland. Along with his wife, Mr. Vernon lives in Annapolis, Maryland with his three children.

Areas of Practice

- Class Action Litigation
- Consumer Rights
- Business Advisory
- Corporate Social Responsibility
Stakeholder Engagement and
Strategy
- Products Liability

Bar Admissions

- District of Columbia

Education

- Loyola University New Orleans
College of Law, 1996
- St. Joseph's University, 1991

Christine M. Gordon

Partner

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CGordon@timoneyknox.com

"Far and away the best prize that life offers is the chance to work hard at work worth doing." – Theodore Roosevelt



Christine M. (O'Brien) Gordon joined Timoney Knox as an associate in 2011 and was elected a partner effective January 1, 2021. She focuses her practice on school and special education law, and civil rights litigation. She regularly counsels families of children with disabilities on issues arising under various state and federal laws and regulations, including the Individuals with Disabilities Education Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and Title VII of the Civil Rights Act of 1964.

Ms. Gordon has represented families and children at IEP meetings, disciplinary hearings, and administrative due process hearings, and has extensive experience performing appellate work in special education matters in federal courts. She currently works to help students in securing appropriate educational programs and services, as well as in obtaining compensatory education, school placements, tuition reimbursement, and other available remedies. She also has experience in matters involving school bullying, harassment, hazing, transgender rights and sexual and/or physical abuse. She is a speaker on issues related to special education and other student matters.

Ms. Gordon earned her law degree from Villanova University in 2008. While in law school, she was selected to write for the Villanova Environmental Law Journal, was a board member for a national legal fraternity focused on ethics within the legal profession, and volunteered her time providing pro bono legal work through various programs offered through the law school. She also served as a student volunteer at the Special Olympics event on campus.

Ms. Gordon received her undergraduate degree in psychology from Emory University in 2005. She has had a lifelong interest in the rights of children in school and supporting children with special needs. While attending Emory, she worked for a child psychologist, assisting in the preparation of neuropsychological evaluation reports, and also worked as a private tutor of students with special needs. She was on the Dean's List and was selected by the faculty for academic recognition in the Psi Chi National Honor Society, the Mortar Board Senior National Honor Society and Who's Who Among Students in American Colleges and Universities.

She is a member of the Pennsylvania and Montgomery County Bar Associations and was selected for and completed the Montgomery County Bar Association's prestigious Leadership Academy. She is a former Trustee on the Board of Trustees for Northern Children's Services, a nonprofit organization dedicated to providing behavioral and mental health services to at-risk children and their families, and previously served on the Board of Directors for the York Hospital Auxiliary. She currently serves on the Board of Directors for the Kelly Anne Dolan Memorial Fund, a nonprofit organization that provides financial assistance to families caring for children with serious illnesses, disabilities, and injuries.

A Bucks County native and graduate of Villa Joseph Marie High School, she currently resides in Ivyland, Pennsylvania with her husband Kyle, their two daughters, Maisyn and Shea, and their pit bull, Ollie.

Areas of Practice

- Students' Rights
- Special Education Law
- Commercial and Civil Litigation

Bar Admissions

- Pennsylvania, 2008
- United States District Court for the Eastern District of Pennsylvania, 2011
- United States Court of Federal Claims, 2012
- U.S. Court of Appeals for the Third Circuit, 2014
- U.S. District Court for the Middle District of Pennsylvania, 2015
- U.S. District Court for the Western District of Pennsylvania, 2017
- New Jersey, 2019

Education

- Villanova University School of Law, J.D., 2008
- Emory University, B.A., 2005

Published Works

- Case Note: Franz v. Franz, PBA/Pennsylvania Family Lawyer, Vol. 31, 3, 2009

Classes/Seminars Taught

- Basics of Child and Spousal Support Seminar, 2009
- "Legally Defensible IEPs" - October 4, 2013
- "Social Skills and Compliance Under the IDEA" - April 4, 2014
- "Compliance with Section 504 in Public School Districts" - June 23, 2014
- "Compliance with Section 504 in Public School Districts" - June 24, 2014
- "School Law Workshop" - August 26, 2014
- "School Law Workshop" - August 26, 2015
- "Compliance with Section 504 in Public School Districts" - March 24, 2016



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Kathleen M. Vermilion is an Associate in the Students' Rights department of the firm. Kathleen focuses her practice on the needs of children and their families with regard to special education law and students' rights, including transgender rights.

Kathleen attended Villanova University and received her B.A. in History and Secondary Social Education with a minor in Political Science. She began her career as a teacher having taught numerous subjects in the School District of Philadelphia. While in law school, Kathleen concentrated on civil rights and protecting the disadvantaged, including an internship at Disability Rights Pennsylvania.

While at Villanova University Charles Widger School of Law, Kathleen worked on the *Law Review* and graduated *magna cum laude* and in the top 10% of her class.

Areas of Practice

- Students' Rights
- Special Education Law

Bar Admissions

- Pennsylvania, 2016

Education

- Villanova University Charles Widger School of Law, J.D., 2016
- Villanova University, B.A., 2009

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|----------|--|
| 08/25/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Research regarding: data breach case involving sport's officials by ArbiterSports |
| 08/27/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Case vetting : ArbiterSports - legal and factual research related to data breach. |
| 08/31/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.00 | 540.00 | 540.00 | Research/analysis regarding: ArbiterSports' data breach. |
| 09/01/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | Review possible claims regarding ArbiterSports; review information on Arbiter website; Telephone conference with Keith Vernon. |
| 09/01/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Case vetting: ArbiterSports - research, fact analysis of breach, complaints , relevant documents and communications including analysis of Arbiter web pages, potential causes for breach and online complaints. |
| 09/02/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | ArbiterSports - Intraoffice conference with Scott H. Wolpert, Esquire regarding potential Class Action. |
| 09/02/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Fact, legal and arbitration process research regarding ArbiterSports including analysis for this matter as a class arb matter - and AAA arbitration process for class matters. |
| 09/02/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.30 | 525.00 | 1,732.50 | ArbiterSports: review and analysis of data breach claims and issues; further research regarding Arbiter's operations, contacts with Pennsylvania and other jurisdictions; emails with Keith Vernon. |
| 09/03/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | ArbiterSports - Review email from Scott H. Wolpert, Esquire forwarding notification of data security incident; Prepare response email to Scott H. Wolpert, Esquire regarding same. |
| 09/03/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.90 | 525.00 | 1,522.50 | ArbiterSports: review website information; analysis; file notes; Telephone conference with concerned official regrading information subject to data breach and Arbiter's failure to protect information; Telephone conference with Keith Vernon. |
| 09/03/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Case vetting: research, fact and legal on ArbiterSports matter - call with Scott Wolpert - including analysis on past data breach cases litigated/settled and Arbiter ownership structure. |
| 09/04/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Arbiter Sport; analysis of issues; review emails related to data breach involving sport's officials nationally. |
| 09/04/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.00 | 540.00 | 1,620.00 | Case vetting: ArbiterSports - fact and legal research on-going analysis to determine case potential. |
| 09/07/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.60 | 525.00 | 1,365.00 | ArbiterSports: research regarding issues in Arbiter's "Terms and Conditions" and analysis of possible Arbiter defenses and strategy in response in order to maintain class action on behalf of sport's officials affected nationally. |
| 09/08/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | ArbiterSports case vetting - call with Jon Shub and analysis. |
| 09/09/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.80 | 360.00 | 288.00 | ArbiterSports - Review email from Scott H. Wolpert, Esquire forwarding data breach settlements and other resources; Review email from she forwarding "Notification of Data Security Incident"; Review email from Scott H. Wolpert, Esquire forwarding additional resources/blogs/chat rooms devoted to data security incident; Review email from Scott H. Wolpert, Esquire regarding Terms and Conditions. |
| 09/09/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.20 | 525.00 | 1,680.00 | ArbiterSports: Telephone conference with Keith Vernon: research regarding ArbiterSports operations and terms and conditions; further analysis of strategy needed to maintain as class action in federal court on behalf of affected officials; file notes. |
| 09/09/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.00 | 540.00 | 1,620.00 | Case vetting - research - ArbiterSports - call with industry expert - fact and legal research communications with Scott Wolpert - call with Jon Shub. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 09/10/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 6.40 | 360.00 | 2,304.00 | ArbiterSports - Review email from Keith T. Vernon, Esquire forwarding agenda for telephone call today with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire, Jonathan Shub, Esquire related to case analysis; Review emails from Scott H. Wolpert, Esquire forwarding notes in preparation for today's conference; review various websites related to ArbiterSports and breach; Attend conference; Review email from Jonathan Shub, Esquire forwarding information related to data breach Class Action settlement; Review email from Jonathan Shub forwarding primer on data breach cases; Telephone conference with co-counsel related to potential Class Actions; Prepare notes related to case strategy and forward to Scott H. Wolpert, Esquire for review; Review email from Scott H. Wolpert, Esquire to Kathleen M. Vermilion, Esquire forwarding specific points needed for legal research. |
| 09/10/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.40 | 525.00 | 2,310.00 | ArbiterSports: Review various Arbiter products and pages; prepare summary memo related to data breach, officials affected and analysis; Telephone conference with Christine Gordon, Keith Vernon, Jon Shub and Kevin Laukaitis regarding case issues and action needed. Identify information needed from possible class representatives. |
| 09/10/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 7.00 | 540.00 | 3,780.00 | Case vetting: ArbiterSports - fact and legal research - call with colleague on cyber security issues - preparation for call with full Team on case strategy - call held with full Team and post call analysis of action needed. On-going analysis and research of data breach issues and outline of all issues that need to be considered to fully determine case. |
| 09/10/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.70 | 250.00 | 425.00 | ArbiterSports: Preliminary review of ArbiterSports structure, operations and policies. Research corporate status of ArbiterSports and whether products have own corporate standing. |
| 09/11/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 6.90 | 360.00 | 2,484.00 | ArbiterSports - Review email from Keith T. Vernon, Esquire regarding teleconference with cyber security consultant; Review emails from Keith T. Vernon, Esquire forwarding articles on data breaches, insurance companies, ransomware, etc.; Research internet blogs and postings about ArbiterSports security incident; Conduct legal research related to Class Action complaints filed in data breach cases; Begin outlining facts and potential claims for Civil Complaint; Intraoffice conference with Scott H. Wolpert, Esquire and Kathleen M. Vermilion, Esquire regarding legal research needed. |
| 09/11/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 6.60 | 525.00 | 3,465.00 | ArbiterSports: Research and analysis regarding terms and conditions, applicability, arguments that provisions inapplicable and/or unenforceable; review and analysis of ArbiterSports privacy policy and conflicts between Arbiter's Terms and Conditions and Privacy Policy; Conference with Christine Gordon and Kathleen Vermilion; analysis and action needed; Telephone conference with Keith Vernon; conference with Christine Gordon regarding case issue: draft internal memo. |
| 09/11/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | ArbiterSports - fact and legal research. |
| 09/11/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.40 | 250.00 | 850.00 | ArbiterSports: Reviewed memo and action plan. Intraoffice conference with Christine Gordon and Scott H. Wolpert, Esquire re: assignment and priority of action items. Obtained and filed updated message board threads related to data breach. Researched standing in data breach cases in PA. Research corporate status and structure of both ArbiterSports and Serent Capital. |
| 09/12/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.00 | 360.00 | 360.00 | ArbiterSports - Review email from Scott H. Wolpert, Esquire forwarding information related to arbitration clause in Terms and Conditions; Review emails from Scott H. Wolpert, Esquire regarding ArbiterSports' corporate information; Review various other emails from Scott H. Wolpert, Esquire forwarding ArbiterSports' software programs and factual information for complaint. |
| 09/12/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 5.90 | 525.00 | 3,097.50 | ArbiterSports: Research and analysis regarding ArbiterSports, ArbiterPay, RefPay, history, financials: Telephone conference with Keith Vernon regarding financial and expert issues: analysis of class arbitration issue; communication with potential class representative. |
| 09/12/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | ArbiterSports - fact and legal research - call with Scott Wolpert regarding liability. |
| 09/13/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | ArbiterSports case vetting - research - factual and legal research and analysis including ransomware research, Arbiter actions on data breach and Arbiter post data breach actions. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 09/14/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.50 | 360.00 | 540.00 | Review emails between Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding potential expert; Review email from Keith T. Vernon, Esquire regarding legal arguments and contra arguments, etc.; Review email from Keith T. Vernon, Esquire forwarding Data Breach information; Review emails from Scott H. Wolpert, Esquire forwarding information related to standing in data breach cases, exculpatory clauses, and terms and conditions. |
| 09/14/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.10 | 525.00 | 2,152.50 | ArbiterSports: Research regarding standing, terms and conditions, illusory contract: analysis; conference with Christine Gordon; emails with Christine Gordon regarding case issues; communications with potential class members. |
| 09/14/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.00 | 540.00 | 2,160.00 | ArbiterSports case vetting - research, fact and legal - analysis, including standing issues, data breach obligations, and analysis for potential expert needs. |
| 09/14/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Analysis and communication regarding vetting class representatives. |
| 09/14/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.40 | 250.00 | 350.00 | ArbiterSports: Accessed discussion boards to evaluate updated chatter regarding breach. Researched standing in Pennsylvania, actual harm and speculative harm. |
| 09/15/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.20 | 360.00 | 792.00 | ArbiterSports - Intraoffice conference with Scott H. Wolpert, Esquire regarding meeting with expert today; Telephone conference with cyber security expert related to potential Class Action; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding analysis of statements made by cyber security expert; Review email form Scott H. Wolpert, Esquire forwarding BBB complaints against ArbiterSports; Review emails form Scott H. Wolpert, Esquire forwarding additional information from Scott H. Wolpert, Esquire related to ArbiterPay and additional ArbiterSports documents; Additional research related to responding to data breaches and reporting. |
| 09/15/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.40 | 525.00 | 1,785.00 | ArbiterSports: Further research regarding ArbiterSports and ArbiterPay; Telephone conference with IT data breach expert; conference with Christine Gordon; Telephone conference with Keith Vernon and Christine Gordon. |
| 09/15/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.60 | 540.00 | 3,024.00 | ArbiterSports - research (fact and legal) - analysis re: financial issues - preparation for call with potential expert - call held - post call analysis. Call with Scott Wolpert and Christine Gordon. |
| 09/15/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.50 | 250.00 | 1,125.00 | ArbiterSports: Researched standing for Class Actions in Pennsylvania. Researched standing requirements in the Third Circuit, Supreme Court, and Tenth Circuit. |
| 09/16/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | ArbiterSports - Review email from Keith T. Vernon, Esquire regarding IT expert's retainer and curriculum vitae; Review email from Keith T. Vernon, Esquire regarding jurisdictional and venue issues; Review email form Keith T. Vernon, Esquire regarding ArbiterSports website. |
| 09/16/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.30 | 525.00 | 1,207.50 | ArbiterSports: Review emails, analysis of class representative issues: conference with Christine Gordon; review information from blog websites regarding data breach. |
| 09/16/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 6.00 | 540.00 | 3,240.00 | ArbiterSports case vetting - research - fact, legal and financial, including expert needs analysis/selection, Arbiter Terms of Service issues, and breadth of class issues. |
| 09/16/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.30 | 250.00 | 325.00 | ArbiterSports: Researched specific harms alleged in data breach cases that conferred standing in Third Circuit. |
| 09/17/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.50 | 360.00 | 180.00 | ArbiterSports - Review emails from Keith T. Vernon, Esquire regarding Serent Capital, financial reports, and regarding expert. |
| 09/17/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.20 | 525.00 | 1,155.00 | ArbiterSports: Telephone conference with Keith Vernon regarding legal issues, jurisdiction, action needed; emails regarding legal issues and analysis. |
| 09/17/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Case vetting: analysis on status of case - communication to team re: updates, including Private Equity firm operational involvement in Arbiter. |
| 09/17/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 7.00 | 540.00 | 3,780.00 | ArbiterSports case vetting: research, fact and legal as well as in-depth financial analysis including Serent, as well as history. Communications with Scott Wolpert on same. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 09/17/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.80 | 250.00 | 700.00 | ArbiterSports: Researched Tenth Circuit specific harms alleged conferring standing and analyzed in comparison to Third Circuit. |
| 09/18/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 7.40 | 360.00 | 2,664.00 | ArbiterSports - Continue outlining Civil Complaint; Review emails from Keith T. Vernon, Esquire regarding failures leading to data breach and information on message boards; Research regarding NJ data protection laws and private consumer actions; Various emails with Scott H. Wolpert, Esquire regarding same; Meeting with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire and Kathleen M. Vermilion, Esquire regarding legal research issues, particularly standing, Serent Capital, and next steps; Review email from Kathleen M. Vermilion, Esquire forwarding notes from conference call. |
| 09/18/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.60 | 525.00 | 1,365.00 | ArbiterSports: Emails regarding IT expert; review of standing issue; analysis of Arbiter published documents; Telephone conference with Keith Vernon, Christine Gordon and Kathleen Vermilion; file notes. |
| 09/18/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.60 | 540.00 | 3,024.00 | Arbiter fact and legal research/vetting. Research on Serent capital. Call with Arbiter team. Analysis also included referee complaints and fact analysis of how the data breach occurred. |
| 09/18/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.70 | 250.00 | 1,425.00 | ArbiterSports: Research standing in NJ. Intraoffice conference with Scott H. Wolpert, Esquire, Christine M. Gordon, and Keith Vernon re: standing research, private equity company liability, potential Federal statutes violated. Researched Stored Communications Act and potential violations. Researched Federal Credit Reporting Act and potential violations by ArbiterSports. |
| 09/19/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | ArbiterSports - Review email from Keith T. Vernon, Esquire regarding status of retaining IT expert, Mary Frantz. |
| 09/19/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.30 | 525.00 | 682.50 | ArbiterSports: review emails, research on various topics regarding data breach, officials affected, possible claims and follow up needed. |
| 09/20/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.10 | 250.00 | 1,025.00 | ArbiterSports: Researched Class Action Fairness Act and implications for claim being filed in Federal and/or State Courts. |
| 09/21/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 5.40 | 360.00 | 1,944.00 | ArbiterSports - Continue drafting Civil Complaint; Review and revise notes from teleconference with expert on 9/15/20 and forward to Keith T. Vernon, Esquire, and Scott H. Wolpert, Esquire; Review email from Keith T. Vernon, Esquire forwarding additional information regarding Serent Capital; Review email from Kathleen M. Vermilion, Esquire forwarding memorandum on standing issue. |
| 09/21/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | ArbiterSports: Review emails from Keith Vernon and Christine Gordon: Telephone conference with Keith Vernon; file notes. |
| 09/21/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 8.00 | 540.00 | 4,320.00 | ArbiterSports: case vetting - fact and legal research - communications with Jon Shub. Analysis of Serent - fact gathering and business review analysis. |
| 09/21/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 7.00 | 250.00 | 1,750.00 | ArbiterSports: Analyzed research and evaluated our potential standing in each potential jurisdiction. Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon regarding priority of next research tasks. Researched availability of Class Action arbitration. |
| 09/22/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 7.90 | 360.00 | 2,844.00 | ArbiterSports - Continue drafting Civil Complaint; Review email from Keith T. Vernon, Esquire regarding legal grounds regarding possible liability of Serent Capital. (Private Equity/PE firm) |
| 09/22/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | ArbiterSports: case vetting - fact and legal research - call with Shub re: PE firm analysis. Continued analysis on PE firm and potential operational involvement. |
| 09/22/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.80 | 250.00 | 200.00 | ArbiterSports: Monitored message boards. Set up alert for litigation notices related to In re Wawa Data Breach Litigation. Intraoffice conference with Christine Gordon regarding potential Federal statutory violations by ArbiterSports. |
| 09/23/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.50 | 525.00 | 262.50 | ArbiterSports: Review emails from Keith Vernon; Telephone conference with Christine Gordon. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 09/23/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 8.00 | 360.00 | 2,880.00 | ArbiterSports - Continue drafting Civil Complaint; Review and analysis of email from Keith Vernon regarding analysis of additional information related to adding Serent Capital as a defendant and effect on other issues in case. |
| 09/23/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.00 | 540.00 | 2,700.00 | ArbiterSports: fact and legal research/analysis/strategy, including Arbiter Terms and Conditions, and liability limitations. |
| 09/23/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.20 | 250.00 | 550.00 | ArbiterSports: Researched AAA Class Action rules, including venue, and impact on our claims. |
| 09/24/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | ArbiterSports: review factual issues involving Arbiter operations and communications; review standing analysis; review issue of possible claim against Serent; telephone conference with possible class representatives; |
| 09/24/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 8.40 | 360.00 | 3,024.00 | ArbiterSports - Continue drafting Civil Complaint; Review and analysis of email from Keith T. Vernon, Esquire regarding analysis of standing issue in data breach cases; Review email from Kathleen M. Vermilion, Esquire forwarding information related to Class Action arbitration rules; Various follow up regarding same; Review email from Keith T. Vernon, Esquire to Jon Shub related to standing issues. |
| 09/24/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 6.00 | 540.00 | 3,240.00 | ArbiterSports: fact and legal research - analysis on Serent - standing issues - and PE firm liability, including standing analysis facts and law. |
| 09/24/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.70 | 250.00 | 1,175.00 | ArbiterSports: Research class arbitration rules, procedures, and viability. Research viability of standing in State and Federal Courts in Utah. |
| 09/25/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.30 | 525.00 | 1,207.50 | ArbiterSports: review legal issues including standing in various possible jurisdictions; telephone conference with Keith Vernon, Christine Gordon and Kathleen Vermilion; file notes. |
| 09/25/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 6.10 | 360.00 | 2,196.00 | ArbiterSports - Continue drafting draft Civil Complaint; Prepare email to Scott H. Wolpert, Esquire forwarding draft Civil Complaint; Attend ZOOM meeting with Keith T. Vernon, Esquire, Kathleen M. Vermilion, Esquire and Scott H. Wolpert, Esquire regarding legal research issues and next steps. |
| 09/25/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | ArbiterSports: fact and legal research including expert issue - preparation for team call - call held - analysis. |
| 09/25/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.50 | 250.00 | 1,125.00 | ArbiterSports: Intraoffice conference with Christine regarding standing and prioritizing research tasks. Researched enforceability of venue selection in arbitration agreements. |
| 09/26/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire regarding conversation over the weekend with officials using ArbiterSports about data breach and serious concerns about their personal information not being protected by ArbiterSports. |
| 09/28/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | ArbiterSports: Emails with Keith Vernon; email with Kathleen Vermilion; analysis regarding concerns by officials. |
| 09/28/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | ArbiterSports: fact and legal research - analysis of MD issue re: AG having ArbiterSports on web page, , including why certain Maryland Arbiter officials did not get a data breach letter. |
| 09/28/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | ArbiterSports - Review email from Keith T. Vernon, Esquire regarding follow up about notice of breach; Review email from Scott H. Wolpert, Esquire regarding notice received; Review email from Kathleen M. Vermilion, Esquire forwarding notes from Friday's call; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding parts of Friday call that she missed; Review email from Kathleen M. Vermilion, Esquire forwarding legal research referenced during Friday's call. |
| 09/28/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 6.80 | 250.00 | 1,700.00 | Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon regarding call notes and action items. Researched standing requirements for named plaintiffs as opposed to class, Class Action jurisdiction and removal, details of circuit split on standing for future injury, and comparisons to medical monitoring cases. |
| 09/29/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | ArbiterSports: Telephone conference with Keith Vernon regarding jurisdictional issues; conference with Christine Gordon and Kathleen Vermilion; research regarding local officials' associations and notice. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 09/29/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.60 | 540.00 | 3,024.00 | ArbiterSports: case vetting: fact and legal research - communications with co-counsel. Research on fact harm issues and standing analysis, review of other data breach cases to inform both complaint issues and standing issues. |
| 09/29/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 5.50 | 360.00 | 1,980.00 | ArbiterSports - Intraoffice conference with Kathleen M. Vermilion, Esquire regarding additional standing research needed; Review emails between Keith T. Vernon, Esquire and Kathleen M. Vermilion, Esquire regarding standing memo; Intraoffice conference with Scott H. Wolpert, Esquire and Kathleen M. Vermilion, Esquire regarding strategy in filing and additional research steps; Research liability of private equity firms; Intraoffice conference with Scott H. Wolpert, Esquire regarding same. |
| 09/29/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.70 | 250.00 | 1,425.00 | ArbiterSports: Researched enforceability of venue selection in arbitration agreements in Third Circuit. Analyzed Terms and Conditions from web site. Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon re: CAFA and impact on standing. |
| 09/30/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.20 | 525.00 | 1,155.00 | ArbiterSports: research regarding other complaints; Telephone conference with possible class representatives; review other notices; analysis of information communicated by Arbiter, lack of detail and errors in Arbiter's notice to officials. |
| 09/30/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.00 | 540.00 | 2,700.00 | ArbiterSports - fact and legal research - review of fact complaints and analysis - review of potential liability issues - and Serent as a defendant analysis, and statues of Data Breach reporting and obligations. |
| 09/30/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.60 | 250.00 | 1,150.00 | ArbiterSports: Researched enforceability of click wrap and browse wrap agreements in Third Circuit. Researched which forum determines enforceability. |
| 10/01/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Wendi Dwyer regarding meeting with co-counsel on Friday; Various follow up regarding same. |
| 10/01/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.10 | 525.00 | 577.50 | ArbiterSports: Review terms and conditions; analysis of Arbiter procedural defenses. |
| 10/01/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 6.00 | 540.00 | 3,240.00 | ArbiterSports case vetting: research and analysis re: class representatives. Private equity liability and liability of data breach updates. Review of other data breach class Complaints - review of draft Complaint. Analysis. |
| 10/01/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.30 | 250.00 | 325.00 | ArbiterSports: Researched updated information from message boards and complaint centers regarding impacts of breach. Researched browse wrap enforceability in the 6th circuit. |
| 10/02/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.10 | 250.00 | 275.00 | Compiled and analyzed research on browse wrap and click wrap related to Arbiter Terms and Conditions and opposition to possible defenses, drafted memo. |
| 10/02/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.90 | 525.00 | 1,522.50 | ArbiterSports: prepare for and participate in Team conference call; file notes and action needed. |
| 10/02/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.60 | 540.00 | 3,024.00 | ArbiterSports case vetting: fact and legal research - analysis of liability issues - preparation for team conference call - call held - post call analysis. |
| 10/02/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 7.20 | 360.00 | 2,592.00 | Review emails from Keith T. Vernon, Esquire regarding Serent Capital; Review email from Scott H. Wolpert, Esquire regarding same; Research issues related to liability of private equity firms; Begin drafting confidential internal memo related to liability of private equity firms; Review email from Scott H. Wolpert, Esquire regarding agenda for call today with co-counsel; Telephone conference with Scott H. Wolpert, Esquire regarding strategy; Telephone conference with co-counsel regarding issues and case strategy; Note to file. |
| 10/04/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | ArbiterSports - communications and work re: potential class representatives. Analysis re: same. |
| 10/04/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Analysis of potential class representatives - communication regarding interested officials and possible class representatives |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 10/05/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 7.50 | 360.00 | 2,700.00 | Review email from Scott H. Wolpert, Esquire regarding points in opposition to Terms and Conditions; Review email from Scott H. Wolpert, Esquire forwarding User Agreement; Review email from Kevin Laukaitis, Esquire regarding expert's retainer; Review email from Scott H. Wolpert, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding how ArbiterSports' website works, including the registration process; Review email from Kathleen M. Vermilion regarding arbitration clause and legal research; Review messages from Scott H. Wolpert, Esquire regarding another potential class representative; Review email from Scott H. Wolpert, Esquire forwarding information regarding another lawsuit being filed in Indiana; Revise draft Complaint to include allegations related to nationwide class and additional allegations related to unenforceability of arbitration clause, as per today's phone call; Telephone conference with Scott H. Wolpert, Esquire regarding Indiana Complaint; Review email from Kathleen M. Vermilion, Esquire forwarding Complaint filed in Indiana; Review and analyze Indiana Complaint filed. |
| 10/05/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.80 | 525.00 | 1,470.00 | ArbiterSports: emails regarding expert; review and analysis of issues; emails with possible class representatives; telephone conference with Keith Vernon; file notes; telephone conference with Christine Gordon; telephone conferences with possible class representatives. |
| 10/05/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 6.60 | 540.00 | 3,564.00 | ArbiterSports case vetting: research on legal issues re: PE liability - fact research - review of Complaint filed in Indiana. Communications with co-counsel. Analysis. Calls re: class representatives, including potential class rep and analysis of relevant facts. |
| 10/05/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.10 | 250.00 | 1,025.00 | Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon re: priority of jurisdictions to research and which questions to prioritize. Intraoffice conference with Christine M. Gordon re: including terms and conditions as allegations in the Complaint. Research enforceability of venue selection clauses in Third Circuit. |
| 10/06/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.30 | 525.00 | 2,257.50 | ArbiterSports: telephone conference with Keith Vernon; telephone conference with Kathleen Vermilion; analysis of other documents published by Arbiter on websites and through CFO and NCAA; analysis of Indiana Civil Complaint; emails with possible class representative. |
| 10/06/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.50 | 540.00 | 2,430.00 | ArbiterSports case vetting: analysis/reading of recent class Complaint against Arbiter filed in Indiana. Preparation for call with counsel of same. Call held with team. Post call analysis. Research, both fact and legal - analysis - analysis of internal research memos. Calls with Scott Wolpert. |
| 10/06/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 5.30 | 360.00 | 1,908.00 | Various communications with Kathleen M. Vermilion, Esquire regarding analysis of Indiana Complaint; Continue research related to liability of private equity firms; Finalize confidential internal memorandum regarding same; Prepare email to Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire forwarding results of legal research; Review email from Scott H. Wolpert, Esquire forwarding blog article about ArbiterSports' failures leading to the data breach; Review email from Scott H. Wolpert, Esquire regarding additional revisions to make to Class Action Complaint; Revise Class Action Complaint; Prepare email to Scott H. Wolpert, Esquire, forwarding revised Class Action Complaint; Review email from Scott H. Wolpert, Esquire forwarding notes from teleconference with Indiana counsel. |
| 10/06/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.00 | 250.00 | 750.00 | Reviewed and analyzed Complaint filed in Indiana related to ArbiterSports data breach. Created spreadsheet showing relevant law and facts to filing in various jurisdictions and included research thus far. Researched arbitration clause enforceability. Reviewed call notes from conference call. |
| 10/07/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 5.20 | 525.00 | 2,730.00 | ArbiterSports: Telephone conference with possible named class representatives; file notes; analysis; reviewed current state law issues; file notes regarding calls with possible named class representatives including interested official sin representing class. Analysis of Arbiter contacts with Pennsylvania, including contracts with associations and school districts. |
| 10/07/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Arbiter case vetting: preparation for call with potential class representative - analysis call held. Post call analysis. Research re: liability - fact and legal . |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 10/07/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.50 | 250.00 | 625.00 | Researched enforceability of venue selection provisions in Sixth and Tenth Circuits. |
| 10/07/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.90 | 360.00 | 684.00 | Review email from Scott H. Wolpert, Esquire regarding most current draft of Complaint; Review email from Scott H. Wolpert, Esquire regarding teleconference with potential class representative, Victor Rodriguez; Prepare email to co-counsel forwarding draft Class Action Complaint for review; Review response email from Keith T. Vernon, Esquire regarding same; Review emails from Scott H. Wolpert, Esquire regarding teleconference with additional potential class representative in Pennsylvania; Review email from Scott H. Wolpert, Esquire forwarding information form Baker Hostetler website; Review email form Scott H. Wolpert, Esquire regarding conversation with additional potential class representatives in New Jersey. |
| 10/08/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.20 | 360.00 | 432.00 | Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding case strategy, fee agreements for class representatives, draft Complaint, other Complaint filed in Indiana, research related to liability of private equity firm, etc. |
| 10/08/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.40 | 525.00 | 1,785.00 | ArbiterSports: emails regarding plaintiffs; review and analysis of liability issues; telephone conference with Kathleen Vermilion; review jurisdiction issues; file notes; emails regarding issues and actions needed. |
| 10/08/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.20 | 540.00 | 1,728.00 | ArbiterSports case vetting: preparation for communications with team- communications held - analysis - research on same - analysis re: PE firm - liability update analysis. |
| 10/08/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.30 | 250.00 | 1,325.00 | Compiled and analyzed research on arbitrability to determine which aspects needed additional research and assess value of continued research in particular jurisdictions. Researched Bristol-Myers Squibb case law and its impact on personal jurisdiction for our action. |
| 10/09/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 6.10 | 360.00 | 2,196.00 | Review email from Scott H. Wolpert, Esquire forwarding notice to locate more potential class representatives; Review and revise notice; Intraoffice conference with Scott H. Wolpert, Esquire and Kathleen M. Vermilion, Esquire regarding status of various legal research projects and preliminary results; Continue reviewing same; Telephone conference with all co-counsel related to Indiana case filing, terms and conditions and arbitration clause, filing strategy, etc. |
| 10/09/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.20 | 525.00 | 1,680.00 | ArbiterSports: drafting, team meeting, conference with Christine Gordon; analysis of claims and possible procedural and jurisdictional defenses by ArbiterSports, including standing, arbitration, limitations from Terms and Conditions ; emails with class representatives. |
| 10/09/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.00 | 540.00 | 1,620.00 | ArbiterSports - work re: class representatives analysis - fact and legal research - preparation for team call - call held - post call analysis - communications. |
| 10/09/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.80 | 250.00 | 1,200.00 | Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon re: updated research and impact on our ability to file in Eastern District of PA, content of Complaint in relation to Terms and Conditions, and priority of remaining research. Research personal jurisdiction in relation to out-of-state plaintiff claims. Review and monitor officials' message boards for updated complaints and issues with ArbiterSports |
| 10/10/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire forwarding contact information for class representative; Review email from Kathleen M. Vermilion, Esquire forwarding comments and suggested revisions to Class Action Complaint. |
| 10/10/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.70 | 250.00 | 675.00 | Reviewed draft Complaint, provided analysis based on my research, added allegations related to arbitration clause. |
| 10/11/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | ArbiterSports: emails with class representatives; file note regarding class representatives. |
| 10/11/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.60 | 250.00 | 150.00 | Research and analysis regarding unconscionability of arbitration clauses in Pennsylvania. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 10/12/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 7.00 | 360.00 | 2,520.00 | Revise Complaint based on suggested revisions sent from Kathleen M. Vermilion, Esquire; Various communications with Kathleen M. Vermilion, Esquire regarding same; Various online research related to representations made by ArbiterSports as to security of personal information; Continue revising due process Complaint; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to all co-counsel requesting comments on draft Class Action Complaint; Review email from Keith T. Vernon, Esquire regarding status of review; Various communications with Scott H. Wolpert, Esquire regarding clarifications of factual details for allegations of Complaint; Review email from Scott H. Wolpert, Esquire forwarding additional information received from potential class representatives; Review email from Keith T. Vernon, Esquire forwarding suggestions for revisions to Class Action Complaint and points for discussion; Various communications with Scott H. Wolpert, Esquire regarding same; Review email from Jonathan Shub, Esquire regarding scheduling a team call to go over points for discussion; Review email from Kathleen M. Vermilion, Esquire forwarding memo re: personal jurisdiction in Class Actions; Continue revising Class Action Complaint; Prepare email to Scott H. Wolpert, Esquire, forwarding revised draft of Class Action Complaint with comments; Review emails between Scott H. Wolpert, Esquire and class representative; Revise Complaint based on comments from potential class representative; Prepare email to Scott H. Wolpert, Esquire forwarding revised Class Action Complaint; Review email from Keith T. Vernon, Esquire to Jonathan Shub, Esquire regarding review of Class Action Complaint; Review email from Scott H. Wolpert, Esquire regarding same. |
| 10/12/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.80 | 525.00 | 1,470.00 | ArbiterSports: emails regarding class representatives and information; telephone conference with Christine Gordon; review and revise draft Civil Complaint, with particular focus on Arbiter operations and contacts; analysis of other revision issues; emails with Keith Vernon; email with possible class representative. |
| 10/12/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.00 | 540.00 | 2,160.00 | ArbiterSports case vetting: analysis and reading of full Complaint - research on same - communications with team - fact research on liability. |
| 10/12/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.30 | 250.00 | 1,325.00 | Intraoffice conference with Linda McCann re: preparing documents to file Complaint in Eastern District of Pennsylvania. Analyzed personal jurisdiction research and compiled into memo, updated research. |
| 10/13/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.20 | 525.00 | 2,205.00 | Emails, review and revision to Complaint, emails with class representatives, conference with Christine Gordon, review statutes. |
| 10/13/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.40 | 360.00 | 1,224.00 | Review email from Kevin Laukaitis, Esquire regarding availability of expert for phone call to discuss allegations in the Class Action Complaint; Review emails from Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding same; Telephone conference with Scott H. Wolpert, Esquire regarding revisions to Class Action Complaint and additional issues that need to be discussed with co-counsel; Prepare message to Scott H. Wolpert, Esquire regarding additional follow up points; Review email from Scott H. Wolpert, Esquire to co-counsel forwarding same; Revise draft Complaint further; Review email from Keith T. Vernon, Esquire regarding correcting full legal name of class representative; Revise Complaint and forward revised Complaint to Keith T. Vernon, Esquire for review; Review response email from Keith T. Vernon, Esquire regarding additional comments from class representative; Revise Complaint based on comments; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding potential strategy and additional revisions to Complaint; Revise Complaint and forward to Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire; Telephone conference with Kathleen M. Vermilion, Esquire regarding status; Review email from Scott H. Wolpert, Esquire regarding factual information to provide expert ahead of tomorrow's call, and follow up related to same; Review emails related to additional revisions to be made to Complaint; Telephone conference with Kathleen M. Vermilion, Esquire regarding various research issues in preparation for call with co-counsel tomorrow. |
| 10/13/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | ArbiterSports case vetting- research - analysis re: PE firm liability and facts - analysis and review of Complaint updated drafts and issues. |
| 10/13/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.60 | 250.00 | 650.00 | Intraoffice conference with Christine Gordon re: including declaratory and injunctive relief in Complaint. Reviewed revised Complaint. Updated case law on enforcing browse wrap and click wrap. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 10/14/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.80 | 525.00 | 1,995.00 | Conference with Team regarding Complaint and strategies; telephone conference with expert; telephone conference with Keith Vernon and Christine Gordon; review emails. |
| 10/14/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 5.80 | 360.00 | 2,088.00 | Various communications with Kathleen M. Vermilion regarding research and issues for Complaint; Research related to outstanding issues for Complaint for discussion with co-counsel today; Telephone conference with co-counsel regarding revisions to Complaint; Various follow up emails regarding same; Continue revisions to Complaint; Teleconference with expert regarding allegations of Complaint; Review Scott H. Wolpert, Esquire's revisions to Complaint; Review written notes from expert; Revise Complaint to include revisions as discussed with co-counsel and with expert. |
| 10/14/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.00 | 540.00 | 2,700.00 | Revision to Complaint and inclusion on new material; strategy and analysis for filing - preparation for call with IT expert; conference call with IT expert regarding Arbiter's data breach and post call analysis. Analysis re: Serent inclusion of material facts. |
| 10/14/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.70 | 250.00 | 925.00 | Researched impact of adding private equity firm to Complaint on arbitration requirements. Intraoffice conference with Christine M. Gordon re: updates to Complaint and strategy related to naming plaintiffs in particular jurisdictions. |
| 10/15/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.90 | 525.00 | 1,522.50 | Review Complaint revisions; revise letter; conference with Christine Gordon; analysis of filing issue; telephone conference with Keith Vernon; emails to proposed class representatives regarding civil complaint. |
| 10/15/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Work on Complaint revisions and fact inclusion and expert points to include in complaint draft. |
| 10/15/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.90 | 250.00 | 225.00 | Researched membership of ArbiterSports LLC and corporate status of Halftime Holdings LLC. |
| 10/15/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 6.80 | 360.00 | 2,448.00 | Continue revising Class Action Complaint pursuant to discuss with co-counsel yesterday as well as discussion with expert; Intraoffice conference with Scott H. Wolpert, Esquire regarding status of revisions and next steps; Finalize revisions to certain counts of the Class Action Complaint; Prepare email to Scott H. Wolpert, Esquire, forwarding revised draft of Class Action Complaint; Review email from Scott H. Wolpert, Esquire to co-counsel forwarding revised draft of Class Action Complaint for final comment; Review email from Kevin Laukaitis, Esquire regarding suggested revisions related to liability and related to jurisdiction; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding jurisdictional issue raised by Kevin Laukaitis, Esquire; Prepare response email to Kevin Laukaitis, Esquire regarding factual allegations of Complaint related to liability; Intraoffice conference with Scott H. Wolpert, Esquire regarding further revisions to Class Action Complaint; Research related to subject matter jurisdiction issue; Conduct online research regarding identification of members of ArbiterSports and their citizenship for diversity jurisdiction purposes. |
| 10/16/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.50 | 525.00 | 2,362.50 | Revision to Complaint; emails with class representatives; telephone conference with class representatives; telephone conference with Keith Vernon; conference with Christine Gordon; action needed regarding communications; emails with proposed class representatives regarding civil complaint; |
| 10/16/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Work on final Complaint changes/revisions and work on attorney client agreement with Scott Wolpert - analysis on PE liability and Serent. |
| 10/16/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.90 | 360.00 | 1,044.00 | Continue extensive research regarding members of ArbiterSports, LLC and LLC citizenship issues; Various communications with Kathleen M. Vermilion, Esquire regarding same; Revise Class Action Complaint; Intraoffice conference with Scott H. Wolpert, Esquire regarding recent revisions to Class Action Complaint; Review and revise Civil Cover Sheet and related documents for filing on Monday. |
| 10/16/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.20 | 250.00 | 300.00 | Researched membership of Serent Capital LLC and ArbiterSports LLC to determine domicile. Research online message boards for complaints related to the data breach. |
| 10/18/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review emails between Scott H. Wolpert, Esquire and Brendan Monaghan regarding next steps post-filing; Review emails between Keith T. Vernon, Esquire and Victor Rodriguez regarding approval of Complaint. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 10/19/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 5.60 | 525.00 | 2,940.00 | Review Complaint; telephone conference with Christine Gordon; conference with Linda McCann; telephone conference with Court Clerk; address filing issues; telephone conference with various assignors; telephone conference with Christine Gordon regarding filing; review docket; emails to Team; review filed entries of appearance; emails with class representatives. |
| 10/19/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.00 | 540.00 | 2,160.00 | Work on final issues with Complaint filing - communications with team. Analysis re: web page for case descriptor and updates - analysis re: other potential class representatives. Analysis re: next steps and expected briefing. Liability analysis. |
| 10/19/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.90 | 360.00 | 324.00 | Review emails from Keith T. Vernon, Esquire regarding approval of filing and strategy once filed; Telephone conference with Scott H. Wolpert, Esquire regarding additional revisions to Class Action Complaint and various strategies post-filing; Various communications with potential source of new class representatives in Florida and Georgia; Prepare email to Scott H. Wolpert, Esquire regarding same; Review emails related to filing of Complaint today and entry of appearance. |
| 10/19/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.20 | 250.00 | 50.00 | Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon regarding Complaint filing and priority of research questions. |
| 10/20/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.00 | 360.00 | 1,080.00 | Review email from Jon Shub, Esquire regarding Complaint; Review email from Scott H. Wolpert, Esquire regarding Complaint filing; Telephone conference with Scott H. Wolpert, Esquire regarding issues that arose with Complaint filing; Review email from Scott H. Wolpert, Esquire to Linda McCann regarding Complaint filing; Various communications with Kathleen M. Vermilion, Esquire regarding Complaint status; Review email from Scott H. Wolpert, Esquire to co-counsel regarding status and confirmation of filing and filing date; Review filing notices related to entries of appearance and Complaint; Review assignment to Judge Savage and various communications internally regarding same; Conduct legal research regarding Judge Savage decisions; Review email from Scott H. Wolpert, Esquire forwarding time-stamped copy of Complaint and regarding internal operating procedures; Various follow up scheduling call with co-counsel tomorrow. |
| 10/20/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.90 | 525.00 | 2,047.50 | Review dockets; emails and telephone conference with Court Clerk; address filing issues; analysis of action needed; telephone conference with Christine Gordon; telephone conference with Keith Vernon; email named class representatives; email NHJ representatives. |
| 10/20/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Research on any updated new stories of breach - and official discussion of harm on line - communications with team members on case filing and analysis of strategy. Communications on next steps and communications on web page. |
| 10/20/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.30 | 250.00 | 75.00 | Obtained docket information on putative Class Action filed in Indiana against ArbiterSports, LLC. Prepared email to Scott H. Wolpert, Esquire regarding same. |
| 10/21/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.60 | 360.00 | 936.00 | Various communications with Scott H. Wolpert, Esquire and Kathleen M. Vermilion, Esquire regarding additional jurisdictions to potentially target to file additional Class Action Complaints; Various communications with Kathleen M. Vermilion, Esquire regarding standing; Review email from Kathleen M. Vermilion, Esquire regarding standing in 11th Circuit; Additional research related to Judge Savage; Review email from Kevin Laukaitis, Esquire regarding research related to Judge Savage's decisions on standing; Review email from Keith T. Vernon, Esquire regarding same; Review emails from Keith T. Vernon, Esquire regarding class arbitration; Review emails from Scott H. Wolpert, Esquire regarding same; Telephone conference with co-counsel regarding next steps. |
| 10/21/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.80 | 540.00 | 1,512.00 | Research on case law re: arbitration and use of AAA - analysis on liability issues - preparation for call with full team - call held - post call analysis |
| 10/21/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Emails regarding Complaint; analysis; Team conference call regarding strategy and legal issues. |
| 10/21/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.60 | 250.00 | 650.00 | Researched Article III standing in the 11th Circuit. Prepared email to Christine M. Gordon, Esquire analyzing same as pertains to our case and explaining open issues for additional research. |
| 10/22/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | Emails regarding amended Complaint; conference with Christine Gordon and Kathleen Vermilion. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 10/22/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.20 | 250.00 | 50.00 | Intraoffice conference with Christine M. Gordon, Esquire regarding adding 11th Circuit as jurisdiction for research questions and update on plaintiffs. |
| 10/22/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.80 | 360.00 | 648.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding next steps; Revise Complaint to add New Jersey-specific plaintiffs, subclass and counts for First Amended Class Action Complaint; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding outcome of teleconference with co-counsel yesterday and regarding next steps; Review emails from Keith T. Vernon, Esquire regarding Terms of Condition issue; Review email from Linda McCann to Kathleen M. Vermilion, Esquire forwarding Complaint and Summons for service. |
| 10/23/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.90 | 525.00 | 997.50 | Telephone conference with Keith Vernon and Christine Gordon regarding research issues; telephone conference with Team; review emails. |
| 10/23/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.40 | 540.00 | 1,296.00 | Analysis and research on Serent Capital - control issues - identity as a potential defendant - preparation for team call - call held with full team - case status and strategy. |
| 10/23/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.70 | 360.00 | 612.00 | Telephone conference with co-counsel regarding case status; Prepare email to Keith T. Vernon, Esquire, forwarding draft First Amended Class Action Complaint for his review; Note to file; Review emails from Scott H. Wolpert, Esquire forwarding informational websites for factual research; Intraoffice conference with Scott H. Wolpert, Esquire regarding potential settlement offer; Telephone conference with Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding potential settlement offer. |
| 10/23/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.90 | 250.00 | 475.00 | Researched personal jurisdiction requirements in Class Actions in the 11th Circuit and updated research memo on same. Intraoffice conference with Scott H. Wolpert, Esquire, Christine M. Gordon, Esquire, and other team members regarding status of amended Complaint, additional facts needed related to arbitration clause chronology, and issues raised with Indiana Complaint. |
| 10/24/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.30 | 525.00 | 682.50 | Telephone conference with Keith Vernon; analysis of strategy; email with Keith Vernon; review Judge Savage's procedures. |
| 10/24/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.10 | 540.00 | 594.00 | Preparation for Monday call re: status of Indiana cases - and any updates on case status . Call with Scott Wolpert on same - analysis of same and strategy forward. |
| 10/25/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire regarding call strategy; Review email from Scott H. Wolpert, Esquire requesting information for First Amended Complaint. |
| 10/26/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Telephone conferences with Keith Vernon and Christine Gordon; Telephone counsel with Indiana case counsel; Team emails; emails with class representatives regarding civil complaint. |
| 10/26/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.00 | 540.00 | 2,700.00 | Call with Jon Shub re: Indiana case - research - review of revised Complaint with Christine Gordon - edits to revised Complaint - call with Christine Gordon re: edits - analysis. Preparation for call with Indiana counsel along with our full team - call held - post call analysis - full team conference call. Analysis. |
| 10/26/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 4.90 | 360.00 | 1,764.00 | Prepare email to Scott H. Wolpert, Esquire, forwarding comparison version of First Amended Complaint; ZOOM conference with counsel who filed in Indiana; Review email from Indiana case counsel regarding defense; Review email from Indiana counsel; Telephone conference with Scott H. Wolpert, Esquire following ZOOM meeting regarding initial impressions; Review email from Scott H. Wolpert, Esquire regarding requested revision to First Amended Complaint; Revise First Amended Complaint and forward to Scott H. Wolpert, Esquire; Telephone conference with Keith T. Vernon, Esquire regarding revisions to First Amended Complaint; Review email from Scott H. Wolpert, Esquire forwarding research on valuation of data breach Class Actions; Telephone conference with co-counsel regarding next steps; Review more online articles from IT experts related to ArbiterSports breach; Review and revise First Amended Complaint related to plaintiffs' comments; Telephone conference with Scott H. Wolpert, Esquire regarding sending Complaint to defense counsel with Acceptance of Service form; Prepare email to Linda McCann forwarding information for same. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 10/27/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Review letter; email Arbiter counsel; review emails. |
| 10/27/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Various communications with Kathleen M. Vermilion, Esquire regarding entry of appearance in Indiana case; Review email from Linda McCann forwarding cover letter to ArbiterSports' counsel; Review and revise same; Prepare email to Linda McCann regarding same; Review email from Scott H. Wolpert, Esquire forwarding Class Action Complaint to ArbiterSports' counsel. |
| 10/28/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.30 | 525.00 | 157.50 | Emails with Casie Collignon and Keith Vernon. |
| 10/28/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Casie Collignon, Esquire requesting conference call; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding conference call. |
| 10/28/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Communications with team - communications with defense counsel - preparation for call. |
| 10/29/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.50 | 360.00 | 540.00 | Telephone conference with Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding various issues, including conference with defense counsel and next steps; Various follow up. |
| 10/29/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Telephone conferences with Keith Vernon and Christine Gordon; analysis; file notes; review emails; research on remedies. |
| 10/29/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Preparation for call with defense counsel - call held - post call analysis - research follow up - call with Scott Wolpert on call issues with defense counsel. |
| 10/29/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.60 | 250.00 | 650.00 | Intraoffice conference with Christine M. Gordon, Esquire, regarding same. Research what constitutes a delegation in an arbitration provision and the enforceability thereof in the Third Circuit. |
| 10/30/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.80 | 360.00 | 648.00 | Telephone conference with co-counsel regarding case update, call with Indiana counsel, call with Casie Collignon, potential for settlement, confirmatory discovery, etc.; Brief research related to defense counsel. |
| 10/30/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.70 | 525.00 | 1,417.50 | Team conference call; review file notes; analysis of action needed; conference with Kathleen Vermilion regarding Excel spreadsheets needed; emails with Keith Vernon. |
| 10/30/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for team call - call held - post call analysis. Analysis re: liability and negligence of breach. |
| 10/30/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.10 | 250.00 | 525.00 | Intraoffice conference regarding strategic discussions with opposing counsel and best route for consolidating existing cases. Consolidate action items and tasks to enable prioritization, ensure completion. |
| 10/31/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review and analysis of emails between Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding arbitration. |
| 10/31/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Case and strategy analysis re: liability and possible class relief. Communications with team members re: case strategy. |
| 10/31/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.80 | 250.00 | 1,450.00 | Research case history of Casie D. Collignon, Esquire and strategic trends of counsel and her law firm in data breach cases, including jurisdictional and procedural defenses raised and timing of defenses asserted. |
| 11/02/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Emails regarding Indiana case; telephone conference with Keith Vernon and Christine Gordon; file notes. |
| 11/02/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Research/analysis - preparation for call with Indiana case counsel and Jon Shub re: strategy - call held - post call analysis - call with Jon Shub - call with Scott Wolpert and Christine Gordon - analysis re: Arbiter financials - research on any media updates on liability or scope of damages. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 11/02/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.80 | 360.00 | 1,008.00 | Review email from Keith T. Vernon, Esquire forwarding notes from call with Casie Collignon, Esquire on October 29th; Research related to statistics on ransomware; Various communications with Scott H. Wolpert, Esquire regarding same and questions for IT expert; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding conversation with Indiana counsel and regarding next steps; Various follow up with Kathleen M. Vermilion, Esquire regarding follow up research issues; Review email from Kathleen M. Vermilion, Esquire forwarding research related to 9th Circuit standing; Review email from Keith T. Vernon, Esquire forwarding confidential document and review of same; Review email from Keith T. Vernon, Esquire regarding Indiana case status; Review various follow up emails regarding same; Review email from Keith T. Vernon, Esquire regarding revenue of ArbiterSports. |
| 11/02/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.40 | 250.00 | 600.00 | Review Casie Collignon's strategy in past data breach cases. Prepare email to Scott H. Wolpert, Esquire, and Christine M. Gordon, Esquire, summarizing 9th Circuit standing requirements related to injury in fact. |
| 11/03/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.30 | 360.00 | 828.00 | Review email from Scott H. Wolpert, Esquire regarding case strategy; Various communications with Kathleen M. Vermilion, Esquire regarding legal research needed in various jurisdictions; Review and analyze emails from Kathleen M. Vermilion, Esquire regarding results of legal research related to procedural issues and defense counsel; Telephone conference with Kathleen M. Vermilion, Esquire regarding same; Prepare email to Scott H. Wolpert, Esquire with follow up legal research questions; Review response email from Scott H. Wolpert, Esquire regarding additional legal research questions. |
| 11/03/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 6.10 | 250.00 | 1,525.00 | Research data breach cases litigated by Casie D. Collignon, Esquire and analyze same. Prepare email to Scott H. Wolpert, Esquire and Christine M. Gordon, Esquire, summarizing research and analysis. Intraoffice conference with Christine M. Gordon, Esquire, regarding new research questions raised by said email and by developments in case. Research first filed rule and exceptions thereto. Research data breach settlements. |
| 11/04/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.00 | 250.00 | 500.00 | Research data breach settlement terms and timing of settlement. |
| 11/05/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire forwarding relevant information on data breach cases. |
| 11/05/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Review emails and memos related to standing issues and possible defenses. |
| 11/05/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Review and analysis of data breach cases that have been litigated and settled. Fact analysis of any potential news updates on data breach. |
| 11/05/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.00 | 250.00 | 1,250.00 | Research data breach course of litigation resulting in settlements and scope of settlements. |
| 11/06/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Review emails; analysis of strategy in opposition to standing and defenses from Terms and Conditions provisions; telephone conference with Keith Vernon; Team meetings regarding action need and timing. |
| 11/06/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for call with team - call held - post call analysis of case settlement charts in Data Breach cases around the US. |
| 11/06/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.20 | 250.00 | 1,050.00 | Research appropriate venues for action and bases for opposing transfer. Telephone conference with Scott H. Wolpert, Esquire, Christine M. Gordon, Esquire, Jon Shub, Esquire, and Keith Vernon, Esquire, regarding amended Complaint, status of research, and strategy for conversations with counsel for ArbiterSports. Update spreadsheets of data breach settlements with information regarding data compromised. |
| 11/06/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.60 | 360.00 | 576.00 | Review email from Scott H. Wolpert, Esquire regarding agenda for today's meeting; Review and analyze spreadsheets prepared by Kathleen M. Vermilion, Esquire regarding data breach settlements; Attend weekly meeting with co-counsel; Prepare list of action items and forward to co-counsel; Various communications with Kathleen M. Vermilion, Esquire regarding research memos. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 11/09/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | Review emails from Scott H. Wolpert, Esquire, Keith Vernon, Esquire and Casie Collignon, Esquire regarding teleconference this week; Prepare response emails regarding same; Intraoffice conference with Scott H. Wolpert, Esquire and Linda McCann regarding filing First Amended Complaint; Various teleconferences with Linda McCann regarding same; Review notification of filing. |
| 11/09/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.90 | 525.00 | 472.50 | Emails with Keith Vernon and Christine Gordon; analysis of standing of class representatives and consideration of possible additional class representatives, if needed; email named class representatives; |
| 11/09/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.40 | 540.00 | 1,296.00 | Communication with class representative - analysis re: additional class representatives. Reading and analysis of data breach class case damages. |
| 11/09/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.20 | 250.00 | 550.00 | Research venue statute and LLC residency for venue purposes in Third Circuit. Intraoffice conference with Scott H. Wolpert, Esquire and Christine M. Gordon, Esquire, regarding status of research. |
| 11/10/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Emails regarding amended Complaint; review possible additional class representative issues; email named class representatives; |
| 11/10/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding First Amended Complaint and requesting whether counsel would accept service. |
| 11/10/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Analysis of past data breach class cases and details of settlement. Analysis of available damages and categories of damages. Short memo to team on analysis. Research of any news issue regarding ArbiterSports, including contacts with Pennsylvania. |
| 11/10/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.80 | 250.00 | 950.00 | Research venue and grounds to transfer to alternative venue. |
| 11/11/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Review emails from Arbiter counsel and Team; email list of issues to address and actions needed. |
| 11/11/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for call with defense counsel tomorrow - research and communications re: potential additional class representatives and analysis. |
| 11/11/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review email from Keith T. Vernon, Esquire regarding observations and analysis of prior data breach settlements; Review email from Casie Collignon, Esquire regarding First Amended Complaint; Review email from Jon Shub, Esquire regarding same; Review emails from Scott H. Wolpert, Esquire regarding conference call with Casie Collignon, Esquire tomorrow. |
| 11/11/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.10 | 250.00 | 1,275.00 | Review email from Keith T. Vernon, Esquire, regarding potential damages. Research venue and first-filed rule and impact on our proceeding. |
| 11/12/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.30 | 525.00 | 1,732.50 | Review data breach settlement agreements and articles; conference call with Casie Collignon, Christine Gordon and Keith Vernon; file note; Telephone conference with Christine Gordon and Keith Vernon; emails with District clerk and Casie Collignon. |
| 11/12/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for conference call with defense counsel. Research and analysis. Call with Casie Collignon; Post call analysis with team. |
| 11/12/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 4.20 | 360.00 | 1,512.00 | Review email from Keith T. Vernon, Esquire regarding strategy for phone call today; Telephone conference with Casie Collignon, Esquire and co-counsel related to status and potential early resolution; Intraoffice conference with co-counsel regarding analysis of litigation strategy settlement prospects and other issues brought up during call; Review email from Kathleen M. Vermilion forwarding update on Indiana case; Intraoffice conference with Kathleen M. Vermilion regarding priority of legal research issues; Prepare email to co-counsel with notes and analysis of points discussed; Review messages from Kathleen M. Vermilion, Esquire with snapshots of results of legal research. |
| 11/12/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.30 | 250.00 | 1,325.00 | Research first-to-file rule in the Third Circuit and impact on case. Intraoffice conference with Christine M. Gordon, Esquire, regarding venue and potential of settlement. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 11/13/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.00 | 525.00 | 1,575.00 | Review spread sheet on available remedies to benefit class of officials under various claims; Conference call with Team; Telephone conference with Keith Vernon; analysis of claims and viability of remedies; review emails with Christine Gordon and Keith Vernon. |
| 11/13/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.40 | 540.00 | 1,296.00 | Preparation for call with team - call held - second call with Scott Wolpert and Christine Gordon - analysis of call content and steps forward - research on damages that can be gotten in Data Breach cases. |
| 11/13/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 5.20 | 360.00 | 1,872.00 | Research Ragnar Locker Ransomware; Prepare email to Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding same; Telephone conference with co-counsel regarding case strategy; Various communications with Kathleen M. Vermilion, Esquire regarding same; Prepare email to co-counsel related to follow up action items; Intraoffice conference with Kathleen M. Vermilion regarding same. |
| 11/13/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 6.20 | 250.00 | 1,550.00 | Research first-filed rule and impact on our proceeding. Telephone conference with Scott H. Wolpert, Esquire, Christine M. Gordon, Esquire, Keith T. Vernon, Esquire, Jon Shub, Esquire, and Kevin Laukaitis regarding strategy for interactions with Casie Collignon, Esquire, and counsel for Indiana proceeding. Research personal jurisdiction and waiver. |
| 11/15/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Keith T. Vernon, Esquire, regarding scheduling call to discuss damage models and forms of relief; Review email from Keith T. Vernon, Esquire regarding investment by Serent. |
| 11/15/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Research re: financials of Serent - research on related portfolio companies. |
| 11/16/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Prepare response email to Keith T. Vernon, Esquire regarding meeting this week and various follow up issues; Review response emails from Keith T. Vernon, Esquire regarding same and case strategy and relief for settlement purposes. |
| 11/16/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Review emails regarding remedies, procedural issues, possible other class cases in other states against Arbiter arising from data breach. |
| 11/16/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Research and analysis re: damages and relief - analysis of other case damage settlements - memo for internal use for potential damage and relief analysis - communications with team members re: schedule coordination - and follow ups. |
| 11/16/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.50 | 250.00 | 875.00 | Research specific personal jurisdiction in Third Circuit. |
| 11/17/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Emails with Keith Vernon; email with Casie Collignon regarding meeting and Waiver of Service. |
| 11/17/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.40 | 540.00 | 1,296.00 | Preparation for damages and relief call - analysis of Arbiter business - communications with defense counsel to set up next call - communication with team. |
| 11/17/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.80 | 250.00 | 700.00 | Research general personal jurisdiction related to website use. |
| 11/17/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.40 | 360.00 | 504.00 | Analysis of meaningful relief for sports officials; Review email from Scott H. Wolpert, Esquire regarding call on Friday with Casie Collignon, Esquire; Review various follow up emails regarding same; Review email from Kathleen M. Vermilion, Esquire regarding update in Indiana case. |
| 11/18/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.70 | 360.00 | 612.00 | Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding case strategy and issue of settlement; Various follow up research regarding issues raised; Various communications with Kathleen M. Vermilion, Esquire regarding jurisdiction issues. |
| 11/18/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Analysis of meaningful remedies for officials, including actions to be taken by Arbiter to decrease the likelihood that data breach will occur again; Review information regarding case settlements; Telephone conference with Keith Vernon and Christine Gordon regarding meaningful remedies for sports' officials; review emails. |
| 11/18/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.00 | 540.00 | 1,620.00 | Preparation for team call re: types of relief we would seek at both trial and settlement - research/analysis on same - call with Shub - analysis on strategy issues. - Call held with Scott Wolpert and Christine Gordon. Post call analysis. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 11/18/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.90 | 250.00 | 1,225.00 | Research general personal jurisdiction and both general and specific jurisdiction based on a website in the Eastern District of Pennsylvania. |
| 11/19/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.80 | 360.00 | 1,368.00 | Prepare list of proposed settlement terms and forward draft to Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire; ZOOM call/telephone conference with co-counsel and Casie Collignon, Esquire; Telephone conference with co-counsel regarding next steps; Prepare email to Kathleen M. Vermilion, Esquire regarding new litigation strategy raised by Casie Collignon, Esquire during call; Review response message from Kathleen M. Vermilion, Esquire regarding same; Review email from Casie Collignon, Esquire regarding technical difficulties, mediation, confidentiality agreement, and waiver. |
| 11/19/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for call with defense counsel - analysis of relief we believe will benefit class - call held - post call analysis with Scott Wolpert and Christine Gordon. Second call with Scott Wolpert on further analysis. |
| 11/19/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.50 | 525.00 | 1,312.50 | Review email from Christine Gordon; Telephone conference with Keith Vernon; Conference call with Casie Collignon; telephone conference with Keith Vernon; file note. |
| 11/19/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.10 | 250.00 | 1,025.00 | Review and analyze research on personal jurisdiction. Draft memorandum regarding said research and impact on proceedings. Intraoffice conference with Christine M. Gordon regarding anticipated motion to dismiss on basis of lack of personal jurisdiction. |
| 11/20/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.10 | 525.00 | 577.50 | Emails with Team; review memo from Kathleen Vermilion regarding research results and analysis. |
| 11/20/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Research re: any news updates on Arbiter - and Serent -communications with team. |
| 11/20/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.80 | 250.00 | 950.00 | Prepare memorandum compiling and analyzing research on specific personal jurisdiction issues. |
| 11/20/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.10 | 360.00 | 756.00 | Review emails regarding potential new Class Action being filed; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding yesterday's call and next steps; Telephone conference with Scott H. Wolpert, Esquire regarding call yesterday and additional issues; Telephone conference with Scott H. Wolpert, Esquire and Kathleen M. Vermilion, Esquire regarding results of legal research on personal jurisdiction issues; Various emails regarding new case filing; Review email from Kathleen M. Vermilion, Esquire forwarding research memos related to personal jurisdiction; Analysis regarding same; Review response email from Keith T. Vernon, Esquire regarding same. |
| 11/23/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Team conference call regarding jurisdictional issues, meaningful relief, case strategy; review emails, telephone conference with Christine Gordon. |
| 11/23/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Preparation for call with team - research and analysis re: jurisdictional issues - communications. Strategy analysis and analysis of research on jurisdictional issues. |
| 11/23/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.40 | 360.00 | 504.00 | Review email from Keith T. Vernon, Esquire regarding legal research done by Kathleen M. Vermilion, Esquire; Review emails related to new cases that will be filed against ArbiterSports; Telephone conference with co-counsel regarding analysis of current status and case strategy; Review email from Kathleen M. Vermilion, Esquire forwarding standing case discussed during today's call; Review email from Keith T. Vernon, Esquire regarding jurisdictional issues. |
| 11/23/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.10 | 250.00 | 525.00 | Telephone conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding strategy in response to jurisdictional challenges and negotiation status. Review email from Keith T. Vernon, Esquire, regarding analysis of Class Action personal jurisdiction and incorporated article regarding same. Prepare email responding to same. |
| 11/24/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.90 | 525.00 | 472.50 | Review emails from Christine Gordon and Keith Vernon; review research regarding jurisdictional issues. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 11/24/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Communication with co-counsel. Analysis and strategy on next steps. |
| 11/24/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.90 | 360.00 | 684.00 | Telephone conference with Scott H. Wolpert, Esquire regarding case strategy; Prepare draft settlement demand letter to send to Casie Collignon, Esquire; Prepare email to Scott H. Wolpert, Esquire forwarding draft settlement demand letter; Telephone conference with co-counsel regarding teleconference with Indiana counsel and other case that may be filed in Ohio; Telephone conference with Scott H. Wolpert, Esquire regarding same; Review emails related to Minnesota counsel that may be filing new case; Review email from Kathleen M. Vermilion, Esquire regarding jurisdictional question posed by Keith T. Vernon, Esquire; |
| 11/29/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.70 | 250.00 | 425.00 | Research forum non conveniens doctrine in Third Circuit and impact on proceedings. |
| 11/30/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.40 | 360.00 | 504.00 | Review email from Keith T. Vernon, Esquire to Indiana case counsel regarding potential other case being filed; Review response email from Indiana counsel; Review email from Casie Collignon, Esquire regarding new times to continue settlement discussions; Various follow up regarding same and regarding agenda for preparation call; Review emails from Scott H. Wolpert, Esquire regarding Waiver of Service; Review Waiver of Service in file; Telephone conference with Linda McCann regarding resending Waiver of Service to Casie Collignon, Esquire; Various emails with Scott H. Wolpert, Esquire regarding same; Prepare email to Casie Collignon, Esquire forwarding Waiver of Service; Review various emails regarding next call strategy; Review response email from Sean Solis, Esquire regarding date of receipt of Waiver of Service; Review email from Scott H. Wolpert, Esquire regarding same. |
| 11/30/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 6.40 | 250.00 | 1,600.00 | Research forum non conveniens doctrine in Third Circuit and impact on proceedings. Draft memo regarding venue requirements. |
| 11/30/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | Emails to Christine Gordon and Keith Vernon regarding action needed; review action needed in response to standing issues; |
| 11/30/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Communications - update on search on any ArbiterSports updates - analysis and strategy for next call and legal research and analysis ahead - communications. |
| 12/01/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.40 | 525.00 | 735.00 | Revised demand letter; telephone conference with class representative; telephone conference with Christine Gordon. |
| 12/01/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.20 | 360.00 | 792.00 | Telephone conference with Scott H. Wolpert, Esquire regarding Waiver of Service; Prepare response email to Sean Solis, Esquire regarding Waiver of Summons; Review email from Sean Solis, Esquire regarding Waiver of Summons; Review email from Baker Hostetler forwarding executed Waiver of Summons; Telephone conference with Linda McCann regarding filing Waiver of Summons; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding tomorrow's call with Casie Collignon, Esquire; Review email from Scott H. Wolpert, Esquire regarding revisions to settlement demand letter; Review email from Keith T. Vernon, Esquire forwarding information related to potential mediator; Review new docket entry (Motion for Pro Hac Vice Admission of Sean Solis); Review email from Jonathan Shub, Esquire regarding article on certification of injunctive relief class in healthcare data breach litigation; Review email from Keith T. Vernon, Esquire regarding same. |
| 12/01/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for and conference call with team re: strategy for defense counsel call on 12/2. Research regarding Class Certification analysis, including injunctive claims. |
| 12/02/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | Emails regarding procedural issues; conference call with Casie Collignon and Team; telephone conference with Keith Vernon and Christine Gordon. |
| 12/02/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for and conference call with defense counsel. Analysis/strategy post call. Review updates on Arbiter news and information, including contacts. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 12/02/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.90 | 360.00 | 1,404.00 | Review email from Jonathan Shub forwarding recent article on standing and best causes of action in data breach cases; Review notice of filing of Waiver of Summons; Note to file; Review notice of filing of Motion for Pro Hac Vice of Keith Vernon; Review notice of filing of Order denying Motion for Pro Hac Vice of Sean Solis; Review Order scheduling Pre-Trial Conference on December 22, 2020; Note to file; Review various emails regarding need to withdraw and/or amend Motion for Pro Hac Vice Admission of Keith Vernon; Telephone conference with Keith T. Vernon, Esquire regarding same; Telephone conference with Keith T. Vernon, Esquire, Scott H. Wolpert, Esquire, Jonathan Shub, Esquire and Casie Collignon, Esquire regarding settlement discussions; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding next steps; Review email from Sean Solis, Esquire regarding motions for pro hac vice admissions of Sean Solis and Casie Collignon, Esquire; Various additional communications with Kathleen M. Vermilion, Esquire and Keith T. Vernon, Esquire regarding Amended Motion; Review email from Keith T. Vernon, Esquire regarding responding to Sean Soils, Esquire. |
| 12/02/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.90 | 250.00 | 475.00 | Review articles from Legal Intelligencer and National Law Review regarding data breaches and preliminary motions. Review local rules and Judge Savage's policies and procedures, particularly as they relate to pro hac vice admission. Prepare email to Keith T. Vernon, Esquire, regarding relevant conclusions for his admission. Analyzed research on motions to transfer venue and analyzed likelihood of success of such a motion in this proceeding. |
| 12/03/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.90 | 525.00 | 472.50 | Review emails from Christine Gordon; analysis of potential settlement demand and mediation issues. |
| 12/03/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 9.30 | 360.00 | 3,348.00 | Telephone conference with Linda McCann regarding need to prepare and file Amended Motion; Review emails between Kathleen M. Vermilion, Esquire and Keith T. Vernon, Esquire regarding Amended Motion; Review email from Scott H. Wolpert, Esquire regarding same; Telephone conference with Kathleen M. Vermilion, Esquire regarding contacting Judge Savage's clerk on procedural issue; Review email from Kathleen M. Vermilion, Esquire regarding Judge Savage having denied Motion; Telephone conference with Kathleen M. Vermilion, Esquire regarding same; Telephone conference with Keith T. Vernon, Esquire regarding same; Review email from Sean Solis, Esquire requesting response regarding whether or not opposed to pro hac vice admissions; Telephone conference with Keith T. Vernon, Esquire regarding same; Prepare response email to Sean Solis, Esquire; Review various emails between Keith T. Vernon, Esquire and Linda McCann regarding Amended Motion; Review Amended Motion for Pro Hac Vice filed by Sean Solis; Review email from Keith T. Vernon, Esquire to Kathleen M. Vermilion, Esquire regarding drafting Amended Motion; Review notice of filing of Consent Motion for Pro Hac Vice Admission of Casie Collignon, Esquire; Review email from Kathleen M. Vermilion, Esquire forwarding draft Amended Motion and related documents; Review and analyze data breach settlement agreements that have been approved in other data breach cases; Prepare draft settlement demand letter; Telephone conference with Kathleen M. Vermilion, Esquire regarding analysis of same and follow up issues; Review email from Kathleen M. Vermilion, Esquire forwarding research related to data breach settlement agreements. |
| 12/03/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Communications with Team and analysis regarding defense counsel request and strategy. |
| 12/03/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.80 | 250.00 | 450.00 | Drafted Amended motion for pro hac vice admission for Keith T. Vernon, as well as the accompanying exhibits. Intraoffice conference with Christine M. Gordon, Esquire, regarding reasonable settlement terms and details thereof. Compiled class settlements distinguishing between types of expenses of plaintiff. |
| 12/04/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.20 | 525.00 | 630.00 | Revise settlement demand letter; emails with Keith Vernon; review research. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 12/04/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.50 | 360.00 | 1,260.00 | Review and revise draft settlement demand letter; Various communications regarding rescheduling today's call with co-counsel for Tuesday; Prepare email to Scott H. Wolpert, Esquire, forwarding draft settlement demand letter; Review Orders approving Motions for Pro Hac Vice Admissions of Sean Solis, Esquire and Casie Collignon, Esquire; Review Order denying Motion for Admission Pro Hac Vice of Keith Vernon, Esquire. |
| 12/04/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Call with Scott Wolpert re: case claims and defenses. Email to Indian case counsel. |
| 12/04/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 3.20 | 250.00 | 800.00 | Draft memo regarding motions to transfer venue and likelihood of success in this proceeding. Prepare email sending memo to Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire. Analyze additional venue case law from Eastern District of Pennsylvania provided by Kevin Laukaitis, Esquire and impact on analysis. |
| 12/06/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Kathleen M. Vermilion, Esquire regarding research on venue/transfer issues. |
| 12/07/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.10 | 525.00 | 1,102.50 | Review demand letter; telephone conference with Christine Gordon; further revisions to demand letter; file note; review email from Kathleen Vermilion with memo; emails with class representatives. |
| 12/07/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Work on draft/edits/strategy for defense demand. Communications with team members. Call with Christine Gordon and class representative, Victor Rodriguez. Call with Indiana counsel. Analysis re: next steps. Cal with Scott Wolpert. |
| 12/07/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.80 | 360.00 | 1,368.00 | Review and analyze of memo prepared by Kathleen M. Vermilion, Esquire regarding results of legal research related to transfer of venue; Review email from Kevin Laukaitis, Esquire regarding venue argument; Telephone conference with Scott H. Wolpert, Esquire regarding revisions to settlement demand letter and next steps; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding consultation with clients regarding settlement demand and next steps; Various follow up from calls last week; Prepare email to Scott H. Wolpert, Esquire regarding Rule 26 Report; Review email from Keith T. Vernon, Esquire regarding proposed revisions to draft settlement demand letter; Various communications with Scott H. Wolpert, Esquire regarding revisions to demand letter; Telephone conference with Keith T. Vernon, Esquire and Victor Rodriguez regarding approval of settlement terms; Various communications with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding same; Review email from Scott H. Wolpert, Esquire regarding approval from Brendan Monaghan, John Schmid and Kevin Schmid; Review email from Kevin Laukaitis, Esquire regarding additional revisions to be made to settlement demand; Review messages form Kathleen M. Vermilion, Esquire regarding revisions to settlement demand letter; Review email from Scott H. Wolpert, Esquire regarding revisions; Review and revise settlement demand; Various communications with Scott H. Wolpert, Esquire regarding same; Prepare email to Scott H. Wolpert, Esquire forwarding revised/final settlement demand letter; Review email from Jonathan Shub, Esquire forwarding additional proposed revisions to demand letter. |
| 12/07/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.90 | 250.00 | 225.00 | Review demand letter drafted to Casie Collignon, Esquire, and input from Keith T. Vernon, Esquire, and Kevin Laukaitis, Esquire. Provide assessment based on previous data breach settlements. Intraoffice conference with Christine M. Gordon, Esquire, regarding demand letter revisions. |
| 12/08/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Review emails; telephone conference with Keith Vernon; Telephone conference with Team regarding current procedural and jurisdictional issues and analysis; emails regarding class representatives; file notes. |
| 12/08/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Preparation for team strategy call - analysis on final edits to demand letter - analysis on same - work on amended Pro Hac - analysis of Serent- Arbiter as a portfolio corporation. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 12/08/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.20 | 250.00 | 550.00 | Telephone conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; and Jon Shub, Esquire, regarding demand letter and mediation strategy. Intraoffice conference with Christine M. Gordon, Esquire, regarding deadlines for initial disclosures and Rule 26 report. Telephone call to Judge Savage's administrator regarding deadlines in December 2, 2020 order. Prepare emails to Keith T. Vernon, Esquire, and Linda McCann, regarding uncontested motions. |
| 12/08/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 8.20 | 360.00 | 2,952.00 | Review email from Keith T. Vernon, Esquire regarding additional proposed revisions; Various communications with Scott H. Wolpert, Esquire regarding same; Review and revise settlement demand letter based on additional proposed revisions received; Prepare email to Scott H. Wolpert, Esquire, forwarding revised/final settlement demand letter; Telephone conference with co-counsel regarding next steps; Review litigation deadlines; Various communications regarding same; Review email from Judge Savage's judicial assistant regarding revised Order; Prepare email to all counsel regarding same; Prepare draft Initial Disclosures; Review email from Casie Collignon, Esquire regarding Scheduling Conference; Review email from Keith T. Vernon, Esquire regarding same. |
| 12/09/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.50 | 360.00 | 180.00 | Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding dismissal of Indiana case and response to Casie Collignon, Esquire regarding upcoming conference; Review emails between Keith T. Vernon, Esquire and Indiana counsel regarding withdrawal of Complaint; Intraoffice conference with Scott H. Wolpert, Esquire regarding potential mediators and other strategy points; Review email from Indiana counsel forwarding Notice of Voluntary Dismissal; Review email from Keith T. Vernon, Esquire regarding local rules and electronic filings. |
| 12/09/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | Review emails from Casie Collignon, Keith Vernon and Indiana case counsel; conference with Christine regarding mediation and Rule 26 conference issues. |
| 12/09/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.90 | 540.00 | 1,026.00 | Work on Pro Hac - re-read of professional conduct rules and local rules per my declaration. Analysis of positions on liability and Serent direct or indirect involvement. |
| 12/10/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.60 | 525.00 | 1,365.00 | Emails with Casie Collignon; review Judge Savage's standing order; emails regarding Arbiter business operations; emails with class representatives. |
| 12/10/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Review emails between Keith T. Vernon, Esquire and Kathleen M. Vermilion, Esquire regarding Pro Hac Vice application and next steps; Review emails regarding expert; Prepare email to Scott H. Wolpert, Esquire regarding response to Casie Collignon, Esquire; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding voluntary dismissal of Indiana case and upcoming conference; Review response email from Casie Collignon, Esquire regarding attendance at conference and Join Rule 26 Report; Review email from Keith T. Vernon, Esquire regarding Rule 26 Meeting; Review emails from Scott H. Wolpert, Esquire forwarding press release from ArbiterSports. |
| 12/10/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.30 | 250.00 | 325.00 | Emails with Keith T. Vernon, Esquire, regarding his pro hac vice motion. Revised amended motion for pro hac vice admission. Telephone call with Keith T. Vernon, Esquire, regarding changes to motion and necessary exhibits. |
| 12/11/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Review emails; Team conference call; Telephone conference with Keith Vernon; review emails regarding Rule 26 disclosure; Telephone conferences with class representatives. |

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|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 12/11/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 8.30 | 360.00 | 2,988.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding initial disclosures; Review email from Scott H. Wolpert, Esquire to client regarding same; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding information needed from Victor Rodriguez; Review email from Keith T. Vernon, Esquire to Victor Rodriguez regarding initial disclosures and documents; Prepare email to Keith T. Vernon, Esquire and Jon Shub, Esquire regarding Rule 26 Report; Review email from Keith T. Vernon, Esquire to Victor Rodriguez regarding request for additional documents; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding Rule 26 Report; Review email from Kathleen M. Vermilion, Esquire forwarding materials; Draft Initial Disclosures; Telephone conference with Keith T. Vernon, Esquire, Scott H. Wolpert, Esquire, Kathleen M. Vermilion, Esquire, and Jon Shub, Esquire regarding recent updates; Prepare notes for file; Various communications with Kathleen M. Vermilion, Esquire regarding jurisdiction; Draft Rule 26 Report; Prepare email to Scott H. Wolpert, Esquire, forwarding draft Rule 26 Report for review; Prepare email to Scott H. Wolpert, Esquire forwarding draft Initial Disclosures. |
| 12/11/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Gathering of class representative information - communications on same - Arbiter/Serent news/updates review. Analysis/strategy. Preparation for team conference call - call held. |
| 12/11/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.10 | 250.00 | 275.00 | Research Rule 26(f) reports in data breach Class Actions. Telephone conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding pending strategic choices and next steps. |
| 12/14/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.60 | 525.00 | 1,890.00 | Review emails; emails regarding disclosures; review Arbiter site for class representative information for disclosures; review filing; identify Arbiter contacts with Pennsylvania; emails with class representatives. |
| 12/14/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.20 | 360.00 | 1,152.00 | Review email from Keith T. Vernon, Esquire forwarding communications with Victor Rodriguez; Review email from Keith T. Vernon, Esquire regarding ArbiterSports' press release; Telephone conference with Scott H. Wolpert, Esquire regarding Rule 26 Report and Initial Disclosure deadline; Review email from Scott H. Wolpert, Esquire regarding review of Rule 26 Report and next steps; Prepare email to Jon Shub, Esquire and Keith T. Vernon, Esquire forwarding draft Joint Rule 26 Report for review; Review email from Keith T. Vernon, Esquire regarding ArbiterSports' new partner Hometown Ticketing; Prepare email to Indiana counsel regarding draft discovery; Review response email from Indiana counsel regarding same; Review emails from Keith T. Vernon, Esquire regarding information from clients for initial disclosures; Review notice of filing of Motion to Dismiss for Lack of Jurisdiction; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding next steps; Review email from Keith T. Vernon, Esquire regarding review of Rule 26 Report; Review email from Keith T. Vernon, Esquire to Jon Shub, Esquire regarding Rule 26 Report; Telephone conference with Keith T. Vernon, Esquire regarding revisions to Rule 26 Report; Review email from Jon Shub, Esquire regarding revisions to Rule 26 Report; Review and revise Rule 26 Report; Prepare email to Scott H. Wolpert, Esquire regarding revisions made; Review response email from Scott H. Wolpert, Esquire regarding same; Prepare email to Casie Collignon, Esquire forwarding draft Rule 26 Report; Review email from Scott H. Wolpert, Esquire forwarding links to articles related to contacts with states; Review email from Keith T. Vernon, Esquire regarding jurisdiction motion; Review email from Keith T. Vernon, Esquire regarding declaration of John Hopkins. |
| 12/14/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 8.00 | 540.00 | 4,320.00 | Draft and edits to Rule 26(f) draft initial disclosures; Analysis and identification of issues and strategy on liability issues including issues related to new Arbiter Sports venture with Hometown - communications on same to team - communications with Scott Wolpert - initial scan of Affidavit with Motion - work and research on issues related to Arbiter market practices. |
| 12/15/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.10 | 525.00 | 1,102.50 | Review evaluations regarding jurisdictional issues, disclosure; analysis of action needed regarding jurisdictional motion to dismiss; redact information from class representative documents. |
| 12/15/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.50 | 540.00 | 2,970.00 | Work on getting factual information for opposition to defense jurisdiction Motion - including contra market information - communications and fact research - analysis on defense Motion - communications with counsel contemplating Arbiter case. |

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|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 12/15/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 2.10 | 360.00 | 756.00 | Review email from Sean Soils, Esquire regarding participating in a mediation within next 60 days and recommendation of mediator; Review email from Scott H. Wolpert, Esquire to Kathleen M. Vermilion, Esquire regarding research needed related to Motion to Dismiss; Review email from Jon Shub, Esquire regarding mediator recommended; Telephone conference with Keith T. Vernon, Esquire regarding declaration of John Hopkins; Review email from Keith T. Vernon, Esquire forwarding documents provided by client; Review email from Kathleen M. Vermilion, Esquire forwarding results of legal research; Review response email from Scott H. Wolpert, Esquire regarding same; Review additional emails from Keith T. Vernon, Esquire regarding marketing and solicitations done by ArbiterSports in Pennsylvania; Review email from Sean Solis, Esquire forwarding Defendants' Inserts into Joint Rule 26 Report. |
| 12/15/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 5.60 | 250.00 | 1,400.00 | Research Motions to Dismiss and acceptable exhibits thereto. Research requirements for responding to Motion to Dismiss for lack of jurisdiction and required and/or acceptable exhibits thereto, as well as appropriate vehicle for remedying jurisdictional deficiencies in Complaint. Prepare email to Scott H. Wolpert, Esquire; Keith T. Vernon, Esquire; and Christine M. Gordon, Esquire, providing preliminary answers regarding same. Draft memo analyzing research and impact on strategy for our response to the Motion to Dismiss pursuant to Rule 12(b)(2). |
| 12/16/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.10 | 525.00 | 1,627.50 | Review and redact documents and information provided by Victor Rodriguez; draft emails to Christine Gordon and Keith Vernon; review research memo regarding jurisdictional issues. |
| 12/16/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.80 | 360.00 | 648.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding Plaintiffs' Initial Disclosures; Review and revise same; Review email from Scott H. Wolpert, Esquire to Jon Shub, Esquire and Keith T. Vernon, Esquire regarding same; Review Judge Savage's Procedures; Forward Rule 26(f) Report for filing; Review email from Keith T. Vernon, Esquire regarding Plaintiffs' Initial Rule 26(a) Disclosures; Review email from Linda McCann forwarding Joint Rule 26(f) Report; Review emails from Keith T. Vernon, Esquire regarding marketing issues for Response to Motion to Dismiss; Review email from Keith T. Vernon, Esquire regarding additional edits to Initial Disclosures; Revise Initial Disclosures; Prepare email to Scott H. Wolpert, Esquire regarding Initial Disclosures; Review notice of filing of Motion to Amend/Correct Application for Admission Pro Hac Vice of Keith T. Vernon; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding Plaintiffs' Initial Disclosures; Review email from Kathleen M. Vermilion, Esquire forwarding Motion to Dismiss Response Questions. |
| 12/16/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 5.00 | 540.00 | 2,700.00 | Research re: jurisdictional issues - business contact issues in opp. to jurisdiction motion - analysis on same - fact research re: arbiter business issues in PA - work on 26a - edits - research re: status of arbiter employee -current vs. former. Strategy analysis. |
| 12/17/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.80 | 525.00 | 2,520.00 | Analysis of motion to dismiss; draft facts in opposition; review schedule; email Team regarding action needed; email class representative; telephone conference with Keith Vernon regarding Minnesota counsel call. |
| 12/17/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Research re: jurisdiction issues and fact research in support - analysis - early preparation issues re: mediation - analysis of potential mediators and communications re: same. Call with Scott Wolpert re: overall case strategy. |
| 12/17/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.20 | 250.00 | 50.00 | Reviewed email from Keith T. Vernon, Esquire, regarding Motion to Dismiss and attached declaration strategic decisions. |
| 12/17/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.10 | 360.00 | 396.00 | Various follow up to forward documents as part of initial disclosures; Review email from Linda McCann to Casie Collignon, Esquire forwarding documents; Review email from Keith T. Vernon, Esquire regarding Motion to Dismiss; Review email from Jon Shub, Esquire regarding Initial Disclosures; Review Order granting Motion for Admission Pro Hac Vice of Keith Vernon; Review email from Keith T. Vernon, Esquire regarding agenda for tomorrow's call; Review emails from Scott H. Wolpert, Esquire regarding potential mediators; Review email from Keith T. Vernon, Esquire regarding mediators. |
| 12/18/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.60 | 525.00 | 2,415.00 | Review emails; conference with Christine Gordon, Kathleen Vermilion and Keith Vernon regarding response to Motion to Dismiss; Telephone conference with Keith Vernon regarding potential mediators; Team conference call regarding Motion to Dismiss, mediation and other current issues; draft additional jurisdictional points. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 12/18/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 4.00 | 540.00 | 2,160.00 | Research re: Motion to Dismiss opposition - facts research needed in support of opposition - preparation for call with team - call held - work on potential mediators for possible mediation path - analysis - communications with colleagues re: potential additional mediators. |
| 12/18/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 4.90 | 360.00 | 1,764.00 | Zoom conference call with Keith T. Vernon, Esquire, Scott H. Wolpert, Esquire, Kathleen M. Vermilion, Esquire regarding Motion to Dismiss; Telephone conference with co-counsel regarding mediation, other potential case to be filed, and Motion to Dismiss; Various follow up with Kathleen M. Vermilion, Esquire regarding Response to Motion to Dismiss; Review email from Judge Savage's law clerk regarding conference on Tuesday; Telephone conference with Scott H. Wolpert, Esquire regarding proposed mediators; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding potential proposed mediators; Review email from Keith T. Vernon, Esquire regarding same; Review and analyze on Motion to Dismiss for Lack of Personal Jurisdiction. |
| 12/18/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.60 | 250.00 | 400.00 | Telephone conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding mediation and strategy therefore. |
| 12/20/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Communication regarding class representative input on certain facts related to ArbiterSports issues to help support opposition Motion. Analysis of existing information and information needed. |
| 12/20/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.40 | 360.00 | 1,224.00 | Fact research and legal research regarding Motion to Dismiss; Various communications with Kathleen M. Vermilion, Esquire regarding same. |
| 12/21/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.80 | 525.00 | 1,995.00 | Emails with class representatives regarding jurisdiction facts; prepare for Rule 16 conference; Telephone conference with Keith Vernon regarding complaints against Arbiter in other jurisdictions; analysis of action needed. |
| 12/21/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 4.80 | 360.00 | 1,728.00 | Review email from Scott H. Wolpert, Esquire to Sean Solis, Esquire regarding proposed mediators; Various communications with Kathleen M. Vermilion, Esquire regarding status of her drafting legal standards portion of Response to Motion to Dismiss; Begin to prepare factual section of Response to Motion to Dismiss and legal arguments; Various research in preparation for Rule 16 Conference. |
| 12/22/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.50 | 525.00 | 1,837.50 | Review materials in preparation for Rule 16 conference, including jurisdiction; Participate in Rule 16 conference with Judge Savage; Telephone conference with Team after the Rule 16 conference regarding action needed; emails regarding mediation; analysis of jurisdictional discovery. |
| 12/22/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 3.90 | 360.00 | 1,404.00 | Various communications with Kathleen M. Vermilion, Esquire regarding Response to Motion to Dismiss; Continue drafting Response to Motion to Dismiss; Telephone conference with Judge Savage, Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire, Jonathan Shub, Esquire and Casie Collignon, Esquire for Rule 16 Conference; Review various emails regarding same; Telephone conference with Scott H. Wolpert, Esquire regarding same; Telephone conference with co-counsel regarding next steps; Review email from Kathleen M. Vermilion, Esquire forwarding various sample Memoranda in Opposition to Motion to Dismiss for Personal Jurisdiction; Various follow up with Kathleen M. Vermilion, Esquire regarding same; Telephone conference with Judge Savage's law clerk regarding discovery timelines and new deadline for response to Motion to Dismiss; Telephone conference with Scott H. Wolpert, Esquire regarding same; Prepare email to co-counsel regarding same; Prepare notes to file regarding Rule 16 Conference; Review Scheduling Order docketed today; Review email from Casie Collignon, Esquire regarding potential mediator; Review email from Scott H. Wolpert, Esquire regarding proposed mediator. |
| 12/22/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Participate in Rule 16 telephone conference with Judge Savage. Post conference discussion with Team, including facts related to Arbiter contacts with Pennsylvania. |
| 12/22/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.80 | 250.00 | 450.00 | Researched memoranda in opposition to Motions to Dismiss for lack of personal jurisdiction. Intraoffice conference with Christine M. Gordon, Esquire, regarding findings. |
| 12/23/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.10 | 525.00 | 1,627.50 | Conference with Christine Gordon; emails regarding mediation; review information on proposed mediators; notes regarding jurisdictional issues; email class representatives; analysis of information needed from Arbiter on contacts with Pennsylvania. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 12/23/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding deadline for jurisdictional discovery and next steps; Review emails from Scott H. Wolpert, Esquire to Brendan Monaghan, Kevin Schmid and John Schmid regarding telephone conference with Judge Savage, proposed mediators and next steps; Review email from Scott H. Wolpert, Esquire to other attorneys in firm regarding proposed mediator; Review email from Keith T. Vernon, Esquire regarding proposed mediator; Various follow up from co-counsel regarding same. |
| 12/23/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Analysis regarding potential mediators. Research/analysis of additional mediators offered by defense counsel. Communications with Scott Wolpert regarding potential mediators. |
| 12/26/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Scott H. Wolpert, Esquire regarding proposed mediator; Review email from Keith T. Vernon, Esquire regarding published work of proposed mediator. |
| 12/26/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Research and analysis of defense suggested mediator, Benjamin Picker. Communication with team regarding possible mediator. |
| 12/28/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Telephone conference with Keith Vernon regarding mediation; review scheduling order; analysis of action needed regarding jurisdictional discovery; emails with Christine Gordon and Keith Vernon; emails with class representative; email to Casie Collignon. |
| 12/28/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Analysis recommendation re: mediator - communications - steps to confirm mediator - research on ArbiterSports news. Analysis and strategy on next steps. |
| 12/28/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.10 | 360.00 | 396.00 | Review various emails from co-counsel regarding proposed mediator; Research related to proposed mediator; Prepare email to co-counsel regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding proposed mediator; Review various follow up emails regarding same; Review emails between Scott H. Wolpert, Esquire and John Schmid regarding jurisdictional discovery. |
| 12/29/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.10 | 525.00 | 1,102.50 | Emails regarding Ohio case; telephone conference with Keith Vernon regarding mediation and Ohio case; emails with class representatives regarding Arbiter contacts with Pennsylvania; file notes. |
| 12/29/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Reading/analysis of newly filed ArbiterSports Data Breach Class Action in Ohio. Communications to team - call with Scott Wolpert on case strategy. Fact research on liability issues. Strategy work. |
| 12/29/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.80 | 360.00 | 288.00 | Review emails regarding case filed in Southern District of Ohio; Review emails regarding same and meeting tomorrow to discuss next steps; Telephone conference with Kathleen M. Vermilion, Esquire regarding Ohio Complaint; Review email from Kathleen M. Vermilion, Esquire forwarding Ohio Complaint with exhibit; Review and analysis of Ohio Complaint. |
| 12/29/2020 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.20 | 250.00 | 300.00 | Obtain filing in Rolfes v. ArbiterSports, LLC and share with team. Review and analyze Complaint filed. |
| 12/30/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.20 | 525.00 | 1,680.00 | Review emails with mediator; review emails with class representatives regarding contacts with Pennsylvania; Team conference call; review available Arbiter financial information. |
| 12/30/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 1.60 | 360.00 | 576.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding case status; Telephone conference with co-counsel regarding case status and discovery; Prepare notes to file; Prepare email to Scott H. Wolpert, Esquire regarding Sarasota Investments; Review response emails from Scott H. Wolpert, Esquire regarding same; Review email from Sean Solis, Esquire regarding mediation; Review email from Keith T. Vernon, Esquire regarding same; Review email from Kathleen M. Vermilion, Esquire regarding research related to PPP loan and Arbiter Holdings, LLC. |
| 12/30/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Review of financial information re: Arbiter - analysis of financials to include Arbiter financial viability. Communications with team re: financials and analysis. Preparation for team conference call - call held - post call analysis. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|---------------------|---------------------------|--------------|--------|----------|--|
| 12/30/2020 | Kathleen Vermillion | Schmid: ArbiterSports LLC | 2.40 | 250.00 | 600.00 | Telephone conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding mediation and related Complaint filed in Southern District of Ohio. Research Payroll Protection Program loans received by ArbiterSports. Review emails and included online information regarding Saratoga Investment Company and Serent Capital new fund. |
| 12/31/2020 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Emails with Sean Solis and Ben Picker; telephone conference with Keith Vernon regarding financials; review Arbiter PPP loan information. |
| 12/31/2020 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Review email from Keith T. Vernon, Esquire regarding Arbiter Holdings, LLC; Research same; Review emails between counsel and Bennett Picker regarding mediation; Review email from Scott H. Wolpert, Esquire regarding next steps with respect to discovery; Prepare email to Casie Collignon, Esquire and Sean Solis, Esquire regarding Confidentiality Agreement and Response to OAG; Prepare email to Scott H. Wolpert, Esquire regarding meeting next week on jurisdictional discovery. |
| 12/31/2020 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Communications - call with Scott Wolpert - analysis re: Arbiter financials in a settlement context - analysis re: preparation for mediation issues. |
| 01/03/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.20 | 360.00 | 1,152.00 | Review email from Keith T. Vernon, Esquire regarding Saratoga Investments and valuation of ArbiterSports; Factual research related to jurisdictional issues and marketing by ArbiterSports. |
| 01/03/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Analysis of arbiter financials, including interested ownership interests (Serent and Saratoga); communications with Team on same. |
| 01/04/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.80 | 525.00 | 1,470.00 | Team call regarding jurisdictional issues and discovery; research regarding Arbiter contacts; identify documents needed in discovery. |
| 01/04/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.40 | 360.00 | 1,224.00 | Review email from Keith Vernon, Esquire regarding jurisdictional discovery; Continue researching information related to jurisdictional discovery; Telephone conference with TK co-counsel regarding jurisdictional discovery and next steps; Review emails from Kathleen M. Vermillion, Esquire forwarding research related to Sarasota Investments; Review emails from Kathleen M. Vermillion forwarding information from 21st Century Oncology case. |
| 01/04/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Fact research - for jurisdictional opposition (including market contacts in PA) and fact development - preparation for team call and post call analysis; Arbiter financial analysis. |
| 01/04/2021 | Kathleen Vermillion | Schmid: ArbiterSports LLC | 3.40 | 250.00 | 850.00 | Video conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; and Keith T. Vernon, Esquire, regarding jurisdictional discovery requests, individuals to depose. Research financial filings of Saratoga Investment Corporation. Research motions and supporting memoranda in In re 21st Century Oncology Data Breach Litigation. Prepare email to Scott H. Wolpert, Esquire; Keith T. Vernon, Esquire; and Christine M. Gordon, Esquire, regarding said research. |
| 01/05/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.60 | 525.00 | 1,365.00 | Prepare list of documents needed, review Pennsylvania school district information regarding Arbiter contacts, telephone conference with Christine Gordon regarding jurisdictional discovery, email Christine Gordon, review emails from Keith Vernon. |
| 01/05/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 3.00 | 540.00 | 1,620.00 | Research - past data breach settlements - analysis of types of damages and settlement value ranges for class - research and analysis on discovery to draft on marketing issues relevant to jurisdiction discovery in opposition to jurisdictional motion to dismiss. |
| 01/05/2021 | Kathleen Vermillion | Schmid: ArbiterSports LLC | 1.30 | 250.00 | 325.00 | Research declarations regarding approval of settlement for comparable case. Prepare email to Keith T. Vernon, Esquire; Scott H. Wolpert, Esquire; and Christine M. Gordon, Esquire regarding same. Research grounds for motion to dismiss in currently pending data breach case in Florida. Prepare email regarding same. |
| 01/05/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.70 | 360.00 | 972.00 | Telephone conference with Scott H. Wolpert, Esquire regarding jurisdictional discovery to be sent by Friday; Review email from Scott H. Wolpert, Esquire forwarding list of documents to request; Telephone conference with Linda McCann regarding preparation of notices of deposition; Review draft notices of deposition; Communications with Kathleen M. Vermillion, Esquire and Scott H. Wolpert, Esquire regarding whether Judge Savage imposes page limits on briefing; Review emails from Keith T. Vernon, Esquire regarding jurisdictional discovery; Prepare Request for Production of Documents; Prepare Interrogatories. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 01/06/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.20 | 525.00 | 630.00 | Review draft discovery including documents requested; emails regarding discovery on jurisdiction issues. |
| 01/06/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 7.30 | 360.00 | 2,628.00 | Continue drafting Plaintiffs' Requests for Production of Documents related to personal jurisdiction; Review email from Scott H. Wolpert, Esquire forwarding list of interrogatories to include with discovery; Various jurisdictional fact research related to information available online to assist in drafting Requests for Production of Documents and Interrogatories; Prepare email to Scott H. Wolpert, Esquire forwarding draft Requests for Production of Documents; Review response email from Scott H. Wolpert, Esquire regarding same; Prepare draft Interrogatories; Review email from Jonathan Shub, Esquire regarding ED PA data breach case; Prepare email to Scott H. Wolpert, Esquire forwarding draft Interrogatories with comments. |
| 01/06/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 3.00 | 540.00 | 1,620.00 | Work on discovery needed for jurisdiction opposition - analysis and fact research - review of Arbiter Facebook content - drafting of potential discovery areas. |
| 01/07/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Emails with Team; revisions to draft discovery documents; telephone conference with Keith Vernon; conference with Christine Gordon regarding jurisdictional discovery. |
| 01/07/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.20 | 360.00 | 1,152.00 | Review emails related to data breach in Federal Court filing system; Various emails regarding same; Review email from Keith T. Vernon, Esquire regarding jurisdictional discovery; Review and revise jurisdictional discovery based on comments received; Prepare email to Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire forwarding revised jurisdictional discovery for further comment; Various conferences with Scott H. Wolpert, Esquire regarding same; Additional revisions to jurisdictional discovery; Review draft Requests for Admissions; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding review of jurisdictional discovery; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire and Jonathan Shub, forwarding draft jurisdictional discovery and request for comments; Review email from Keith T. Vernon, Esquire regarding additional revision; Review email from Scott H. Wolpert, Esquire regarding same; Revise jurisdictional discovery based on comments; Prepare email to Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire forwarding revised jurisdictional discovery for final approval; Various emails from Keith T. Vernon, Esquire regarding same. |
| 01/07/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 4.00 | 540.00 | 2,160.00 | Research/analysis and drafting of discovery - communications re: Discovery topics. |
| 01/08/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.30 | 525.00 | 682.50 | Revisions to discovery; letter to Casie Collignon; conference with Christine Gordon regarding jurisdictional discovery, documents, issues for deposition and document production. |
| 01/08/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.80 | 360.00 | 288.00 | Review email from Jonathan Shub regarding jurisdictional discovery; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding same and next steps; Revise Requests for Production of Documents based on comments received; Review email from Scott H. Wolpert, Esquire regarding meeting today; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire; Review email from Kathleen M. Vermilion regarding outstanding research issues. |
| 01/08/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Final edits/inclusions to jurisdictional discovery requests. |
| 01/08/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.40 | 250.00 | 100.00 | Review jurisdictional discovery requests for production and interrogatories and evaluate whether additional information is needed. |
| 01/09/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Bennett Picker regarding conference to discuss mediation; Various emails regarding same. |
| 01/09/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communications/review re: setting call up with our mediator, Mr. Picker. |
| 01/10/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Bennett Picker regarding scheduling conference to discuss mediation; Prepare email to Linda McCann regarding deadlines for Defendant's responses to jurisdictional discovery. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|----------|---|
| 01/11/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | Emails regarding Ohio lawsuit; emails with Casie Collignon; telephone conference with Team; emails with Bennett Picker; analysis of issues related to Ohio lawsuit. |
| 01/11/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.40 | 540.00 | 1,296.00 | Communications with team - conference call held - communications re: mediation - analysis re: issues of Ohio cases and defense counsel questions on same. Research on any fact updates online. |
| 01/11/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.10 | 360.00 | 396.00 | Review various emails regarding scheduling of conference call with Bennett Picker; Review various emails regarding new Complaint filed in Ohio; Review email from Casie Collignon, Esquire forwarding copy of Ohio Complaint; Telephone conference with co-counsel regarding case strategy; Note to file. |
| 01/12/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.20 | 525.00 | 1,155.00 | Telephone conference with Keith Vernon; telephone conference with counsel regarding Ohio case; telephone confirmed with Christine Gordon; emails from mediator; file notes. |
| 01/12/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Preparation for and call held with Ohio counsel; post call analysis. |
| 01/13/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.20 | 525.00 | 630.00 | Emails with Ohio counsel; analysis of issues related to Ohio case and existing Pennsylvania case; review emails from mediator, Bennett Picker. |
| 01/13/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Terry Coates, Esquire regarding proposal for assisting proposed class in our case. |
| 01/13/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.50 | 540.00 | 810.00 | Analysis of next steps and preparation - communications. Review of Arbiter on-line material in preparation of fact research for upcoming depositions regarding contacts with Pennsylvania. |
| 01/14/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.50 | 525.00 | 1,837.50 | Conference with Christine Gordon; Telephone conference with Keith Vernon and Christine Gordon; telephone conference with Mediator; Team conference regarding issues, including Ohio case. |
| 01/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.10 | 360.00 | 1,116.00 | Prepare email to Scott H. Wolpert, Esquire forwarding draft deposition notices for jurisdictional discovery; Review email from Scott H. Wolpert, Esquire regarding proposed deponents; Intraoffice conference with Scott H. Wolpert, Esquire regarding proposed deponents; Review email from Keith T. Vernon, Esquire regarding phone call with Ben Picker today; Review email from Keith T. Vernon, Esquire regarding 30(b)(6) deposition topic areas; Review response email from Scott H. Wolpert, Esquire regarding potential dates for depositions; Telephone conference with Ben Picker regarding logistics for mediation in February; Telephone conference with co-counsel following meeting in order to discuss future strategy related to Ohio counsel; Research related to the defendability of some of Casie Collignon's often repeated arguments related to ransomware; Review email from Keith T. Vernon, Esquire regarding drafting letter/package required for mediation. |
| 01/15/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Prepare email to Scott H. Wolpert, Esquire with list of action items discussed following meeting with Ben Picker; Review email from Ben Picker regarding yesterday's conference and next steps; Various follow up to send pleadings to Ben Picker as requested; Review email from Keith T. Vernon, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding letter to Ben Picker; Review email from Linda McCann to Ben Picker, forwarding pleadings; Review response email from Ben Picker regarding same. |
| 01/15/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Communications and strategy/follow up. |
| 01/16/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.40 | 525.00 | 735.00 | Telephone conference with John Schmid regarding contacts, claims, jurisdictional issues; file notes; review emails; analysis of action needed. |
| 01/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire regarding case strategy, mediation, discovery and next steps. |
| 01/16/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communications to team and analysis of preparation for mediation. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 01/17/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communications with Scott Wolpert regarding strategy for mediation, discovery and steps forward. |
| 01/18/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.00 | 525.00 | 525.00 | Telephone conference with Keith Vernon; emails regarding jurisdictional discovery; identify additional potential witnesses; email Casie Collignon. |
| 01/18/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review various emails regarding next call with co-counsel; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding outstanding research issues; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding 3 depositions related to jurisdictional discovery. |
| 01/18/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Communications and analysis for preparation needed for mediation. |
| 01/19/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.90 | 525.00 | 472.50 | Conference regarding legal research; emails regarding mediation; review file notes. |
| 01/20/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Telephone conference with Team regarding mediation and jurisdictional discovery; conference with Christine Gordon; telephone conference with Keith Vernon regarding mediation and Ohio case; review emails and scheduling order. |
| 01/20/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Communications with defense counsel re: call set up - analysis on discovery issues - preparation for call with team re: case statutes and mediation and discovery preparation - call held - post call analysis and communications. |
| 01/20/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.40 | 360.00 | 1,224.00 | Review letter received from Ben Picker; Telephone conference with co-counsel regarding strategy in preparation for mediation and related to jurisdictional discovery; Note to file; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding additional research needed prior to mediation; Review notes and start drafting memo for confidential submission to Ben Picker. |
| 01/21/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.10 | 525.00 | 1,102.50 | Telephone conference with Casie Collignon and Sean Solis; telephone conference with Keith Vernon and Christine Gordon regarding discovery and mediation; review Arbiter information regarding contacts with Pennsylvania. |
| 01/21/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Review of research on Sports management industry outlook - preparation for call and call with Casie Collignon, Scott Wolpert and Christine Gordon; Post call analysis. |
| 01/21/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.50 | 360.00 | 540.00 | Telephone conference with Casie Collignon, Esquire Sean Solis, Esquire Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding discovery and mediation; Note to file; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding analysis and next steps; Review various emails regarding meeting with Jon Shub, Esquire to solidify strategy. |
| 01/21/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.20 | 250.00 | 50.00 | Request report from Sports Marketing Analysis on ArbiterSports. |
| 01/22/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.40 | 525.00 | 735.00 | Email to Ohio counsel; telephone conference with Team regarding mediation and involvement of Ohio counsel; emails regarding mediation. |
| 01/22/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.00 | 540.00 | 540.00 | Preparation for and call with team regarding mediation and Ohio case |
| 01/25/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Review emails and current jurisdictional discovery issues. |
| 01/26/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | Telephone conference with Keith Vernon; review mediation information. |
| 01/26/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.20 | 540.00 | 648.00 | Analysis re: mediation preparation issues - and issues re: expert preparation - communications with team on same - analysis re: current liability facts centered on Data Breach. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 01/26/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.70 | 360.00 | 1,332.00 | Review email from Keith T. Vernon, Esquire regarding meeting with expert to prepare for mediation; Review email from Kevin Laukaitis, Esquire regarding same; Prepare memo to co-counsel related to chronology and facts related to liability in preparation for substantive discussion at mediation. |
| 01/27/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Review issues to address at deposition of John Hopkins, Arbiter CFO; review 30(b)(6) notice; telephone conference with Christine Gordon. Review emails from Keith Vernon. |
| 01/27/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Communications with Scott Wolpert regarding liability points and impact of cases against Arbiter in other jurisdictions, including involvement of Ohio case; review email regarding Confidentiality Agreement. |
| 01/27/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Telephone conference with Scott H. Wolpert, Esquire regarding deposition notices, notes for call with expert and following up with Casie Collignon, Esquire to get requested document; Review email from Keith T. Vernon, Esquire regarding liability points and call with expert; Prepare email to Casie Collignon, Esquire and Sean Solis, Esquire requesting incident report; Review response email from Casie Collignon, Esquire regarding Confidentiality Agreement; Review email from Sean Solis, Esquire forwarding draft Confidentiality Agreement. |
| 01/28/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | Revise 30(b)(6) notice; conference with Christine Gordon; emails to Team; review biographies of deponents. |
| 01/28/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.00 | 540.00 | 540.00 | Revise Rule 30(b)(6) notice and attachment. Communications with Team on same. |
| 01/28/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.30 | 360.00 | 468.00 | Review and revise Confidentiality Agreement; Prepare email to co-counsel forwarding proposed revisions for review; Review response email from Keith T. Vernon, Esquire regarding same and next steps; Review email from Scott H. Wolpert, Esquire forwarding draft 30(b)(6) notice; Review and revise same; Review email from Jonathan Shub, Esquire regarding revisions to Confidentiality Agreement; Prepare email to Keith T. Vernon, Esquire and Jonathan Shub, Esquire forwarding draft 30(b)(6) deposition notice for review; Prepare email to Sean Solis, Esquire forwarding proposed revisions to draft confidentiality agreement. |
| 01/29/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Review discovery requests and scheduling order; telephone conference with Keith Vernon; telephone conference with Team regarding mediation, discovery and action needed; email to Casie Collignon; analysis of current issues. |
| 01/29/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Research/analysis re: expert preparation issues for mediation - communications with team - preparation for call today - call held - post call analysis - review of deposition notices. |
| 01/29/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.80 | 360.00 | 288.00 | Telephone conference with all co-counsel regarding status and follow up needed related to depositions, jurisdictional discovery, mediation preparation, meeting with expert, and other issues; Prepare email to Scott H. Wolpert, Esquire forwarding notes and action plan; Review email from Scott H. Wolpert, Esquire forwarding deposition notices to Casie Collignon, Esquire. |
| 01/29/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.70 | 250.00 | 175.00 | Telephone conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire regarding discovery, timing of depositions, and required information for brief. |
| 02/01/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Emails with Keith Vernon; email from Casie Collignon; email Team regarding discovery; review file notes. |
| 02/01/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review email from Casie Collignon, Esquire regarding deposition notices received; Review email from Scott H. Wolpert, Esquire regarding depositions, discovery, and next steps and analysis regarding same; Review email from Keith T. Vernon, Esquire regarding proposed response to Casie Collignon, Esquire. |
| 02/01/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.30 | 250.00 | 75.00 | Review email from Scott H. Wolpert, Esquire, and email from Keith T. Vernon, Esquire, regarding defense response to deposition request and assessment of next steps. |
| 02/01/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Analysis regarding defendant's communications on producing witnesses and unwillingness to produce John Hopkins, CFO. Analysis and communication to team regarding deponents. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 02/02/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.90 | 525.00 | 472.50 | Telephone conference with Keith Vernon; analysis of information needed from different deponents. |
| 02/02/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.50 | 360.00 | 540.00 | Various emails regarding upcoming meeting with expert; Begin to prepare list of questions for expert related to liability and remedial measures; Review email from Sean Solis, Esquire forwarding final Confidentiality Agreement; Review same; Telephone conference with Scott H. Wolpert, Esquire regarding same; Prepare email to Sean Solis, Esquire forwarding executed Confidentiality Agreement with request for Response/Report to NC AG. |
| 02/02/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.30 | 250.00 | 575.00 | Research attorneys' fee calculations in Eastern District of Pennsylvania and applicability of the Laffey matrix. |
| 02/03/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.00 | 525.00 | 1,050.00 | Emails with Team; Telephone conference with Keith Vernon; telephone conference with Casie Collignon and Keith Vernon; analysis regarding liability, remedies and possible issues for mediation; email Christine Gordon. |
| 02/03/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.50 | 360.00 | 1,260.00 | Various emails with co-counsel regarding available meeting times for meeting with the expert; Review email from Kathleen M. Vermilion, Esquire regarding research related to 1099 services provided by ArbiterSports; Various communications with Kathleen M. Vermilion, Esquire regarding same; Review email from Scott H. Wolpert, Esquire regarding need to draft Joint Motion for Extension of Discovery Deadlines; Review email from Kevin Laukaitis, Esquire regarding availability of expert for call tomorrow; Prepare draft Joint Motion for Extension of Discovery Deadlines. |
| 02/03/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Preparation for call with defense counsel - call held - preparation for conference call with expert tomorrow. Review of any Arbiter news updates or business updates. Analysis on potential extension of depositions/discovery post mediation. |
| 02/03/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.50 | 250.00 | 125.00 | Research tax reporting services of ArbiterPay to determine how and if it impacts jurisdiction issue. |
| 02/04/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 6.60 | 360.00 | 2,376.00 | Revise draft Joint Motion for Extension of Discovery Deadlines; Prepare for telephone conference with expert today; Telephone conference with Keith T. Vernon, Esquire regarding preparation for call with expert today; Prepare email to co-counsel with list of all liability facts known and forwarding copy of demand letter previously sent; Attend ZOOM meeting with expert and co-counsel today in preparation for mediation; Telephone conference with Keith T. Vernon, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding points addressed by expert in today's call and follow up needed; Prepare email to Scott H. Wolpert, Esquire forwarding draft Joint Motion for Extension of Discovery Deadlines for review; Review email from Kathleen M. Vermilion, Esquire forwarding notes from call with expert; Review email from Scott H. Wolpert, Esquire forwarding revised Joint Motion; Prepare email to Keith T. Vernon, Esquire forwarding draft Motion for review and approval; Review email from Keith T. Vernon, Esquire requesting revision to Joint Motion; Revise Joint Motion; Prepare email to Scott H. Wolpert, Esquire forwarding final draft; Intraoffice conference with Scott H. Wolpert, Esquire regarding Joint Motion; Prepare email to Casie Collignon, Esquire and Sean Solis, Esquire forwarding draft Motion for Extension of Deadlines, requesting comment; Review email from Sean Solis, Esquire forwarding proposed edits; Review email from Keith T. Vernon, Esquire regarding response to proposed edits to Joint Motion. |
| 02/04/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Preparation for and call with IT experts, Mary Frantz and Christopher Brinkworth, including review of damages/relief sought and overall liability issues; post call analysis and communications. Analysis of defense edits to joint Motion for Extension and communications to team on same. |
| 02/04/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.50 | 250.00 | 375.00 | Video conference with Mary Frantz, Christopher Brinkworth, Keith T. Vernon, Esquire; Christine M. Gordon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding technical aspects of liability and defenses expected at mediation and corrective IT action needed by Arbiter. Prepare email with notes and takeaway points. |
| 02/05/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Conference with Christine Gordon; review filing; review emails with Christine Gordon and Keith Vernon regarding liability, Joint Motion and current issues. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|----------|--|
| 02/05/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.10 | 360.00 | 756.00 | Revise Joint Motion for Extension of Deadlines based on analysis of comments from Sean Solis, Esquire and additional comments received from Keith T. Vernon, Esquire; Prepare email to Scott H. Wolpert, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding additional revisions needed; Revise and finalize Joint Motion; Prepare email to Casie Collignon, Esquire and Sean Solis, Esquire forwarding revised Joint Motion for review and approval before filing; Review email from Casie Collignon, Esquire approving revised draft; Forward for filing; Review email from Kevin Laukaitis, Esquire regarding liability facts; Review email from Keith T. Vernon, Esquire regarding call today. |
| 02/08/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.60 | 525.00 | 1,365.00 | Conference with Keith Vernon and Christine Gordon; emails regarding jurisdictional discovery; analysis of action needed; research regarding anticipated claims rates. |
| 02/08/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.10 | 360.00 | 756.00 | Communications with Scott H. Wolpert, Esquire regarding deposition notices; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding deposition notices; Review email from Casie Collignon, Esquire regarding same and regarding discovery production pursuant to Stipulated Protective Order; Review Order of Judge Savage granting joint extension request; Review email from Sean Solis, Esquire forwarding fully executed confidentiality order; Review email from Keith T. Vernon, Esquire regarding Judge Savage's Order; Telephone conference with co-counsel regarding Protective Order issue; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding holding off on discovery production until Protective Order is resolved; Review email from Casie Collignon, Esquire in response; Various communications regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding same; Review email from Casie Collignon, Esquire regarding confidential information and next steps; Review email from Scott H. Wolpert, Esquire regarding various articles and claims rates; Review email from Sean Solis, Esquire forwarding draft Stipulated Protective Order. |
| 02/08/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.40 | 540.00 | 1,296.00 | Call with Scott Wolpert and Christine Gordon regarding protective order issues; Analysis of strategy for mediation. Review of data and article on data breach settlements - and issues on same. Communication to team. |
| 02/09/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.40 | 525.00 | 1,260.00 | Review emails; analysis of protective order; research regarding stipulated protective order language; analysis of mediation issues; telephone conference with Keith Vernon and Christine Gordon. |
| 02/09/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 4.60 | 360.00 | 1,656.00 | Review and analysis of Stipulated Protective Order; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding same; Review email from Scott H. Wolpert, Esquire regarding proposed revisions to Stipulated Protective Order; Intraoffice conference with Scott H. Wolpert, Esquire regarding same and next steps; Begin to draft Plaintiffs' Confidential Mediation Memorandum. |
| 02/09/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Review/analysis of def. proposed PO - work on mediation preparation. |
| 02/10/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.50 | 525.00 | 1,837.50 | Review proposed protective order; legal research and analysis regarding content of protective order as proposed and impact on action needed in case; revisions to protective order; |
| 02/10/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.80 | 360.00 | 648.00 | Review email from Keith T. Vernon, Esquire regarding Protective Order; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding how to resolve Protective Order issue; Review email from Keith T. Vernon, Esquire regarding Protective Order; Review email from Kathleen M. Vermilion, Esquire regarding Excel Spreadsheet on negotiation progression for mediation; Telephone conference with Kathleen M. Vermilion, Esquire regarding revisions needed to be made to spreadsheet; Review email from Jonathan Shub, Esquire forwarding article regarding value of nonmonetary privacy settlement provisions; Review email from Keith T. Vernon, Esquire regarding analysis of same; Telephone conference with Kathleen M. Vermilion, Esquire regarding analysis of same and need for copies of documents related to cases mentioned in article; Review email from Scott H. Wolpert, Esquire regarding need to review proposed revisions to Stipulated Protective Order; Review email from Kathleen M. Vermilion, Esquire forwarding revised spreadsheet for use at mediation; Telephone conference with Kathleen M. Vermilion, Esquire regarding same. |

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|------------|---------------------|---------------------------|--------------|--------|----------|---|
| 02/10/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Second reading and analysis of defendant's proposed protective order and revisions needed; communications with Team on same. |
| 02/10/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Analysis of data breach articles on best practices and settlements - research - work on mediation memo. |
| 02/10/2021 | Kathleen Vermillion | Schmid: ArbiterSports LLC | 1.30 | 250.00 | 325.00 | Review demand letter. Create chart of categories of relief and demands within categories for tracking discussions during mediation. Intraoffice conference with Christine M. Gordon, Esquire, regarding maximizing utility. Revise chart. |
| 02/11/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.40 | 525.00 | 1,785.00 | Analysis of mediation issues; review mediator letter; telephone conference Keith Vernon; revisions to protective order; emails regarding protective order. |
| 02/11/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Call with Scott Wolpert re: strategy/analysis including the proposed protective order draft. Review/analysis of our edits to protective order draft from defendant. Analysis regarding Arbiter financials. |
| 02/11/2021 | Kathleen Vermillion | Schmid: ArbiterSports LLC | 0.80 | 250.00 | 200.00 | Intraoffice conference regarding strengths and weaknesses going into mediation. Research settlement agreement in Hanna Andresson case. Intraoffice conference with Christine M. Gordon, Esquire, regarding same. |
| 02/11/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 5.80 | 360.00 | 2,088.00 | Review and revise proposed revisions to Stipulated Protective Order; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Prepare email to Keith T. Vernon, Esquire regarding revisions to Stipulated Protective Order; Review response email from Keith T. Vernon, Esquire forwarding comments; Review email from Casie Collignon, Esquire confirming status of discovery production and Stipulated Protective Order; Review response email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding same; Prepare email to Scott H. Wolpert, Esquire forwarding mediation spreadsheet with comments; Continue drafting Plaintiffs' Confidential Mediation Memo; Prepare email to Scott H. Wolpert, Esquire forwarding draft Plaintiffs' Confidential Mediation Memo for his review; Review email from Kathleen M. Vermillion, Esquire forwarding settlement documents requested; Telephone conference with Kathleen M. Vermillion, Esquire regarding same; Review email from Kathleen M. Vermillion, Esquire forwarding additional settlement documents requested. |
| 02/12/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.80 | 525.00 | 1,470.00 | Emails with Sean Solis; conference with Christine Gordon; Team conference call; emails with Casie Collignon. |
| 02/12/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.60 | 540.00 | 864.00 | Work on mediation preparation - analysis of strategy and preparation issues - preparation for call with team - call held - analysis on expert preparation. Communications. |
| 02/12/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.60 | 360.00 | 1,296.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding status of obtaining report from Sean Solis, Esquire; Review email from Scott H. Wolpert, Esquire to Sean Solis, Esquire requesting copy of Report to NC OAG; Review email from Scott H. Wolpert, Esquire forwarding Forbes article related to ArbiterSports; Telephone conference with co-counsel regarding preparation for mediation and other outstanding case issues; Review email from Sean Solis, Esquire forwarding Response to Request for Additional Information; Review and analysis of ArbiterSports' Response to North Carolina Attorney General; Intraoffice conference with Scott H. Wolpert, Esquire regarding various aspects of Response that support our position re: liability; Prepare email to Kevin Laukaitis, Esquire regarding additional information received and need to have further follow up with expert; Prepare email to co-counsel regarding need for further analysis of information in report; Review response email from Kevin Laukaitis, Esquire regarding same; Prepare email to Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire forwarding information helpful for mediation related to remedial measures and injunctive relief; Various emails regarding meeting with Ben Picker on February 22, 2021; Review various emails from co-counsel regarding availability of experts during mediation session; Review email from Keith T. Vernon, Esquire regarding receipt of total time spent in 1st filed case before voluntary withdrawal. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 02/13/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review email from Keith T. Vernon, Esquire to co-counsel regarding plan for expert's availability at time of mediation; Review email from Keith T. Vernon, Esquire regarding confirmation of time with Ben Picker for meeting next week; Review email from Jonathan Shub, Esquire regarding mediation session and availability of expert; Review email from Keith T. Vernon, Esquire regarding his review of Response to NC OAG and exhibits. |
| 02/13/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Review and analysis of documents produced by Defendant. |
| 02/14/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.90 | 525.00 | 997.50 | Revisions to Arbiter mediation memo; review and analysis of article cited. |
| 02/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review emails between Scott H. Wolpert, Esquire and Casie Collignon, Esquire regarding status of ArbiterSports' offer and revisions to proposed Protective Order. |
| 02/14/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.10 | 250.00 | 275.00 | Research recent data breach settlement agreements in preparation for mediation. |
| 02/15/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Telephone conference with Keith Vernon and Christine Gordon regarding mediation; email Casie Collignon; review emails and notes. |
| 02/15/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Work on mediation statement - fact research - communications with team on strategy re: offer to our demand - communications with class rep to set up meeting - search for any Arbiter news or Serent capital updates. |
| 02/15/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 5.80 | 360.00 | 2,088.00 | Prepare email to Scott H. Wolpert, Esquire regarding Plaintiffs' Confidential Mediation Memo; Review email from Scott H. Wolpert, Esquire regarding same; Revise Scott H. Wolpert, Esquire's revisions; Review email from Keith T. Vernon, Esquire forwarding information to include in Mediation Memo; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding response to Casie Collignon, Esquire regarding need for offer prior to mediation; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding same; Review and revise Mediation Memo; Prepare email to Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire, forwarding revised Mediation Memo; Review response email from Scott H. Wolpert, Esquire approving Mediation Memo and regarding getting approval from Jonathan Shub, Esquire; Review emails from Keith T. Vernon, Esquire regarding same and approval of draft Mediation Memo; Prepare email to Jonathan Shub, Esquire forwarding Mediation Memo for approval; Review email from Keith T. Vernon, Esquire regarding next call with Victor Quezada; Various follow up regarding same; Review email from Kathleen M. Vermilion, Esquire forwarding updated data breach settlement spreadsheet. |
| 02/15/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.70 | 250.00 | 675.00 | Research recent data breach Class Action settlement agreements and update spreadsheet. Provide updated information to team. |
| 02/16/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Emails regarding mediation memo; telephone conference with Christine Gordon and Keith Vernon; review cited articles for mediation; letter to Ben Picker. |
| 02/16/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.20 | 540.00 | 648.00 | Communications in preparation for mediation; review of final edits to Plaintiffs' mediator statement to Ben Picker - updated research on Serent to provide information to mediator. |
| 02/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.30 | 360.00 | 468.00 | Telephone conference with Linda McCann regarding sending mediation memo to Ben Picker, with attachments; Prepare email to Scott H. Wolpert, Esquire regarding same; Review various emails from co-counsel related to mediation memo; Review email from Kevin Laukaitis, Esquire regarding information to share with the expert; Review email from Keith T. Vernon, Esquire regarding Serent Capital; Telephone conference with Scott H. Wolpert, Esquire regarding current status of mediation memo and mediation preparation; Prepare emails to Kevin Laukaitis, Esquire regarding information to share with expert; Prepare final revisions to Mediation Memo; Various emails with co-counsel regarding same and forward to Linda McCann to finalize and send to Ben Picker. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|---------------------|---------------------------|--------------|--------|----------|--|
| 02/17/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Email with mediator, Bennet Picker; Telephone conference with Keith Vernon; file notes regarding mediation. |
| 02/17/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Keith T. Vernon, Esquire regarding preparation for mediation; Review email from Jonathan Shub, Esquire regarding same; Review email from Kevin Laukaitis, Esquire regarding setting up time to speak with experts. |
| 02/17/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.20 | 540.00 | 648.00 | Mediation preparation work - analysis of updated list of settlements prepared by Kathleen Vermillion. Communications regarding mediation issues. |
| 02/18/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.40 | 525.00 | 735.00 | Emails with Ben Picker; Telephone conference with Keith Vernon; Telephone conference with Linda McCann; Emails with Sean Solis; emails with class representatives. |
| 02/18/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.00 | 540.00 | 1,080.00 | Prepare for mediation - review of def. current activities - review of Arbiter updates (job postings) - analysis of issue for mediation; call held with class representative, Victor Rodriguez; post call analysis with Christine Gordon. |
| 02/18/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.00 | 360.00 | 720.00 | Review email from Keith T. Vernon, Esquire forwarding recent case on strict liability standard in UTPCPL claims; Review opinion; Review email from Keith T. Vernon, Esquire forwarding recent job postings of ArbiterSports, with comments; Telephone conference with Keith T. Vernon, Esquire and Victor Quezada regarding case status and mediation process; Telephone conference with Keith T. Vernon, Esquire regarding preparation for mediation; Review email from Sean Solis, Esquire forwarding proposed revisions to latest draft of Stipulated Protective Order; Prepare email to Scott H. Wolpert, Esquire regarding analysis of proposed revisions. |
| 02/19/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.50 | 525.00 | 2,362.50 | Team conference call regarding mediation, including preparation, issues, meaningful relief for the class of sports' officials; conference call with technology experts; conference with Christine Gordon regarding Arbiter financials; review email Sean Solis and protective order revisions; emails with class representatives; |
| 02/19/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 8.20 | 360.00 | 2,952.00 | Review email from Keith T. Vernon, Esquire regarding team call today; Review email from Kevin Laukaitis, Esquire regarding call with experts today; Review email from Keith T. Vernon, Esquire regarding notes from call with Victor Quezada; Review draft Term Sheet prepared by Kevin Laukaitis, Esquire; Review email from Kevin Laukaitis, Esquire and Keith T. Vernon, Esquire regarding call with experts; Intraoffice conference with Kathleen M. Vermillion, Esquire regarding review of ArbiterSports' Response to NC AG and specific questions for expert; Intraoffice conference with Scott H. Wolpert, Esquire regarding preparation for mediation, preparation for call with experts, review of Term Sheet, review of proposed revisions to Stipulated Protective Order; Telephone conference with co-counsel regarding case status and next steps; Review list of questions for expert prepared by Kathleen M. Vermillion, Esquire; Intraoffice conference with Kathleen M. Vermillion, Esquire regarding same; Prepare for call with experts; Telephone conference with co-counsel and experts regarding liability and remedial measures; Review email from Kevin Laukaitis, Esquire forwarding declaration filed in Wawa action as example for mediation in Arbiter; Review email from Scott H. Wolpert, Esquire forwarding notes related to teleconference with experts; Intraoffice conference with Kathleen M. Vermillion, Esquire regarding call with experts and follow up needed in preparation for mediation. |
| 02/19/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 2.60 | 540.00 | 1,404.00 | Mediation preparation - analysis of liability and damages - past settlements - facts in support - preparation in advance of our team call with liability experts - call held - post call analysis. |
| 02/19/2021 | Kathleen Vermillion | Schmid: ArbiterSports LLC | 3.10 | 250.00 | 775.00 | Telephone conference with Scott H. Wolpert, Esquire; Keith T. Vernon, Esquire; Christine M. Gordon, Esquire; Jon Shub, Esquire; Kevin Laukaitis, Esquire, regarding mediation possibilities. Review information provided by ArbiterSports to NC AG office and develop specific questions for experts regarding same to obtain information helpful to mediation. Video conference with same people and also Mary Frantz and Christopher Brinkworth regarding security practices, implementation of new practices, methods of enforcement. |
| 02/20/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review Google alert related to market analysis issues related ArbiterSports and global Sports management software market; Review email from Scott H. Wolpert, Esquire regarding same. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 02/21/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.10 | 525.00 | 577.50 | Review demand letter; telephone conference with John Schmid regarding claims, remedies and meaningful relief for class of officials. |
| 02/21/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire regarding market analysis issues related to ArbiterSports. |
| 02/21/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Review of communication re: Arbiter and industry reports - analysis re: need for report or case. Communication to team. |
| 02/22/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.60 | 525.00 | 1,890.00 | Prepare for conference call; telephone conference with mediator Ben Picker and Team; Telephone conference with Keith Vernon and Christine Gordon; notes from mediator call; analysis of certain remedies; prepare for mediation. |
| 02/22/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 3.60 | 540.00 | 1,944.00 | Prep for call with Ben Picker (mediator) - call held - post call analysis - call with Scott and Christine re: strategy and follow up with Ben. Further preparation for mediation including research. |
| 02/22/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.40 | 250.00 | 100.00 | Intraoffice conference with Christine M. Gordon, Esquire, regarding remaining needs for mediation. Review Settlement Comparison spreadsheet to evaluate additional information needed. |
| 02/22/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 7.60 | 360.00 | 2,736.00 | Prepare for teleconference with Ben Picker; Telephone conference with Ben Picker and co-counsel; Review email from Keith T. Vernon, Esquire regarding arbitration issue and standing; Various communications with Kathleen M. Vermilion regarding mediation preparation and next steps; Review email from Kevin Laukaitis, Esquire regarding call; Various communications following teleconference with Ben Picker in preparation for mediation on Thursday; Telephone conference with Kathleen M. Vermilion, Esquire regarding follow up needed for mediation on Thursday; Review information in file in preparation for mediation; Review email from Kathleen M. Vermilion regarding additional information to be added to comparison charts; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding today's call and action items; Review email from Keith T. Vernon, Esquire to co-counsel related to information needed for mediation related to fee demand; Prepare bulleted list of terms, as requested by mediator; Prepare email to Scott H. Wolpert, Esquire, forwarding same; Review email from Keith T. Vernon, Esquire to Kathleen M. Vermilion regarding comparison chart; Research related to settlement terms and attorneys' fees; Various emails with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding mediation; Various follow up with Wendi Dwyer to coordinate getting virtual training for mediation scheduled with Michael Acosta; Review email from Scott H. Wolpert, Esquire regarding review of demand terms sheet; Prepare email to Ben Picker forwarding demand terms sheet; Review response email from Ben Picker regarding same; Review email from Keith T. Vernon, Esquire regarding Kyle Ford. |
| 02/23/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Review of def. email communications - call with Christine Gordon on same - analysis. |
| 02/23/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 7.20 | 525.00 | 3,780.00 | Prepare for mediation; telephone conference with Keith Vernon and Christine Gordon; factual research regarding jurisdiction issue; file notes in preparation for mediation. |
| 02/23/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 8.50 | 360.00 | 3,060.00 | Various communications regarding virtual training with Michael Acosta; Research of Baker and non-Baker Class Action settlements in preparation for mediation; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding mediation preparation; Various communications with Kathleen M. Vermilion, Esquire regarding mediation strategy; Review email from Kathleen M. Vermilion, Esquire forwarding revised data breach settlement comparison chart; Review email from Kathleen M. Vermilion, Esquire forwarding docket of Rolfes v. ArbiterSports matter; Prepare email to Scott H. Wolpert, Esquire regarding need to provide proposed revisions to Stipulated Protective Order to Sean Solis, Esquire. |
| 02/23/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 4.60 | 540.00 | 2,484.00 | Prep for mediation - multiple preparation calls with Scott Wolpert - call with Scott Wolpert and Christine Gordon - analysis of Plaintiffs' demand components and anticipated positions by defendant. |
| 02/23/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.80 | 250.00 | 200.00 | Review comparison chart of settlements and determine additional helpful information for mediation. Intraoffice conference with Christine M. Gordon, Esquire, and Keith T. Vernon, Esquire, regarding mediation reference documents. |

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| 02/24/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Emails regarding mediation, issues and strategy; conference with Christine Gordon regarding mediation issues; Team call with mediator's technology coordinator; file notes. |
| 02/24/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 4.00 | 540.00 | 2,160.00 | Mediation preparation for tomorrow's mediation; call with Michael Acosta related to mediation; analysis of liability and damages issues. |
| 02/24/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 8.70 | 360.00 | 3,132.00 | Continue preparation for mediation; Various conferences with Kathleen M. Vermilion, Esquire regarding mediation preparation; Review email from Scott H. Wolpert, Esquire class settlements to revise and send to Ben Picker; Revise list of comparison cases; Prepare email to Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire regarding same; Prepare email to Ben Picker forwarding other data breach settlement cases for comparison; Review email from Kevin Laukaitis, Esquire forwarding memo on injunctive relief; Attend meditation technology training with Michael Acosta; Review emails from Scott H. Wolpert, Esquire regarding correspondence with Casie Collignon, Esquire; Review and analysis of settlement offer received today; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding settlement offer; Various additional communications with Keith T. Vernon, Esquire regarding settlement offer and mediation preparation and "event log" question; Review email from Kathleen M. Vermilion, Esquire forwarding Baker data breach settlement memo; Continue preparation for mediation tomorrow; Review email from Kathleen M. Vermilion, Esquire forwarding reference documents for mediation; Telephone conference with Kathleen M. Vermilion, Esquire regarding issues with links and formatting. |
| 02/24/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.40 | 250.00 | 600.00 | Compile settlement data for mediator regarding Baker Hostetler data breach settlements. Review Defendant response to Plaintiff demand. Intraoffice conference with Christine M. Gordon, Esquire, regarding response and relative value considering comparable settlements. Compile documents for reference during mediation for all plaintiff attorneys. Prepare email to plaintiff attorneys regarding same. |
| 02/25/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 12.80 | 525.00 | 6,720.00 | Attend mediation with Ben Picker and Team; Review email from Casie Collignon and proposed term sheet; post mediation conference call with Keith Vernon; emails and telephone conference with class representative Brendan Monahan. |
| 02/25/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 9.00 | 540.00 | 4,860.00 | Attend mediation with Ben Picker; Post mediation conference call with Team. |
| 02/25/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 11.50 | 360.00 | 4,140.00 | Review email from Kathleen M. Vermilion, Esquire forwarding revised reference documents for mediation; Review email from Kevin Laukaitis, Esquire forwarding information related to injunctive relief; Various conferences with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire prior to mediation regarding strategy; Attend mediation; Review email from Casie Collignon, Esquire forwarding proposed term sheet; Teleconference with experts regarding injunctive relief; Review comments provided by experts in response to injunctive relief proposed by ArbiterSports; Teleconference with experts to go over responses; Review email from Casie Collignon, Esquire forwarding WISP. |
| 02/25/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.30 | 250.00 | 75.00 | Revise mediation document collection. Prepare email to team providing documents for possible use at mediation. |
| 02/26/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Follow up from mediation day - review of previous def. take it or leave it demand from fall - to - result gotten in mediation. Communications on same with team. |
| 02/26/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | Various phone calls and communications related to settlement terms and next steps; Prepare email to Keith T. Vernon, Esquire forwarding notes from initial call with Indiana counsel; Review response email from Keith T. Vernon, Esquire regarding same. |
| 03/01/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.20 | 540.00 | 648.00 | Review and analysis of term sheet - call with team regarding term sheet; analysis to edits. |
| 03/01/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.90 | 525.00 | 997.50 | Review email from Casie Collignon; Team discussion regarding draft term sheet on settlement and action needed; discussion and procedures related to preliminary class settlement approval and Court decision on fee petition and amount. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 03/01/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.40 | 360.00 | 504.00 | Review email from Keith T. Vernon, Esquire regarding updating clients with mediation result and status; Review email from Scott H. Wolpert, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding status of settlement term sheet; Review email from Casie Collignon, Esquire forwarding settlement term sheet; Review and analysis of same; Review email from Scott H. Wolpert, Esquire to Jon Shub, Esquire forwarding settlement term sheet; Review response email from Kevin Laukaitis, Esquire regarding timing of settlement; Review email from Jon Shub, Esquire forwarding proposed revisions to settlement term sheet; Telephone conference with co-counsel regarding settlement term sheet and next steps. |
| 03/02/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.40 | 525.00 | 735.00 | Revisions to settlement term sheet; conference call with Christine Gordon and Keith Vernon; comments regarding revised term sheet. |
| 03/02/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.20 | 360.00 | 1,152.00 | Review email from Keith T. Vernon, Esquire regarding Heffler as claims administrator and claims rates presentation; Research related to F.R.E. 408 and attorneys' fees issue raised in yesterday's meeting; Review comments from Keith T. Vernon, Esquire regarding settlement term sheet; Prepare email to Scott H. Wolpert, Esquire requesting comments to settlement terms sheet; Review response email from Scott H. Wolpert, Esquire forwarding same; Review email from Keith T. Vernon, Esquire regarding scheduling call with class representatives; Prepare proposed revisions to Settlement Term Sheet; Prepare email to Scott H. Wolpert, Esquire forwarding proposed revisions to Settlement Term Sheet; Telephone conference with Scott H. Wolpert, Esquire regarding revisions made to Settlement Term Sheet; Review email from Scott H. Wolpert, Esquire to co-counsel forwarding revised Settlement Term Sheet for final comment; Review emails between Scott H. Wolpert, Esquire and Jonathan Shub, Esquire regarding additional revisions needed. |
| 03/03/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Telephone conference with Ben Picker; team conference calls regarding issues raised by Ben Picker; additional telephone conference with Ben Picker. |
| 03/03/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Second review edits of term sheet - call with Christine Gordon on same. Analysis of revised term sheet. |
| 03/03/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Research on Fee applications in ED PA - calls with mediator Ben Picker - calls with full team. |
| 03/03/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.50 | 250.00 | 125.00 | Intraoffice conference with Scott H. Wolpert, Esquire, regarding fee research. Intraoffice conference with Christine M. Gordon, Esquire, regarding fee research. Research briefing related to fees in other Class Action. |
| 03/03/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 4.30 | 360.00 | 1,548.00 | Review email from Keith Vernon regarding additional revisions to Settlement Term Sheet; Review email from Scott H. Wolpert, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Telephone conference with Keith T. Vernon, Esquire regarding same; Prepare email to Jon Shub, Esquire confirming language for proposed revisions; Review response email from Jon Shub, Esquire regarding same; Finalize revisions to Settlement Term Sheet; Prepare email to Scott H. Wolpert, Esquire forwarding proposed revision to Settlement Term Sheet to send to Casie Collignon, Esquire; Teleconference with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire and Ben Picker regarding attorneys' fees issue; Teleconference with co-counsel regarding attorneys' fees issue; Research related to Judge Savage's opinions on motions for attorneys' fees; Various communications with Kathleen M. Vermilion, Esquire regarding same; Telephone conference with co-counsel regarding same; Telephone conference with Ben Picker regarding attorneys' fees. |
| 03/04/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | Emails with Casie Collignon regarding term sheet and settlement; emails with Brendan Monaghan. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|--------|---|
| 03/04/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.50 | 360.00 | 180.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding phone conversation with Ben Picker yesterday and Casie Collignon, Esquire's response re attorneys; fees; Review email from Casie Collignon, Esquire regarding settlement term sheet; Intraoffice conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding proposed revisions to settlement term sheet; Review response email from Casie Collignon, Esquire regarding status of settlement term sheet; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding same. |
| 03/05/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.30 | 525.00 | 682.50 | Conference call with Class Representative Brendan Monaghan regarding proposed settlement and notice; conference call with Keith Vernon and Victor Rodriguez regarding proposed settlement; email from Casie Collignon; communication with class representatives. |
| 03/05/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Email communications - review of defense counsel communication - communications with team - analysis. Prep for call with class rep Victor Rodriguez - call held - analysis. |
| 03/05/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Casie Collignon, Esquire regarding attorneys' fees issue and settlement term sheet; Various follow up emails with co-counsel regarding same. |
| 03/08/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding term sheet and setting up call to discuss notice to Court and briefing schedule; Review email from Scott H. Wolpert, Esquire regarding attorneys' fees entitlement issue. |
| 03/08/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | Telephone conference with Keith Vernon and Jon Shub regarding settlement and procedural issues; emails with Casie Collignon. |
| 03/08/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Conference call with Scott Wolpert and Jon Shub regarding case issues. Analysis regarding action needed post mediation. |
| 03/09/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.10 | 360.00 | 36.00 | Review emails between Sean Solis, Esquire and Scott H. Wolpert, Esquire regarding call on Thursday to discuss term sheet. |
| 03/09/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.90 | 525.00 | 472.50 | Telephone conference with Jon Shub and Keith Vernon regarding term sheet and action needed; emails with Sean Solis regarding issues and action needed. |
| 03/10/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Emails with Sean Solis and Team; conference call with Keith Vernon regarding call with Arbiter counsel. |
| 03/11/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.50 | 360.00 | 900.00 | Review email from Casie Collignon, Esquire forwarding revised Settlement Term Sheet; Review changes made; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Telephone conference with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire, Casie Collignon, Esquire and Sean Solis, Esquire regarding settlement term sheet and entitlement to attorneys' fee issue; Telephone conference with co-counsel regarding same; Brief research related to issue; Review email from Scott H. Wolpert, Esquire to Ben Picker regarding discussion with Casie Collignon, Esquire; Telephone conference with co-counsel regarding attorneys' fee issue; Review email from Ben Picker regarding need to discuss; Review email from Sean Solis, Esquire forwarding revised Settlement Term Sheet; Telephone conference with co-counsel and Ben Picker regarding attorneys' fees issue and next steps. |
| 03/11/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Review revised term sheet; Telephone conference with Casie Collignon and Sean Solis. File note regarding call with Arbiter counsel. |
| 03/11/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.20 | 540.00 | 648.00 | Prep for call with def. counsel. Review of def. counsel minor changes to Term sheet. Analysis. Call held. Call with team after. Call with mediator and team followed by team call analysis. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 03/12/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 5.70 | 360.00 | 2,052.00 | Research related to attorneys' fee entitlement issue; Telephone conference with co-counsel regarding case status; Review email from Keith T. Vernon, Esquire to Terry Coates regarding case status; Review email from Scott H. Wolpert, Esquire forwarding current draft of Settlement Term Sheet; Prepare suggested revisions to Settlement Term Sheet, as revised by Scott H. Wolpert, Esquire; Review email from Scott H. Wolpert, Esquire to Sean Solis, Esquire forwarding revised Settlement Term Sheet with questions; Review email from Scott H. Wolpert, Esquire to Ben Picker requesting that he communicate with Casie Collignon, Esquire on issue of attorneys' fees; Review email from Scott H. Wolpert, Esquire forwarding notes from teleconference with Ben Picker; Review email from Ben Picker regarding current status. |
| 03/12/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Telephone conference with Team regarding issues in dispute; revise draft term sheet; emails with Sean Solis; emails with Ben Picker; file note; Telephone conference with Ben Picker regarding post mediation issues including amount of attorneys' fees. |
| 03/12/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Prep for team conf call - conf call held - analysis. |
| 03/12/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 4.60 | 250.00 | 1,150.00 | Research regarding Judge Savage's published opinions on attorneys fees in Class Actions. Telephone conference with Christine M. Gordon, Esquire; Scott H. Wolpert, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding status of settlement following mediation and next steps. |
| 03/13/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.00 | 360.00 | 360.00 | Review email from Scott H. Wolpert, Esquire forwarding research on attorneys' fee issue; Review response email from Terry Coates, Esquire regarding mediation status; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding Scott H. Wolpert, Esquire's conversation with Ben Picker, research to date, and strategy for handling issue. |
| 03/13/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Telephone conference with Ben Picker regarding issues in dispute; telephone conference with Keith Vernon and Christine Gordon regarding information provided by Ben Picker regarding issues in dispute; file note. |
| 03/13/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Communications with Scott Wolpert and Christine Gordon and conference call with both. Analysis regarding Term Sheet terms and also attorneys' fees issue. |
| 03/15/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.20 | 360.00 | 1,152.00 | Continue research related to attorneys' fee entitlement issue; Review email from Jonathan Shub, Esquire requesting status update. |
| 03/15/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 6.60 | 250.00 | 1,650.00 | Legal research bases for attorneys' fee awards in Class Action cases. |
| 03/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.70 | 360.00 | 972.00 | Review email from Kathleen M. Vermilion, Esquire forwarding attorney fee entitlement memo; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding same; Review email from Scott H. Wolpert, Esquire regarding additional research needed; Prepare email to Scott H. Wolpert, Esquire forwarding additional legal research and analysis; Review email from Casie Collignon, Esquire regarding attorneys' fee issue and Ohio case; Review email from Scott H. Wolpert, Esquire to co-counsel regarding Casie Collignon's current position on fees; Telephone conference with Kathleen M. Vermilion, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire responding to her position and regarding scheduling a call to discuss; Review various emails between co-counsel and Casie Collignon, Esquire regarding same; Review email from Ben Picker providing comments and availability to assist; Telephone conference with Keith T. Vernon, Esquire regarding attorneys' fee issue. |
| 03/16/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Call with Scott Wolpert re: set up call with defendant's counsel - strategy on same. Call with Christie Gordon on issues related to entitlement - analysis of same. |
| 03/16/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 6.50 | 250.00 | 1,625.00 | Confirm research related to determination of attorneys' fees and draft memo. Prepare email providing memo to Christine M. Gordon, Esquire, and Scott H. Wolpert, Esquire, for review. |
| 03/17/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.70 | 525.00 | 892.50 | Telephone conference with Keith Vernon; conference call with Casie Collignon, Sean Solis and Keith Vernon; Telephone conference with Christine Gordon regarding action needed. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|--------|--|
| 03/17/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Preparation for and call with Scott Wolpert and Casie Collignon regarding attorneys' fee issue. |
| 03/17/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.80 | 360.00 | 288.00 | Telephone conference with Scott H. Wolpert, Esquire regarding fees issue, case law, and strategy re: today's call with Casie Collignon, Esquire; Note to file; Review email from Jonathan Shub, Esquire regarding call; Telephone conference with Scott H. Wolpert, Esquire regarding same. |
| 03/18/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.60 | 360.00 | 576.00 | Review email from Scott H. Wolpert, Esquire forwarding proposed language for settlement term sheet; Review emails from co-counsel regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding proposed language for settlement term sheet; Telephone conference with co-counsel regarding case; Review email from Kathleen M. Vermilion, Esquire forwarding memo on Judge Savage fee award decisions; Prepare email to co-counsel regarding constructive common fund cases; Review email from Scott H. Wolpert, Esquire requesting memo on constructive common fund cases; Review email from Sean Solis, Esquire requesting meeting on Monday; Various follow up regarding same. |
| 03/18/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.20 | 525.00 | 105.00 | Telephone conference with Keith Vernon regarding response to Casie Collignon. |
| 03/19/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.40 | 250.00 | 350.00 | Conference with Scott H. Wolpert, Esquire; Christine M. Gordon, Esquire; Keith T. Vernon, Esquire; Jon Shub, Esquire; and Kevin Laukaitis, Esquire, regarding status of settlement negotiations and fees. Review email from Scott H. Wolpert, Esquire, regarding constructive common fund research. Review email and attached research from Christine M. Gordon, Esquire, regarding creation of a constructive common fund. |
| 03/19/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | Team conference call regarding options and strategy regarding attorney's fees and incentive awards; emails with Casie Collignon and Sean Solis regarding revised language for term sheet and regarding attorney's fees. |
| 03/19/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.60 | 360.00 | 576.00 | Review email from Scott H. Wolpert, Esquire regarding revised language for settlement term sheet; Review email from Jonathan Shub, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding same; Telephone conference with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire, Kathleen M. Vermilion, Esquire, and Kevin Laukaitis, Esquire regarding settlement term sheet, attorneys' fees and other strategic issues; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding revised language for settlement term sheet; Review email from Kathleen M. Vermilion, Esquire forwarding research on Judge Savage fee award decisions; Prepare email to Kevin Laukaitis, Esquire forwarding additional research on fee issue; Review email from Scott H. Wolpert, Esquire to Kathleen M. Vermilion, Esquire requesting additional research related to constructive common fund; Review email from Sean Solis, Esquire regarding meeting on Monday; Review email from Scott H. Wolpert, Esquire confirming same. |
| 03/19/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Prep for team call - call held. |
| 03/22/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | Conference call with Casie Collignon; conference with Christine Gordon; Telephone conference with Keith Vernon regarding settlement. |
| 03/22/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.60 | 360.00 | 576.00 | Review email from Scott H. Wolpert, Esquire regarding call at 3 today with Casie Collignon, Esquire; Telephone conference with Scott H. Wolpert, Esquire, Casie Collignon, Esquire, Sean Solis, Esquire and Keith T. Vernon, Esquire regarding remaining issues related to settlement term sheet; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding next steps; Review email from Casie Collignon, Esquire forwarding revised settlement term sheet; Review email from Keith T. Vernon, Esquire regarding settlement of incentive awards to named plaintiffs. |
| 03/22/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Call with def. counsel and Scott Wolpert and Christine Gordon - call held -post call analysis with team. |
| 03/23/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.50 | 525.00 | 262.50 | Review emails from Casie Collignon; conference with Christine Gordon regarding Arbiter's refusal to produce information regarding scope of class and class definition. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|--------|--|
| 03/23/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.10 | 360.00 | 396.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding settlement term sheet sent by Casie Collignon, Esquire; Review emails between Scott H. Wolpert, Esquire and Casie Collignon, Esquire regarding incentive awards for named plaintiffs; Various email communications with Casie Collignon, Esquire regarding settlement class definition and need for clarity; Telephone conference with Keith Vernon, Esquire regarding email exchanges with Casie Collignon, Esquire and class definition; Intraoffice conference with Scott H. Wolpert, Esquire regarding analysis of class definition issue. |
| 03/24/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | Review emails from Casie Collignon; conference with Christine Gordon regarding class definition; email Casie Collignon regarding class definition. |
| 03/24/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding notice issue; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding notice issue; Intraoffice conference with Scott H. Wolpert, Esquire regarding attorneys' fees offer and next steps; Review various emails between co-counsel regarding same; |
| 03/26/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Telephone conference with Keith Vernon and Christine Gordon regarding class definition issues; review emails. |
| 03/26/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.90 | 360.00 | 324.00 | Review email from Scott H. Wolpert, Esquire regarding current status/updates; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding status and next steps; Various emails with Keith T. Vernon, Esquire regarding reaching out to joint counsel and confidentiality. |
| 03/29/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Telephone conference with Indiana case counsel; file notes; emails with Keith Vernon. |
| 03/29/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Communications with team - strategy on next steps and final issues on term sheet - call with Indiana counsel; communications draft to defendant counsel. |
| 03/29/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.40 | 360.00 | 504.00 | Telephone conference with Indiana counsel re: status; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding same; Note to file; Review and revise draft email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire rejecting offer; Review various emails from co-counsel regarding same; Review email from Jonathan Shub, Esquire regarding Motion for Attorneys' Fees. |
| 03/30/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.10 | 525.00 | 52.50 | Email Casie Collignon re. settlement offer. |
| 03/30/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire rejecting settlement offer; Intraoffice conference with Scott H. Wolpert, Esquire regarding same. |
| 03/31/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.10 | 360.00 | 36.00 | Review email from Casie Collignon, Esquire in response to Scott H. Wolpert, Esquire's rejection of offer. |
| 04/05/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.20 | 525.00 | 105.00 | Emails with Keith Vernon and Casie Collignon. |
| 04/05/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding case status; Review email from Kevin Laukaitis, Esquire regarding status; Review email from Scott H. Wolpert, Esquire to co-counsel regarding case status. |
| 04/06/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Emails with Keith Vernon and Christine Gordon; telephone conference with Casie Collignon regarding settlement of incentive awards and attorney's fees. |
| 04/06/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Prep for call with defense counsel and Scott Wolpert - call held - post call analysis. |
| 04/06/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.10 | 360.00 | 396.00 | Review emails regarding call today with Casie Collignon, Esquire; Telephone conference with Casie Collignon, Esquire, Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding settlement term sheet, attorneys' fees, incentive awards, and next steps; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding strategy/next steps; Note to file. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|--------|---|
| 04/12/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.10 | 525.00 | 52.50 | Emails with Casie Collignon regarding Indiana case plaintiff. |
| 04/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Keith T. Vernon, Esquire, Esquire regarding strategy for next steps; Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding status update; Note to file. |
| 04/16/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.50 | 525.00 | 262.50 | Telephone conference with Judge Savage's clerk; email to all counsel regarding discussion with Court's Clerk; email with class representative Brendan Monaghan. |
| 04/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Prepare email to Scott H. Wolpert, Esquire requesting status update; Review email from Scott H. Wolpert, Esquire to all counsel regarding phone call with Judge Savage's clerk. |
| 04/19/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.20 | 525.00 | 105.00 | Emails with Casie Collignon; email with Keith Vernon. |
| 04/20/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Telephone conference with Keith Vernon regarding report to court; email Casey Collignon; emails regarding reducing fee demand and further effort to settle incentive award and attorneys' fee dispute. |
| 04/20/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Communications on status on getting finalized settlement terms. |
| 04/20/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review emails related to McCluskey plaintiff; Review emails related to revised settlement demand on attorneys' fees; Telephone conference with Scott H. Wolpert, Esquire regarding reduction in attorneys' fees settlement demand. |
| 04/21/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Communications with team; Review and analysis of defendant's red-line version of term sheet; comments regarding term sheet. |
| 04/21/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.50 | 360.00 | 180.00 | Review emails related to current status of settlement and strategy related to next steps; Review email from Scott H. Wolpert, Esquire, forwarding Joint Notice of Settlement and Proposed Order for review and comment; Review email from Jonathan Shub, Esquire regarding same; Review email from Sean Solis, Esquire forwarding revised term sheet; Intraoffice conference with Scott H. Wolpert, Esquire regarding same. |
| 04/22/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.90 | 360.00 | 324.00 | Prepare email to Scott H. Wolpert, Esquire forwarding proposed revisions to Joint Notice and confirmation of acceptance of settlement term sheet and proposed order; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding need to add in attorneys' fees being submitted to court; Review and revise Joint Notice to include proposed revisions; Telephone conference with all co-counsel regarding same; Review email from Scott H. Wolpert, Esquire forwarding proposed revisions and signed settlement term sheet. |
| 04/22/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.40 | 525.00 | 210.00 | Emails with Sean Solis regarding term sheet and a joint stipulation to court; telephone conference with Keith Vernon, Jon Shub and Christine Gordon regarding Arbiter's failure to include unresolved incentive award and fee issues in draft stipulation to court. |
| 04/22/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Communications with Scott Wolpert and Christine Gordon - in addition to team call with Jon Shub - analysis - changes to Court update doc. |
| 04/23/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.90 | 360.00 | 324.00 | Review email from Casie Collignon, Esquire related to proposed revisions to Joint Notice; Review email from Scott H. Wolpert, Esquire forwarding draft response and analysis regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding alternative language to propose; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding attorneys' fee issue in the Joint Notice; Review response email from Casie Collignon, Esquire regarding same; Prepare proposed revision to Joint Notice and forward to Scott H. Wolpert, Esquire; Review executed term sheet; Review Notice of Filing Joint Notice; Various follow up regarding same. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|--------|--|
| 04/23/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Emails with Sean Solis; revisions to draft stipulation as requested by Plaintiffs; emails with Casie Collignon; Telephone conference with Keith Vernon. |
| 04/26/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review email from Scott H. Wolpert, Esquire forwarding draft email to Casie Collignon, Esquire regarding reduced demand for attorneys' fees; Prepare response email to Scott H. Wolpert, Esquire with revisions related to demand for incentive awards per named plaintiff; Review response email from Keith T. Vernon, Esquire regarding same; Review email from Jonathan Shub, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire. |
| 04/26/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.30 | 525.00 | 157.50 | Email to Casie Collignon regarding settlement; emails to Keith Vernon and Christine Gordon. |
| 04/28/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.10 | 360.00 | 36.00 | Review email from Casie Collignon, Esquire in response to reduced fee demand. |
| 05/07/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Scott H. Wolpert, Esquire regarding phone call with Judge Savage's law clerk; Note to file. |
| 05/07/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Review of ArbiterSports communications, including Scott Wolpert update on call from the Court. |
| 05/10/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.20 | 525.00 | 105.00 | Review email from Casie Collignon. |
| 05/10/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Casie Collignon, Esquire forwarding revised settlement offer; Review email from Jonathan Shub, Esquire regarding same. |
| 05/11/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Jonathan Shub, Esquire forwarding similar motion in data breach case related to motion for attorneys' fees; Review email from Keith T. Vernon, Esquire regarding same; Review emails between Keith T. Vernon, Esquire and Jonathan Shub, Esquire regarding fees. |
| 05/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding revisions to settlement demand and next steps; Review response email from Keith T. Vernon, Esquire regarding same. |
| 05/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review emails between Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding revised settlement demand and steps in preparation for filing motion; Review email from Keith T. Vernon, Esquire to Jon Shub, Esquire regarding same. |
| 05/16/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communications/analysis with Scott Wolpert regarding settlement issues. |
| 05/18/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review emails between Scott H. Wolpert, Esquire, Keith Vernon, Esquire and Jon Shub, Esquire related to revised attorneys' fees settlement demand; Intraoffice conference with Scott H. Wolpert, Esquire regarding analysis of revised settlement demand. |
| 05/19/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.50 | 525.00 | 262.50 | Emails with Casie Collignon regarding settlement; review emails regarding recent settlement discussions on incentive award and fee award in other data breach cases. |
| 05/19/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Review emails from Jon Shub, Esquire, Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding revised settlement demand and regarding motion for fees; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding revised settlement demand; Review Order re: June 18, 2021 deadline for Motion for Preliminary Approval of Settlement and scheduling hearing for July 7, 2021; Review emails between Scott H. Wolpert, Esquire and Casie Collignon, Esquire regarding revised settlement demand; Review email from Keith T. Vernon, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding same. |
| 05/25/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Review and analysis of communications regarding settlement term sheet. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|--------|--|
| 05/26/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.30 | 250.00 | 75.00 | Review motions for preliminary approval and supporting documents from similar cases, prepare email to Scott H. Wolpert, Esquire, providing same. |
| 05/26/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | Review schedule and Court order; email Casie Collignon regarding settlement agreement and motion for preliminary approval; review comparable motions for preliminary approval. |
| 05/26/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding settlement agreement; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire requesting status of settlement agreement. |
| 05/27/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review email from Casie Collignon, Esquire regarding status of settlement agreement and security improvements under seal; Review email from Scott H. Wolpert, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding same; Review Order denying Motion to Dismiss as moot; Various follow up related to scheduling team meeting. |
| 05/27/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communication and analysis with Scott Wolpert re: defendant counsel request to file portion of settlement under seal. |
| 05/28/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.30 | 525.00 | 157.50 | Emails regarding preparation of Court filings; conference with Christine Gordon regarding Arbiter under seal request. |
| 05/28/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communication and analysis re: defendant counsel request to file portion of settlement under seal. |
| 05/28/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Telephone conference with Kathleen M. Vermilion, Esquire regarding gathering other samples in data breach cases; Prepare email to Keith T. Vernon, Esquire regarding security enhancement provision in Settlement Agreement being filed under seal; Review response email from Keith T. Vernon, Esquire regarding same. |
| 05/29/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.30 | 540.00 | 162.00 | Communication and further analysis re: defendant request to have portion of settlement sealed. |
| 06/01/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review emails related to meeting with co-counsel on Thursday. |
| 06/03/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Prep for call (call held) with Christine Gordon and Kevin Laukaitis re: def. counsel request to seal portion of settlement. |
| 06/03/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.90 | 360.00 | 324.00 | Review email from Scott H. Wolpert, Esquire regarding today's call; Telephone conference with Keith T. Vernon, Esquire and Kevin Schmid, Esquire regarding filing Exhibit with security improvements under seal and regarding Motion for Preliminary Approval; Prepare email to Scott H. Wolpert, Esquire regarding same; Review email from Casie Collignon, Esquire forwarding draft Settlement Agreement, Exhibit A, and draft Long Form Notice; Intraoffice conference with Scott H. Wolpert, Esquire regarding Motion for File Under Seal and Motion for Preliminary Approval. |
| 06/07/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Casie Collignon, Esquire forwarding draft email notice, claim form, and long form notice; Review emails from Keith T. Vernon, Esquire regarding same. |
| 06/08/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding review of settlement agreement and notices; Review email from Scott H. Wolpert, Esquire to co-counsel requesting comments or proposed changes to settlement agreement and long form notice; Review email from Keith T. Vernon, Esquire regarding status. |
| 06/08/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Revised assorted draft documents provided by Casie Collignon related to preliminary approval, including draft settlement agreement . |
| 06/08/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Reading and analysis of defendant's update drafts of settlement agreement, long forms, sealed docs; analysis and communications to team. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
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| 06/09/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.90 | 360.00 | 1,044.00 | Review email from Keith T. Vernon, Esquire regarding proposed revisions to the Settlement Agreement and regarding security enhancements provision; Review email from Keith T. Vernon, Esquire regarding confirmation of security enhancements exhibit; Review emails between Jonathan Shub, Esquire and Scott H. Wolpert, Esquire regarding to discovery in connection with attorneys' fees motion and related procedures; Intraoffice conference with Scott H. Wolpert, Esquire regarding fee motion; Review emails from Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding Motion for Preliminary Approval; Review email from Kevin Laukaitis, Esquire regarding same; Begin to draft Motion for Preliminary Approval; Begin to draft Memorandum of Law in Support of Motion for Preliminary Approval. |
| 06/09/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.30 | 525.00 | 682.50 | Conference with Christine Gordon regarding motion for preliminary approval; telephone conference with Keith Vernon and Christine Gordon regarding motion; review issue of exhibits needed in support of motion for preliminary approval. |
| 06/10/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 7.40 | 360.00 | 2,664.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding division of labor with respect to drafting Motion, Brief, Declarations, etc.; Review email from Scott H. Wolpert, Esquire to Kevin Laukaitis, Esquire regarding same; Review email from Kevin Laukaitis, Esquire forwarding resources for Motion for Preliminary Approval; Review email from Jonathan Shub, Esquire providing comments related to settlement documents and discovery; Review and revise proposed Settlement Agreement; Prepare email to Scott H. Wolpert, Esquire, forwarding proposed revisions to Settlement Agreement; Review and revise Long Form Notice, Email Notice and Claim Form; Intraoffice conference with Scott H. Wolpert, Esquire regarding proposed revisions to settlement documents; Research related to Motion for Preliminary Approval. |
| 06/10/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Review emails regarding notice to class members; review draft documents in support of motion for preliminary approval. |
| 06/11/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.90 | 525.00 | 997.50 | Review notice form; review proposed revision to exhibits; conference with Christine Gordon; email Casie Collignon. |
| 06/11/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 0.40 | 250.00 | 100.00 | Research motions for preliminary approval in settlements without restricted funds. |
| 06/11/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 6.90 | 360.00 | 2,484.00 | Prepare proposed revisions to long form notice, claim form, and email notice; Intraoffice conference with Scott H. Wolpert, Esquire regarding proposed revisions to Settlement Agreement, Motion for Preliminary Approval, revisions to email notice, claim form and long form notice; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding proposed revisions to Settlement Agreement; Revise Motion for Preliminary Approval; Prepare email to Scott H. Wolpert, Esquire forwarding draft Motion for Preliminary Approval; Continue drafting Memorandum of Law in Support of Motion for Preliminary Approval; Review response email from Scott H. Wolpert, Esquire regarding draft Motion for Preliminary Approval; Review email from Scott H. Wolpert, Esquire, forwarding draft declaration of Ben Picker, Esquire; Review email from Kevin Laukaitis, Esquire regarding additional information to include in declaration; Review emails from Jonathan Shub, Esquire regarding proposed declaration; Review response email from Scott H. Wolpert, Esquire regarding same; Prepare additional revisions to notices and declaration; Prepare emails to Scott H. Wolpert, Esquire regarding same; Prepare email to co-counsel forwarding comparison versions of proposed revisions to email notice, long form notice and claim form, requesting final comment; Continue drafting Memorandum of Law in Support of Motion for Preliminary Approval; Telephone conference with Kathleen M. Vermilion, Esquire requesting research related to Memorandum of Law in Support of Motion for Preliminary Approval; Review emails between Scott H. Wolpert, Esquire and Jonathan Shub, Esquire regarding proposed revisions to settlement documents. |
| 06/12/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 6.30 | 360.00 | 2,268.00 | Continue drafting Memorandum of Law in Support of Motion for Preliminary Approval. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
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| 06/13/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.10 | 360.00 | 1,116.00 | Continue drafting Memorandum of Law in Support of Motion for Preliminary Approval; Prepare email to Scott H. Wolpert, Esquire forwarding current draft of Memorandum of Law in Support of Motion for Preliminary Approval; Review response email from Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to co-counsel forwarding draft Brief for review; Review email from Keith T. Vernon, Esquire regarding same; Review email from Keith T. Vernon, Esquire regarding additional revisions needed and proposed dates. |
| 06/13/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Review, reading and analysis of preliminary approval motion draft - communications to team on same. |
| 06/14/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Revisions to Memorandum of Law in support of motion for preliminary approval; emails to Casie Collignon; review Arbiter's proposed revisions to documents; conference with Christine Gordon regarding Arbiter's proposed revisions. |
| 06/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.80 | 360.00 | 1,008.00 | Review email from Kevin Laukaitis, Esquire regarding comments to the brief; Review email from Scott H. Wolpert, Esquire to Kevin Laukaitis, Esquire regarding Motion for Preliminary Approval; Review emails from Jonathan Shub, Esquire and Kevin Laukaitis, Esquire in response; Review and revise Motion for Preliminary Approval and Brief; Prepare email to Scott H. Wolpert, Esquire forwarding drafts; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding draft documents for her review; Review email from Casie Collignon, Esquire forwarding additional revisions to draft Settlement Agreement; Intraoffice conference with Scott H. Wolpert, Esquire to review same; Review email from Scott H. Wolpert, Esquire to co-counsel regarding revisions to Settlement Agreement; Review email from Casie Collignon, Esquire forwarding additional revisions to claim form and notices; Review email from Jonathan Shub, Esquire approving same; Review and revise Settlement Agreement to incorporate all proposed revisions to Settlement Agreement; Prepare email to Scott H. Wolpert, Esquire forwarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding revised Settlement Agreement and regarding declaration from Ben Picker; Review emails from Casie Collignon, Esquire in response to Brief on Motion for Preliminary Approval and regarding declaration of Ben Picker; Review various emails between Scott H. Wolpert, Esquire, Jonathan Shub, Esquire and Casie Collignon, Esquire regarding declaration of Ben Picker; Telephone conference with Scott H. Wolpert, Esquire regarding same and next steps. |
| 06/15/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.50 | 360.00 | 1,260.00 | Review emails from Scott H. Wolpert, Esquire regarding proposed revisions to notices and claims forms; Review and analysis of same; Prepare email to Scott H. Wolpert, Esquire regarding same; Review email from Jonathan Shub, Esquire confirming proposed revisions acceptable; Review email from Scott H. Wolpert, Esquire regarding proposed revisions; Revise Memorandum of Law in Support of Motion for Preliminary Approval, to accept most of revisions proposed by Casie Collignon, Esquire, remove references to mediator's declaration, add references to Identity Guard's website, and other miscellaneous revisions; Prepare email to Jonathan Shub, Esquire and Kevin Laukaitis, Esquire requesting comment for revised Preliminary Approval Brief; Review email from Scott H. Wolpert, Esquire to Jonathan Shub, Esquire and Kevin Laukaitis, Esquire regarding revisions to Brief; Review email from Jonathan Shub, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding draft revised Brief re: Motion for Preliminary Approval; Review response email from Casie Collignon, Esquire regarding same, Motion to File under Seal and request for one week extension; Review email from Scott H. Wolpert, Esquire regarding Motion to File under Seal. |
| 06/16/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 4.40 | 525.00 | 2,310.00 | Review and revisions to motion for preliminary approval document; emails with Casie Collignon; telephone conference with Keith Vernon; conference with Christine Gordon regarding documents and further revisions needed. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
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| 06/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 7.20 | 360.00 | 2,592.00 | Review email from Scott H. Wolpert, Esquire to Keith T. Vernon, Esquire regarding Motion to File Under Seal; Review email from Keith T. Vernon, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding Motion to File under Seal and Preliminary Order; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding Proposed Order and need for additional information; Review email from Kathleen M. Vermilion, Esquire forwarding Proposed Order approved by Casie Collignon, Esquire in other litigation; Prepare draft Proposed Order on Motion for Preliminary Approval; Review email from Casie Collignon, Esquire forwarding sample Motion to Seal; Review various emails from Casie Collignon, Esquire forwarding revised notices and claim form; Prepare email to Scott H. Wolpert, Esquire, forwarding draft Proposed Order Granting Preliminary Approval; Review latest notices and claim form to determine if all revisions were made; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Jonathan Shub, Esquire and Kevin Laukaitis, Esquire forwarding Proposed Order for comments; Review email from Kevin Laukaitis, Esquire commenting in draft Proposed Order; Prepare email to Scott H. Wolpert, Esquire regarding notices; Review draft Motion to File Under Seal received from Casie Collignon, Esquire; Intraoffice conference with Kathleen M. Vermilion, Esquire regarding need for additional law in 3rd Circuit; Review emails from Kathleen M. Vermilion, Esquire forwarding 3rd Circuit-specific case law; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding notice forms and claim form, status of draft proposed order, and regarding joint declaration of counsel; Review email from Casie Collignon, Esquire regarding refusal to sign Joint Declaration of Counsel; Intraoffice conference with Scott H. Wolpert, Esquire regarding same and need to discuss further with co-counsel; Review email from Scott H. Wolpert, Esquire to Jonathan Shub, Esquire and Kevin Laukaitis, Esquire regarding same; Review email from Kathleen M. Vermilion, Esquire forwarding additional results of legal research re: Motion to File under Seal; Review various emails with co-counsel scheduling call for tomorrow; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding proposed order and status of draft Motion to Seal; Review email from Casie Collignon, Esquire in response regarding proposed order. |
| 06/16/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.10 | 250.00 | 525.00 | Research motions to file settlements under seal. Review Joint Declaration of Counsel Supporting Motion for Preliminary Approval from In re Wawa litigation. |
| 06/17/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 5.30 | 525.00 | 2,782.50 | Review and revise assorted documents to be filed; emails with Team; emails with Casie Collignon; review Court rules related to filing issues; conference with Christine Gordon; emails to class representatives. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|--|
| 06/17/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 13.10 | 360.00 | 4,716.00 | Continue drafting Joint Motion to File Under Seal, Proposed Order; Prepare email to Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Jonathan Shub, Esquire and Kevin Laukaitis, Esquire regarding same; Telephone conference with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire, Jonathan Shub, Esquire and Kevin Laukaitis, Esquire regarding Motion for Preliminary Approval and next steps; Revise Motion to File under seal to make it defense's motion based on conversation with co-counsel; Intraoffice conference with Scott H. Wolpert, Esquire and Kathleen M. Vermilion, Esquire regarding Declaration of Plaintiffs' Counsel; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire requesting revisions to proposed order, final version of Settlement Agreement, and declaration from Claims Administrator; Review and revise Declaration in Support of Preliminary Approval; Prepare email to Scott H. Wolpert, Esquire forwarding revised Motion to File under Seal; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding draft uncontested Motion to File under Seal; Revise Declaration; Prepare email to Scott H. Wolpert, Esquire forwarding revised Declaration; Review email from Keith T. Vernon, Esquire regarding plaintiffs; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review and revise Proposed Order to revise proposed deadlines; Review email from Scott H. Wolpert, Esquire to co-counsel forwarding declaration for approval; Prepare final revisions to Settlement Agreement; Review email from Scott H. Wolpert, Esquire to plaintiffs related to Settlement Agreement and Motion for Preliminary Approval; Review email from Casie Collignon, Esquire regarding status; Review email from Casie Collignon, Esquire forwarding proposed revisions to Motion to Seal, proposed revisions to Proposed Order, final notices and claim form, and revised Settlement Agreement; Review revised documents; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to co-counsel related to Declaration; Review email from Kevin Laukaitis, Esquire regarding same; Revise Motion to File under Seal to make it a joint Uncontested Motion; Review email from Eastern District regarding courthouse closing; Various conferences regarding effect on tomorrow's deadline; Prepare draft response email to Casie Collignon, Esquire and forward to Scott H. Wolpert, Esquire; Interoffice conference with Scott H. Wolpert, Esquire regarding tasks still need to be completed before filing tomorrow; Review emails between Scott H. Wolpert, Esquire and Casie Collignon, Esquire regarding intent to file tomorrow; Prepare email to Scott H. Wolpert, Esquire forwarding final declaration to send to Casie Collignon, Esquire for approval; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding revised Join Uncontested Motion to File Under Seal, revised Proposed Order (accepting Defense counsel's revisions and making additional revisions to proposed timelines, additional revisions to Settlement Agreement and responding to questions about language in Settlement Agreement, and forwarding revised declaration; Review response email from Casie Collignon, Esquire responding to each point in email; Review email from Keeley Cronin forwarding revised Settlement Agreement, executed by Casie Collignon, Esquire; Review email from Keith T. Vernon, Esquire regarding Declaration. |
| 06/17/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Conf call with team re: preliminary approval papers review/drafting. |
| 06/17/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.30 | 250.00 | 325.00 | Review Plaintiffs' Memorandum of Law in Support of their Unopposed Motion for an Order Preliminarily Approving Class Action Settlement, Provisionally Certifying Settlement Class, and Directing Notice. |
| 06/18/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Conference with Christine Gordon regarding documents to be filed; review final motion packet and exhibits; assist with filing issues to ensure compliance; emails with Keith Vernon regarding exhibits; review and sign final settlement agreement. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 06/18/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 7.90 | 360.00 | 2,844.00 | Revise Motion for Preliminary Approval; Revise Memorandum of Law to incorporate Defense counsel's proposed revisions and points from Declaration of Plaintiffs' Counsel, and to revise section on Notice; Prepare email to Scott H. Wolpert, Esquire regarding additional information and exhibits to include in the Declaration in Support of Preliminary Approval; Various communications and conferences with Scott H. Wolpert, Esquire and Jonathan Shub, Esquire regarding exhibits to Declaration; Various conferences with Kathleen M. Vermilion, Esquire regarding TK bio information to include with declaration; Review email from Taylor Reynolds at Shub Law forwarding firm resume; Review and revise Table of Content and Table of Authorities for Memorandum of Law; Finalize Settlement Agreement with exhibits, and exhibit A to be filed under seal; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding fully-executed Settlement Agreement; Intraoffice conference with Scott H. Wolpert, Esquire regarding review of Motion package and forwarding to Casie Collignon, Esquire for final review before filing; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding filings for her review. |
| 06/21/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding need to discuss next steps, division of labor with co-counsel related to motion for attorneys' fees; Review email from Scott H. Wolpert, Esquire to co-counsel related to scheduling call. |
| 06/21/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.30 | 525.00 | 157.50 | Emails regarding action needed and schedule; review emails. |
| 06/23/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Casie Collignon, Esquire regarding CAFA notice and regarding attendance at hearing; Review email from Casie Collignon, Esquire regarding settlement website domain; Review email from Scott H. Wolpert, Esquire regarding same. |
| 06/24/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.80 | 360.00 | 648.00 | Telephone conference with Scott H. Wolpert, Esquire, Keith T. Vernon, Esquire, Jonathan Shub, Esquire and Kevin Laukaitis, Esquire regarding hearing, next steps, expert, notice, motion for fees; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire regarding update, domain name, hearing; Review response email from Casie Collignon, Esquire regarding same; Prepare email to co-counsel related to follow up issues and tasks; Prepare additional notes to file; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire related to hearing; Review email from Jonathan Sub, Esquire related to expected claims rates; Review additional emails from Keith T. Vernon, Esquire and Jonathan Shub, Esquire regarding same. |
| 06/24/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 1.40 | 540.00 | 756.00 | Conference call with Scott Wolpert, Christine Gordon, Kevin Laukaitis, Jon Shub re: incentive awards and fee petition strategy and analysis. |
| 06/24/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.80 | 525.00 | 945.00 | Conference with Christine Gordon regarding upcoming hearing issues; conference call with Team regarding preliminary approval hearing issues, and attorney's fees, incentive awards; emails with Casie Collignon. |
| 06/25/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.60 | 525.00 | 315.00 | Telephone conference with expert regarding valuation of settlement benefits to class; email expert; conference with Christine Gordon regarding valuation. |
| 06/25/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Calculate valuation scenarios re: settlement benefits; Intraoffice conference with Scott H. Wolpert, Esquire regarding valuation and claims rates; Review email from Scott H. Wolpert, Esquire related to expert report. |
| 06/25/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.90 | 250.00 | 475.00 | Research regarding attorneys fees and valuation of settlement funds. |
| 06/28/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 1.70 | 250.00 | 425.00 | Research data breach settlement fund valuation. |
| 07/05/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review email from Keith T. Vernon, Esquire regarding hearing; Review email from Scott H. Wolpert, Esquire regarding same. |
| 07/05/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.10 | 540.00 | 54.00 | Communication with Scott Wolpert and Christine Gordon re: preliminary approval hearing. |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|--------------------|---------------------------|--------------|--------|----------|---|
| 07/06/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.60 | 360.00 | 936.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding filing Exhibit A under seal; Various follow up regarding same; Review motion, memorandum of law and settlement documents in preparation for hearing on motion for preliminary approval; Review email from Jonathan Shub, Esquire related to attorneys' fees. |
| 07/06/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 3.40 | 525.00 | 1,785.00 | Prepare letter to Court and document to be filed under seal; conference with Kathleen Vermilion regarding filing under seal; prepare for Court hearing on motion for preliminary approval of settlement. |
| 07/06/2021 | Kathleen Vermilion | Schmid: ArbiterSports LLC | 2.30 | 250.00 | 575.00 | Travel to Federal Court to file exhibit under seal. Conference with clerk regarding filing document under seal. Travel back to office from Federal Court. Telephone conference with chambers regarding document filed. |
| 07/07/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 5.10 | 525.00 | 2,677.50 | Attended hearing in Federal Court on Plaintiffs' Motion for Preliminary Approval of Proposed Class Settlement. |
| 07/07/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.20 | 525.00 | 630.00 | Further preparation for hearing on motion for preliminary approval of class settlement. |
| 07/07/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.80 | 540.00 | 432.00 | Call with Scott Wolpert and Christine Gordon re: issues from today's Preliminary Approval hearing and follow up action. |
| 07/07/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 6.00 | 360.00 | 2,160.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding preparation and points to highlight at hearing; Attend hearing on Motion for Preliminary Approval and various conferences with counsel and with Judge Savage; Conference with Scott H. Wolpert, Esquire and Jonathan Shub, Esquire post-hearing to debrief and discuss next steps; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding hearing, revisions to be made to Settlement and next steps. |
| 07/09/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review emails between co-counsel related to scheduling team conference call for next week; Review email from Casie Collignon, Esquire forwarding redlines to Settlement Agreement and Preliminary Approval Order. |
| 07/09/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.20 | 525.00 | 105.00 | Review emails with Team regarding current issues related to proposed Order. |
| 07/12/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Review proposed revisions to Settlement documents from Casie Collignon; conference with Christine Gordon regarding proposed revisions. |
| 07/12/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Review of proposed changes in Settlement Agreement following preliminary approval hearing - and additional proposed comments back to defendant's counsel on same. |
| 07/12/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.30 | 360.00 | 468.00 | Review and revise proposed revisions to Proposed Order and to Settlement Agreement; Prepare email to Scott H. Wolpert, Esquire regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Prepare email to Jonathan Shub, Esquire, Kevin Laukaitis, Esquire and Keith T. Vernon, Esquire regarding revisions to Settlement Agreement and Proposed Order; Review response email from Keith T. Vernon, Esquire regarding same. |
| 07/13/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.30 | 525.00 | 682.50 | Emails with Casie Collignon regarding proposed revisions to Settlement Agreement and proposed Order; conference with Christine Gordon; telephone conference with Team regarding Petition for attorney's fees and incentive awards. |
| 07/13/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.70 | 540.00 | 378.00 | Call with Scott Wolpert, Christine Gordon, Jon Shub and Kevin Laukaitis regarding content on fee petition and incentive memorandum. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|----------|---|
| 07/13/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.90 | 360.00 | 684.00 | Review email from Keith T. Vernon, Esquire regarding points of emphasis in fee Petition; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire forwarding responses to proposed revisions to the Settlement Agreement and Preliminary Approval Order; Review response email from Casie Collignon, Esquire regarding proposed revisions; Review email from Scott H. Wolpert, Esquire in response to same; Review response email from Casie Collignon, Esquire related to CAFA mailing numbers after deduplication; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire requesting CAFA notice; Review email from Keeley Cronin, Esquire regarding proposed revisions; Telephone conference with all co-counsel for update and strategy related to Motion for Attorneys' Fees; Review email from Casie Collignon, Esquire regarding 2% issue in the proposed revisions; Review email from Keeley Cronin, Esquire forwarding state count for CAFA notice; Review email from Scott H. Wolpert, Esquire regarding how to address 2% issue and calculation of 2%; Review email from Casie Collignon, Esquire regarding same; Review email from Casie Collignon, Esquire forwarding finalized Settlement Agreement and Proposed Order. |
| 07/14/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.50 | 525.00 | 262.50 | Review revised proposed order; emails with Casie Collignon. |
| 07/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.60 | 360.00 | 216.00 | Review emails related to Revised Proposed Order, and revised Settlement Agreement; Review same, including revised notice forms; Prepare email to Keeley Cronin, Esquire forwarding executed Settlement Agreement with approval for filing; Review email from Casie Collignon, Esquire regarding additional revisions to proposed Order; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire approving proposed revisions; Review notice of filing of motion. |
| 07/15/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.40 | 360.00 | 144.00 | Review email from Casie Collignon, Esquire requesting approval of redlined notices to send to the Clerk; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Casie Collignon, Esquire approving same; Review email from Jonathan Shub, Esquire forwarding information for Fee Petition. |
| 07/16/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 1.50 | 525.00 | 787.50 | Review email and attachment from Brendan Monaghan, named class representative, regarding Arbiter requiring officials to agree to revised terms and conditions in order to access Arbiter website and receive game assignments and other information; review Arbiter website regarding information provided by Brendan Monaghan; analysis of impact of Arbiter's actions on proposed Settlement terms and confusion by class members; email Casie Collignon regarding Arbiter's actions, timing of those actions and likelihood of confusion by class members; email response from Casie Collignon. |
| 07/16/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.30 | 540.00 | 162.00 | Call with Scott Wolpert regarding new Terms and Conditions that Arbiter is forcing officials to agree to, and the impact on class settlement issues. Discussion regarding response to concerns and confusion. |
| 07/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.70 | 360.00 | 252.00 | Review email from Brendan Monaghan regarding new Terms and Conditions; Review new Terms and Conditions; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Revise email from Keith T. Vernon, Esquire regarding same; Review and revise email to Casie Collignon, Esquire related to Terms and Conditions; Review response email from Casie Collignon, Esquire related to Term and Conditions; Intraoffice conference with Scott H. Wolpert, Esquire regarding same. |
| 07/18/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Keith T. Vernon, Esquire regarding possible solutions to issue related to Terms and Conditions; Review email from Scott H. Wolpert, Esquire and Jonathan Shub, Esquire regarding same. |
| 07/18/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 2.70 | 525.00 | 1,417.50 | Review information provided by Brendan Monaghan regarding Arbiter's actions with revised terms and conditions of service recently issued by Arbiter and required to be accepted by all Arbiter users; Telephone conference with class representative, Brendan Monaghan regarding confusion on effect of accepting terms and conditions of service on settlement and confusion by officials; analysis of action needed, including further communications with Arbiter counsel and alerting the Court ; email Team regarding recommended action to address this issue. |
| 07/18/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.40 | 540.00 | 216.00 | Communications and analysis with team re: concerns over new Terms and Conditions Arbiter officials are being asked to sign and its impact on upcoming class notice regarding primary approval of settlement. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|----------|---|
| 07/19/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Keith T. Vernon, Esquire regarding phone call with Jonathan Shub, Esquire and case strategy related to corrective action on Terms and Conditions issue; Review notice of filing of Order preliminarily approving Class Action settlement; Review emails from Keith T. Vernon, Esquire to Casie Collignon, Esquire related to Terms and Conditions issue. |
| 07/19/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.70 | 525.00 | 367.50 | Emails with Keith Vernon regarding action needed regarding Arbiter amended Terms and Conditions of Service; review email from Casie Collignon and Peggy Greenfeld. |
| 07/19/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.50 | 540.00 | 270.00 | Communication and Analysis with Scott Wolpert re: Terms and Conditions updates and impact on settlement notice to be received by sports' officials. Call with Jon Shub on same and analysis. |
| 07/20/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.20 | 540.00 | 108.00 | Communication with defense counsel re: call set up to discuss issues on new terms and conditions being required for class members to sign. Analysis of same. |
| 07/21/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review email from Wendi Dwyer forwarding information from phone call with Brendan Monaghan today about reaction to lawsuit; Review email from Keith T. Vernon, Esquire providing update following phone call with Keeley Cronin, Esquire. |
| 07/26/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.50 | 540.00 | 270.00 | Analysis of recent Energy data breach settlement. Communication and analysis on same. |
| 07/26/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review emails from Keith T. Vernon, Esquire and Jonathan Shub, Esquire regarding recent data breach settlement and inclusion with fee petition. |
| 07/27/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.20 | 360.00 | 72.00 | Review electronic notice of entry of Order granting motion of Sean Solis, Esquire to withdraw as counsel; Intraoffice conference with Scott H. Wolpert, Esquire regarding Terms and Conditions issue. |
| 07/28/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.10 | 540.00 | 54.00 | Communication and analysis with Jon Shub, Scott Wolpert and Christine Gordon re: status of defense counsel communications over Terms and Conditions updates to Arbiter and possible solutions. |
| 07/28/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Review and analysis of email from Keith T. Vernon, Esquire regarding updated Terms and Conditions and proposed next steps; Review Court's Order entered last week re: Preliminary Approval. |
| 07/30/2021 | Scott Wolpert | Schmid: ArbiterSports LLC | 0.80 | 525.00 | 420.00 | Emails from Casie Collignon and Keeley Cronin regarding Arbiter's proposed revisions to final notice forms; emails with Team regarding proposed revisions; emails from Casie Collignon regarding Arbiter's proposed additional notice language top class necessitated by Arbiter's actions requiring Arbiter users to accept updated terms and conditions and timing of Arbiter's actions. |
| 07/30/2021 | Keith Vernon | Schmid: ArbiterSports LLC | 0.70 | 540.00 | 378.00 | Communication and analysis re: defense counsel proposed language for FAQ. Review of defense counsel edits to notice documents. |
| 07/30/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.90 | 360.00 | 324.00 | Review email from Casie Collignon, Esquire regarding Terms and Conditions and revision to FAQ on Settlement website; Review email from Keeley Cronin, Esquire forwarding revised notice and claim forms, with proposed revisions; Intraoffice conference with Scott H. Wolpert, Esquire regarding same; Review proposed revisions to FAQ; Review email from Keith T. Vernon, Esquire regarding same; Various additional follow up regarding same; Intraoffice conference with Scott H. Wolpert, Esquire regarding preparation of Motion for Attorneys' fee. |
| 08/02/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.10 | 360.00 | 36.00 | Review email from Casie Collignon, Esquire regarding proposed edits re: Terms and Conditions. |
| 08/04/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 2.20 | 360.00 | 792.00 | Begin drafting Motion for Attorneys' Fees, Costs, Incentive Awards and accompanying Memorandum of Law. |
| 08/09/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 1.10 | 360.00 | 396.00 | Telephone conference with Scott H. Wolpert, Esquire regarding status of Motion; Continue drafting Memorandum of Law in Support of Motion for Fees, Costs, Incentive Awards. |
| 08/11/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 4.40 | 360.00 | 1,584.00 | Telephone conference with Keith T. Vernon, Esquire regarding motion for attorneys' fees; Review email from Jonathan Shub, Esquire regarding attorneys' fees invoices; Review response email from Keith T. Vernon, Esquire regarding same; Continue drafting Memorandum of Law in Support of Motion for fees, Expenses and Incentive Awards. |

Timoney Knox LLP - Billing Statement, Schmid - ArbiterSports

| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|---------------------------|--------------|--------|----------|--|
| 08/12/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 5.40 | 360.00 | 1,944.00 | Legal research related to legal fees, costs and incentive awards; Continue drafting Memorandum of Law in Support of Motion for Attorneys' Fees, Costs and Incentive Awards. |
| 08/13/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 9.90 | 360.00 | 3,564.00 | Additional legal research related to legal fees, costs and incentive awards; Review emails from Kathleen M. Vermilion, Esquire forwarding additional research on specific topics when calculating percentage of recovery crosscheck; Continue drafting Memorandum of Law in Support of Motion for Attorneys' Fees, Costs and Incentive Awards. |
| 08/14/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 6.20 | 360.00 | 2,232.00 | Continue drafting Memorandum of Law in Support of Motion for Attorneys' Fees, Costs and Incentive Awards. |
| 08/15/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 3.90 | 360.00 | 1,404.00 | Review, revise and check all legal citations in draft Memorandum of Law in Support of Motion for Attorneys' Fees, Costs and Incentive Awards; Prepare email to Scott H. Wolpert, Esquire, forwarding draft Memorandum of Law for review, with comments. |
| 08/15/2021 | Scott Wolpert | Schmid ArbiterSports LLC | 5.50 | 525.00 | 2,887.50 | Review and analysis of Memorandum of Law and proposed revisions; review communications with Class Representatives; Review timing of upcoming class notice and most recent information from Claims Administrator. Analysis of exhibits needed for Plaintiffs' Motion for Attorneys Fees, Expenses and Incentive Awards. |
| 08/16/2021 | Scott Wolpert | Schmid ArbiterSports LLC | 1.60 | 525.00 | 840.00 | Emails with Team regarding Motion for Fees, Expenses and Incentive Awards; Email from Keeley Cronin regarding claims form and settlement IVR; test settlement claims submission process; file note regarding submission issues; |
| 08/16/2021 | Christine Gordon | Schmid: ArbiterSports LLC | 0.30 | 360.00 | 108.00 | Intraoffice conference with Scott H. Wolpert, Esquire regarding additional work needed; Telephone conference with Keith T. Vernon, Esquire and Scott H. Wolpert, Esquire regarding revisions to invoices. |
| 08/17/2021 | Scott Wolpert | Schmid ArbiterSports LLC | 1.40 | 525.00 | 735.00 | Review decalartion information needed in support of motion; identify exhibits in support of motion; Conference with Christine Gordon and Keith Vernon regarding claims submission issues, questions and modifications needed; emails with Casie Collignon and Claims Administrator regarding submission issues; file note |
| 08/17/2021 | Christine Gordon | Schmid ArbiterSports LLC | 7.20 | 345.00 | 2,484.00 | Review email from Keeley Cronin, Esquire forwarding settlement IVR and online claim form; Review IVR script; Intraoffice conference with Scott H. Wolpert, Esquire regarding case status; Review email from Keith T. Vernon, Esquire regarding revisions to Brief on Motion for Attorneys' Fees, Costs and Incentive Awards; Review emails from Kevin Laukaitis, Esquire regarding revisions to Memorandum of Law on Motion for Attorneys' Fees, Costs and Incentive Awards; Review email from Jonathan Shub, Esquire regarding revisions to Memorandum of Law in Support of Motion for Attorneys' Fees, Costs and Incentive Awards; Complete several run-through tests to determine ease of online claim process; Intraoffice conference with Scott H. Wolpert, Esquire regarding issues with online claims process and proposed revisions to online claim form; Review email from Scott H. Wolpert, Esquire to Keeley Cronin, Esquire regarding revisions to online claim form; Review and revise Memorandum of Law in Support of Motion for Attorneys' Fees, Costs and Incentive Awards, based on co-counsel's comments; Various emails with Kevin Laukaitis, Esquire regarding additions to Memorandum of Law; Review email from Casie Collignon, Esquire regarding proposed revisions; Review email from Keeley Cronin, Esquire regarding IVR script; Prepare Table of Authorities; Telephone conference with Scott H. Wolpert, Esquire and Keith T. Vernon, Esquire regarding responses received from Casie Collignon, Esquire and Keeley Cronin, Esquire; Prepare additional revisions to Memorandum of Law in Support of Motion for Attorneys' Fees; Review additional emails between Scott H. Wolpert, Esquire, Gretchen Eoff and Casie Collignon, Esquire regarding online claims process and revisions to process |
| 08/17/2021 | Keith Vernon | Schmid ArbiterSports LLC | 1.30 | 540.00 | 702.00 | Reading of draft motion for Incentive, cost and Fee award. Call with Scott Wolpert and Christine Gordon on comments to draft. |
| 08/18/2021 | Scott Wolpert | Schmid ArbiterSports LLC | 7.30 | 525.00 | 3,832.50 | Conference call with Team regarding Motion for Fess, Expenses and Incentive Awards; draft and revise declarations in support of motion; revise declarations of class representatives; telephone confereces with class representatives; emails regarding claims process and corrections needed related to timing out and inability to submit Word documents in support of claim; |

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| Entry Date | Timekeeper ID | Matter Nickname | Hours Worked | Rate | Amount | Narrative |
|------------|------------------|--------------------------|--------------|--------|---------------|---|
| 08/18/2021 | Christine Gordon | Schmid ArbiterSports LLC | 3.80 | 345.00 | 1,311.00 | Review email from Keith T. Vernon, Esquire related to issues with testing online claims form; Review email from Keith T. Vernon, Esquire regarding communicating further with class representatives; Review response emails from Scott H. Wolpert, Esquire regarding same; Review email from Scott H. Wolpert, Esquire to Jonathan Shub, Esquire regarding declaration; Review email from Scott H. Wolpert, Esquire to Gretchen Eoff regarding timeout of session; Review email from Keith T. Vernon, Esquire regarding same; Prepare email to Scott H. Wolpert, Esquire regarding issues with testing of online form yesterday; Review response email from Scott H. Wolpert, Esquire regarding re-testing online claims form process; Review email from Keith T. Vernon, Esquire regarding issues with testing online claims process; Retest online claims form process; Prepare email to Scott H. Wolpert, Esquire regarding continued issues with uploading documents, forwarding proposed language to include on the website, and reporting that no time-out occurred today during testing; Review email from Scott H. Wolpert, Esquire to Gretchen Eoff regarding same; Review email from Jonathan Shub, Esquire, related to settlement value; Telephone conference with co-counsel related to motion for attorneys' fees, costs and incentive awards and additional tasks before filing on Friday; Review email from Kevin Laukaitis, Esquire forwarding finalized fee invoices for Shub Law Firm; Prepare draft declarations of class representatives in support of Motion; Intraoffice conference with Scott H. Wolpert, Esquire regarding case |
| 08/18/2021 | Keith Vernon | Schmid ArbiterSports LLC | 0.60 | 540.00 | 324.00 | Call with team re: draft motion for Incentive award, Costs and Attorney Fees attachments, and final work needed to complete and file. |
| Total | | | 1576.00 | | \$ 670,241.50 | |

| Date | Timekeeper ID | Matter Nickname | Hours | Rate (\$) | Billable (\$) | Description |
|------------|-----------------|--------------------------|-------|-----------|---------------|--|
| 9/3/2020 | Taylor Reynolds | Quezada v. Arbitersports | 1.3 | 195 | 253.5 | Utilized PACER to see if this company has been sued in the last 60 days; Sent Kevin and Jon my findings |
| 9/3/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 5 | 550 | 2750 | Research for potential case re: liability and jurisdictional issues |
| 9/8/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Call with co counsel re case strategy |
| 9/9/2020 | Jonathan Shub | Quezada v. Arbitersports | 3 | 850 | 2550 | Call with co counsel re case filing |
| 9/10/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1.3 | 550 | 715 | Call with co counsel re potential case |
| 9/10/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Strategy call with co counsel |
| 9/10/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Call with co counsel re potential case |
| 9/11/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 5 | 550 | 2750 | Research re liability and jurisdictional issues for potential case vs Arbitersports |
| 9/14/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Research re potential case and research re expert for case |
| 9/15/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1.3 | 550 | 715 | Call with potential expert |
| 9/29/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Review expert retainer |
| 9/29/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Research re plaintiff discovery |
| 10/2/2020 | Jonathan Shub | Quezada v. Arbitersports | 5 | 850 | 4250 | Research Bristol jurisdictional issues |
| 10/2/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1.3 | 550 | 715 | Call with co counsel re case strategy |
| 10/2/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Strategy call with co counsel |
| 10/5/2020 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Research jurisdictional issues |
| 10/6/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 0.3 | 550 | 165 | Call with co counsel re case strategy |
| 10/6/2020 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed the Expert Services SOW and Retainer; Inserted Jon's information and signed on his behalf; Sent it back to Kevin |
| 10/6/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re case strategy |
| 10/6/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 5 | 550 | 2750 | Research re other filed case vs Arbitersports and jurisdictional issues re same |
| 10/7/2020 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Research Bristol jurisdictional issues |
| 10/9/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel re strategy |
| 10/9/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1.5 | 550 | 825 | Call with co counsel re case strategy |
| 10/12/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 3 | 550 | 1650 | Review/edit facts for prep with expert |
| 10/13/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Review/edit draft complaint and research re same |
| 10/13/2020 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Research jurisdictional issues |
| 10/13/2020 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed co/lead counsel's letter to our expert; Reached out to our expert to see if we can transmit our portion of the retainer amount electronically and inquired about the respective account # and routing # |
| 10/13/2020 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Edits to complaint |
| 10/14/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Draft complaint and calls with co counsel and expert re same |
| 10/14/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Prepare for call to discuss draft complaint |
| 10/14/2020 | Jonathan Shub | Quezada v. Arbitersports | 5 | 850 | 4250 | Research jurisdictional issues |

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|------------|-----------------|--------------------------|-----|-----|-------|---|
| 10/14/2020 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Followed up with our expert about transmitting our portion of the retainer amount electronically and to see if he can help us get this setup |
| 10/14/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Call with an expert; prepare for same |
| 10/14/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with expert |
| 10/15/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Review complaint and edits re same to group |
| 10/16/2020 | Jonathan Shub | Quezada v. Arbitersports | 3 | 850 | 2550 | Edits to complaint |
| 10/18/2020 | Jonathan Shub | Quezada v. Arbitersports | 3 | 850 | 2550 | Edits to complaint |
| 10/19/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 0.3 | 550 | 165 | Review draft notice of appearances |
| 10/19/2020 | Taylor Reynolds | Quezada v. Arbitersports | 1.5 | 195 | 292.5 | Updated the Matter name/info in Clio; Drafted and filed Kevin and Jon's EOAs; Checked the updated docket to see if we have a Judge assignment yet and informed Kevin and Jon |
| 10/20/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 6 | 550 | 3300 | Research re Judge Savage's relevant opinions re standing and jurisdiction |
| 10/20/2020 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed the updated docket to see who our Judge assignment is; Informed Kevin and Jon; Checked to see if we can obtain a copy of the filed version of the complaint; Informed Kevin, Dan, and Jon that it is not yet available |
| 10/21/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re case strategy |
| 10/21/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re case strategy |
| 10/23/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel re strategy |
| 10/26/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Calls with co counsel re case strategy |
| 10/26/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel and prepare for same |
| 10/26/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel and prepare for same |
| 10/26/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel |
| 10/29/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel |
| 10/30/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re case strategy |
| 10/30/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Strategy call |
| 11/2/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Research on other data breach cases/settlements |
| 11/2/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel Keith Vernon |
| 11/6/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel |
| 11/13/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Call with co counsel re strategy |
| 11/13/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re strategy |
| 11/19/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Discuss settlement with co-counsel |
| 11/19/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re case strategy |
| 11/19/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with OPC; prepare for same |

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|------------|-----------------|--------------------------|------|-----|-------|--|
| 11/19/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re case strategy |
| 11/20/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Review jurisdictional research and additional case law re same |
| 11/23/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re case strategy |
| 11/23/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re case strategy |
| 11/24/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel; prepare for same |
| 12/2/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with OPC; prepare for same |
| 12/7/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Review/edit settlement demand terms |
| 12/8/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Edits to draft settlement demand |
| 12/9/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Conference Call |
| 12/11/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.1 | 850 | 935 | Call with co counsel |
| 12/11/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 0.5 | 550 | 275 | Call with co counsel re strategy |
| 12/14/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Edits to Rule 26(f) Report |
| 12/18/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel |
| 12/18/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1.5 | 550 | 825 | Call with co counsel re strategy |
| 12/22/2020 | Daniel Tomascik | Quezada v. Arbitersports | 0.17 | 225 | 38.25 | Calendarling deadlines/events in Arbitersports case |
| 12/22/2020 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel |
| 12/29/2020 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Call re discuss mediation |
| 12/30/2020 | Kevin Laukaitis | Quezada v. Arbitersports | 1.3 | 550 | 715 | Strategy call with co counsel |
| 12/30/2020 | Jonathan Shub | Quezada v. Arbitersports | 1.3 | 850 | 1105 | Strategy call with co counsel |
| 1/8/2021 | Jonathan Shub | Quezada v. Arbitersports | 2 | 850 | 1700 | Review Jurisdictional Discovery |
| 1/20/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re strategy |
| 1/20/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re strategy |
| 1/28/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 0.3 | 550 | 165 | Call with co counsel re strategy |
| 1/28/2021 | Jonathan Shub | Quezada v. Arbitersports | 0.3 | 850 | 255 | Call with co counsel re strategy |
| 1/29/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel |
| 2/4/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with expert |
| 2/4/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Informed Kevin and Jon on the status of remitting payment for our share of the retainer; Reviewed the payment details from Kevin; Followed up with co/lead counsel for their respective account # and routing # so that we can transmit payment electronically |

Case 2:20-cv-05193-TJS Document 37-10 Filed 08/20/21 Page 4 of 5
 Shub Law Firm - Billing Statement, Quezada v. Arbitersports

| | | | | | | |
|-----------|-----------------|--------------------------|-----|-----|-------|---|
| 2/4/2021 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Video Call with co counsel |
| 2/9/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Confirmed the \$ amount of our share of the retainer with Kevin and Jon so that I can remit payment today; Informed them that I already confirmed payment details with the company; Informed Jon that I added this company to our Online Bill Pay; Submitted payment |
| 2/10/2021 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Research non-monetary valuation in data breach settlements |
| 2/12/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re settlement |
| 2/12/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 3 | 550 | 1650 | Review Arbitersports' response to data breach and research re same |
| 2/12/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Draft shell term sheet for settlement demand |
| 2/12/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re settlement |
| 2/16/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 3 | 550 | 1650 | Review/edit mediation statement |
| 2/16/2021 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Research settlements in E.D. Pa. and data breach sector |
| 2/18/2021 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Edit mediation statement; research on same |
| 2/19/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Draft term sheet for settlement demand |
| 2/19/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re settlement |
| 2/19/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with expert re settlement |
| 2/19/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re settlement |
| 2/22/2021 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with mediator |
| 2/22/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 5 | 550 | 2750 | Research for potential settlement |
| 2/22/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Downloaded, saved, and sent Kevin the settlement briefs of relevant E.D. Pa. data breach cases |
| 2/23/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Research re comparable data breach settlements |
| 2/23/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 4 | 550 | 2200 | Research re injunctive relief for settlement and draft memo re same |
| 2/23/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Met with Jon to discuss organizing files/documents in case |
| 2/24/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 3 | 550 | 1650 | Finalize memo on injunctive relief for class settlement |
| 2/24/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 0.5 | 550 | 275 | Prep for tomorrow's Zoom mediation (zoom tutorial) |
| 2/24/2021 | Daniel Tomascik | Quezada v. Arbitersports | 1 | 225 | 225 | Editing and reviewing Kevin's citations for mediation brief |
| 2/25/2021 | Daniel Tomascik | Quezada v. Arbitersports | 0.5 | 225 | 112.5 | Administering Zoom call with expert while Kevin and Jon were delayed |
| 2/25/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 11 | 550 | 6050 | Prep for and attend mediation |
| 2/25/2021 | Jonathan Shub | Quezada v. Arbitersports | 11 | 850 | 9350 | Prep for and attend mediation |
| 2/26/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 0.5 | 550 | 275 | Call with co counsel re mediation |
| 3/1/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Review term sheet and comment re edits of same |
| 3/1/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re settlement terms |
| 3/1/2021 | Daniel Tomascik | Quezada v. Arbitersports | 1 | 225 | 225 | Co-counsel strategy call re: Arbitersports |
| 3/2/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed the details for the EKP invoice that we already paid; Spoke with Kevin and Jon about the status of our payment to EKP since they are claiming that they never received our share of the retainer; Reached out to our contact at EKP to see if he received our payment; Provided him with the date the payment was sent and the date that the payment was processed/received on their end |
| 3/3/2021 | Jonathan Shub | Quezada v. Arbitersports | 4 | 850 | 3400 | Research Judge Savage opinions; calls on same |
| 3/5/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Settlement call internal |
| 3/8/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Settlement call internal |

| | | | | | | |
|-----------|-----------------|--------------------------|--------|-----|-----------|--|
| 3/9/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Teleconference about term sheet and action needed |
| 3/11/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Strategy call |
| 3/12/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 0.75 | 550 | 412.5 | Call with co-counsel re MOU edits |
| 3/12/2021 | Jonathan Shub | Quezada v. Arbitersports | 0.75 | 850 | 637.5 | Call with co-counsel re MOU edits |
| 3/19/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re strategy |
| 3/19/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re strategy |
| 4/22/2021 | Jonathan Shub | Quezada v. Arbitersports | 0.5 | 850 | 425 | Call with co-counsel re: fee issues etc. |
| 4/23/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed the fully executed settlement term sheet and saved it into Clio |
| 6/3/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 0.5 | 550 | 275 | Call with co counsel re settlement agreement |
| 6/15/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Review/edit Preliminary Approval and settlement papers |
| 6/17/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 0.5 | 550 | 275 | Call with co counsel re settlement papers and Preliminary Approval filing |
| 6/18/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed co/lead counsel's comments re Rule 23 factors; Forwarded our firm resume to co/lead counsel to utilize as an exhibit to the declaration |
| 6/24/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1.5 | 550 | 825 | Call with co counsel re strategy for final approval |
| 6/24/2021 | Jonathan Shub | Quezada v. Arbitersports | 1.5 | 850 | 1275 | Call with co counsel re strategy for final approval |
| 7/7/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel to debrief re hearing |
| 7/13/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 1 | 550 | 550 | Call with co counsel re final approval |
| 7/13/2021 | Jonathan Shub | Quezada v. Arbitersports | 1 | 850 | 850 | Call with co counsel re final approval |
| 7/19/2021 | Taylor Reynolds | Quezada v. Arbitersports | 0.5 | 195 | 97.5 | Reviewed the Judge's Order granting our unopposed motion for prelim approval; Calendared all applicable dates/deadlines |
| 7/19/2021 | Jonathan Shub | Quezada v. Arbitersports | 0.5 | 850 | 425 | Call with co counsel re: settlement |
| 8/16/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 3 | 550 | 1650 | Research for and review/edit final approval brief |
| 8/17/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 3 | 550 | 1650 | Research for and review/edit final approval brief |
| 8/17/2021 | Maggie O'Connor | Quezada v. Arbitersports | 3 | 195 | 585 | Reviewed/organized time records in internal database. Organized the same for filing of fee brief due Friday |
| 8/18/2021 | Kevin Laukaitis | Quezada v. Arbitersports | 2 | 550 | 1100 | Review/organize time records in our internal database |
| | | | Sum = | | Sum = | |
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**VICTOR ALFONSO RODRIGUEZ
QUEZADA, BRENDAN MONAGHAN,
KEVIN SCHMID, and JOHN SCHMID, On
Behalf of Themselves and All Others
Similarly Situated,**

Plaintiffs,

v.

ARBITERSPORTS, LLC,

Defendant.

CIVIL ACTION NO. 2:20-cv-05193-TJS

**DECLARATION OF CLASS REPRESENTATIVE,
VICTOR ALFONSO RODRIGUEZ QUEZADA**

I, Victor Alfonso Rodriguez Quezada, declare as follows:

1. I make this statement on the basis of my personal knowledge and, if called as a witness, could and would testify as to its contents. I am a Class Representative in this lawsuit.

2. I am a soccer official who officiates soccer contests at the collegiate-level and below, throughout the Commonwealth of Pennsylvania, as well as in the State of New Jersey and in the State of Delaware.

3. I am a registered user of the ArbiterSports software and am required by my assigners and by sports conferences and/or associations to register online with and to regularly use ArbiterSports to receive game assignments as well as to receive payment for my services as a sports official.

4. I provided ArbiterSports with my personal information, including my account username and password, name, address, date of birth, email address and Social Security number, which ArbiterSports maintained in its Database.

5. I received a notice from ArbiterSports on or around August 25, 2020 informing me that my personal information had been compromised as a result of the ArbiterSports Data Breach.

6. Since retaining Timoney Knox, LLP and the Shub Law Firm, LLC to file a class action lawsuit on my behalf, attorneys at the firms have regularly updated me regarding the status of the case. They have also consulted me throughout the litigation on a variety of issues, including the status of settlement discussions with the Defendant.

7. I understand the responsibilities of a Class Representative and I have fulfilled, and I continue to fulfill, my duties to the Class. I have been actively involved in the litigation of this case, as described more fully bellow, and have been in close contact with the attorneys representing the Class to monitor and contribute to this case throughout.

8. I was not promised any amount of money to serve as a Class Representative, or in connection with supporting the settlement with Defendant. My support for the Settlement is based on my view, in light of the record and the risks, that they are in the best interests of the Class.

9. My attorneys consulted me about the settlement negotiations with Defendant as they occurred, and I authorized my attorneys in these negotiations. I authorized the proposed settlement, and I believe that it is fair, adequate, and reasonable. I believe that my attorneys worked diligently to secure this settlement in the best interests of the Settlement Class.

10. I believe this is a good settlement that is in the best interest of the Settlement Class.

11. In my role as Class Representative, I have expended substantial time and effort (as more fully explained below) to perform actions that have benefitted the Settlement Class.

12. Since I first retained Timoney Knox, LLP and the Shub Law Firm, LLC, I estimate that I have spent well over forty-five hours fulfilling my role as a Class Representative in this case. A summary of my activities is as follows:

- a. Meeting with and speaking with my attorneys as part of the initial investigation of this case;
- b. Reviewing drafts of pleadings, including the Complaint and the Amended Complaint and other documents before authorizing my attorneys to file them and providing input on these documents;
- c. Gathering documents to provide to my attorneys for possible production to Defendants in discovery, as well as helping my attorneys understand the documents and ArbiterSports' business;
- d. Assisting my attorneys with the collection and review of electronically stored information on my e-mail accounts and computers;
- e. Participating in regular conversations with my attorneys throughout the duration of the case, and additional communications by way of frequent and regular email correspondence.

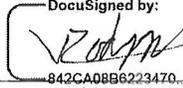
9. To date, I have not received any personal benefit from my participation in this case, but I chose to serve as a Class Representative because I believe strongly that it was/is necessary to support other sports officials and assist in getting them remedies of value through this lawsuit. It is also very important that ArbiterSports fully recognizes the seriousness of this data breach and the concern of sports officials about what happened and that this situation not happen again.

10. Given the fact that I continue to work as a sports official and am required to continue to use ArbiterSports for game assignments, my participation as a Class Representative in this case was particularly risky. I took the risk that ArbiterSports would not continue to assign games to me. This risk will continue. I have already received several telephone calls and electronic communications from colleagues and assigners regarding my role in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

8/19/2021 | 1:08 PM EDT

Date

DocuSigned by:

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Victor Alfonso Rodriguez Quezada

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR ALFONSO RODRIGUEZ
QUEZADA, BRENDAN MONAGHAN,
KEVIN SCHMID, and JOHN SCHMID, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

ARBITERSPORTS, LLC,

Defendant.

CIVIL ACTION NO. 2:20-cv-05193-TJS

DECLARATION OF CLASS REPRESENTATIVE,
BRENDAN MONAGHAN

I, Brendan Monaghan, declare as follows:

1. I make this statement on the basis of my personal knowledge and, if called as a witness, could and would testify as to its contents. I am a Class Representative in this lawsuit.

2. I am a sports official who officiates basketball, lacrosse and football games throughout the Commonwealth of Pennsylvania.

3. I am a registered user of the ArbiterSports software and am required by my assigners and by sports conferences and/or associations to register online with and to regularly use ArbiterSports to receive game assignments as well as to receive payment for my services as a sports official.

4. I provided ArbiterSports with my personal information, including my account username and password, name, address, date of birth, email address and Social Security number, which ArbiterSports maintained in its Database.

5. I received a notice from ArbiterSports via email on or around August 25, 2020 informing me that my personal information had been compromised as a result of the ArbiterSports Data Breach.

6. Since retaining Timoney Knox, LLP and the Shub Law Firm, LLC to file a class action lawsuit on my behalf, attorneys at the firms have regularly updated had discussions with me regarding the status of the case and action that would be occurring. They have also consulted me throughout the litigation on a variety of issues, including communications by Arbiter to sports officials, Arbiter operations including technology issues, perspectives and concerns by officials on Arbiter's data breach in June 2020, potential remedies related to possible settlement and value to officials, and the status of settlement discussions with the Defendant.

7. I understand the responsibilities of a Class Representative and I have fulfilled, and I continue to fulfill, my duties to the Class. I have been actively involved in the litigation of this case, as described more fully bellow, and have been in close contact with the attorneys representing the Class to monitor and contribute to this case throughout.

8. I was not promised any amount of money to serve as a Class Representative, or in connection with supporting the settlement with Defendant. My support for the Settlement is based on my view, in light of the record and the risks, that they are in the best interests of the Class.

9. My attorneys consulted me about the settlement negotiations with Defendant as they occurred, and I authorized my attorneys in these negotiations. I authorized the proposed settlement, and I believe that it is fair, adequate, and reasonable. I believe that my attorneys worked diligently to secure this settlement in the best interests of the Settlement Class.

10. I believe this is a good settlement that is in the best interest of the Settlement Class and will provide meaningful benefits to the hundreds of thousands of sports officials who are part of this settlement.

11. In my role as Class Representative, I have expended substantial time and effort (as more fully explained below) to perform actions that have benefitted the Settlement Class.

12. Since I first retained Timoney Knox, LLP and the Shub Law Firm, LLC, I have spent well over thirty-five hours fulfilling my role as a Class Representative in this case. A summary of my activities is as follows:

- a. Meeting with and speaking with my attorneys as part of the initial investigation of this case;
- b. Reviewing drafts of pleadings, including the Complaint and the Amended Complaint and other documents before authorizing my attorneys to file them and providing input on these documents;
- c. Gathering and reviewing documents during investigation of this case and to provide to my attorneys for possible production to Defendants in discovery, as well as helping my attorneys understand the documents and ArbiterSports' business;
- d. Assisting my attorneys with the collection and review of electronically stored information on my e-mail accounts and computers;
- e. Participating in regular conversations with my attorneys throughout the duration of the case, and additional communications by way of regular email and text correspondence.

f. Discussing in detail with Scott H. Wolpert, one of my legal counsel, about ArbiterSports' actions in July 2021 in which it required officials who use ArbiterSports to accept ArbiterSports' recently-issued Terms and Conditions of Use As of June 1, 2021, the effect of accepting those Terms and Conditions on settlement, confusion by ArbiterSports users, and my concerns about that requirement and actions that could be taken to avoid risk to and/or confusion by other sports officials in the Class.

9. To date, I have not received any personal benefit from my participation in this case, but I chose to serve as a Class Representative because I believe strongly that it was necessary to protect the personal security and financial confidentiality of officials like myself and the entire officiating community who are required to submit our personal information to ArbiterSports in order to be able to work games and competition events.

10. Given the fact that I continue to work as a sports official and am required to continue to use ArbiterSports for game assignments, my participation as a Class Representative in this case was particularly risky. I took the risk that conference and league assignors who use ArbiterSports would not continue to assign games to me. This risk will continue. In fact, I have already received several telephone calls and electronic communications from colleagues and assignors regarding my role in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

8/19/2021 | 4:33 PM EDT

Date

DocuSigned by:

Brendan Monaghan

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Brendan Monaghan

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR ALFONSO RODRIGUEZ
QUEZADA, BRENDAN MONAGHAN,
KEVIN SCHMID, and JOHN SCHMID, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

ARBITERSPORTS, LLC,

Defendant.

CIVIL ACTION NO. 2:20-cv-05193-TJS

DECLARATION OF CLASS REPRESENTATIVE,
KEVIN SCHMID

I, Kevin Schmid, declare as follows:

1. I make this statement on the basis of my personal knowledge and, if called as a witness, could and would testify as to its contents. I am a Class Representative in this lawsuit.

2. I am a high school baseball and basketball official who officiates sports games throughout the State of New Jersey.

3. I am a registered user of the ArbiterSports software and am required by my assigners and by sports conferences and/or associations to register online with and to regularly use ArbiterSports to receive game assignments as well as to receive payment for my services as a sports official.

4. I provided ArbiterSports with my personal information, including my account username and password, name, address, date of birth, email address and Social Security number, which ArbiterSports maintained in its Database.

5. I received a notice from ArbiterSports on or around August 25, 2020 informing me that my personal information had been compromised as a result of the ArbiterSports Data Breach.

6. Since I initially communicated with and retained Timoney Knox, LLP and the Shub Law Firm, LLC to file a class action lawsuit on my behalf, Scott H. Wolpert, Esquire, has regularly updated me regarding the status of the case. Mr. Wolpert has also consulted me throughout the litigation on a variety of issues, including my use of ArbiterSports' sites and platforms, both past and present, fees paid to ArbiterSports by users, the many contacts ArbiterSports has with New Jersey and Pennsylvania, concerns in the officiating community about ArbiterSports perceived inability to safeguard the personally identifiable information of sports officials and the lack of sufficient response by ArbiterSports in what it communicated to officials in August 2020, possible remedies in this case that would benefit sports officials, the mediation process, the status of settlement discussions with the Defendant and the claims process that sports officials will use as part of the settlement.

7. I understand the responsibilities of a Class Representative and I have fulfilled, and I continue to fulfill, my duties to the Class. I have been actively involved in the litigation of this case, as described more fully bellow, and have been in regular contact with the attorneys representing the Class to monitor and contribute to this case throughout.

8. I was not promised any amount of money to serve as a Class Representative, or in connection with supporting the settlement with Defendant. My support for the Settlement is based on my view, in light of the record and the risks, that they are in the best interests of the Class.

9. My attorneys consulted me about the settlement negotiations with Defendant as they occurred, and I authorized my attorneys in these negotiations. I authorized the proposed settlement, and I believe that it is fair, adequate, and reasonable. I believe that my attorneys worked diligently to secure this settlement in the best interests of the Settlement Class.

10. I believe this is a very good settlement that is in the best interest of the Settlement Class and will benefit many sports officials, both now and in the future.

11. In my role as Class Representative, I have expended substantial time and effort (as more fully explained below) to perform actions that have benefitted the Settlement Class.

12. Since I first retained Timoney Knox, LLP and the Shub Law Firm, LLC, I have spent over 35 hours fulfilling my role as a Class Representative in this case. A summary of my activities is as follows:

- a. Meeting with and speaking with my attorneys as part of the initial investigation of this case;
- b. Reviewing drafts of pleadings, including the Complaint and the Amended Complaint and other documents before authorizing my attorneys to file them and providing input on these documents;
- c. Gathering and reviewing documents to provide to my attorneys during the investigation stage and for possible production to Defendants in discovery, as well as helping my attorneys understand the documents and ArbiterSports' business;
- d. Assisting my attorneys with the collection and review of electronically stored information on my e-mail accounts and computers;

- e. Participating in numerous conversations with Mr. Wolpert throughout the duration of the case, and additional communications by way of electronic correspondence.
- f. Participating in discussions with Mr. Wolpert regarding the claims process that will be used under the Settlement.

9. To date, I have not received any personal benefit from my participation in this case, but I chose to serve as a Class Representative because I believed strongly that it was necessary to support sports officials whose information was subject to this data breach and to assist in getting them remedies.

10. Given the fact that I continue to work as a sports official and am required to continue to use ArbiterSports for game assignments, my participation as a Class Representative in this case was particularly risky. I took the risk that assignors who use ArbiterSports would not continue to assign games to me. This risk will continue. I still believe that it is important for me to participate in this case and support other sports officials.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

8/19/2021 | 11:53 AM EDT

Date

DocuSigned by:
Kevin Schmid
BAA9486AF08A424...

Kevin Schmid

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**VICTOR ALFONSO RODRIGUEZ
QUEZADA, BRENDAN MONAGHAN,
KEVIN SCHMID, and JOHN SCHMID, On
Behalf of Themselves and All Others
Similarly Situated,**

Plaintiffs,

v.

ARBITERSPORTS, LLC,

Defendant.

CIVIL ACTION NO. 2:20-cv-05193-TJS

**DECLARATION OF CLASS REPRESENTATIVE,
JOHN F. SCHMID**

I, John Schmid, declare as follows:

1. I make this statement on the basis of my personal knowledge and, if called as a witness, could and would testify as to its contents. I am a Class Representative in this lawsuit.

2. I am a high school track official who officiates track meets throughout the State of New Jersey as well as, on at least one occasion, in the State of New York.

3. I am a registered user of the ArbiterSports software and am required by my assigners and by sports conferences and/or associations to register online with and to regularly use ArbiterSports to receive game assignments as well as to receive payment for my services as a sports official.

4. I provided ArbiterSports with my personal information, including my account username and password, name, address, date of birth, email address and Social Security number, which ArbiterSports maintained in its Database.

5. I received a notice from ArbiterSports on or around August 25, 2020 informing me that my personal information had been compromised as a result of the ArbiterSports Data Breach.

6. Since retaining Timoney Knox, LLP and the Shub Law Firm, LLC to file a class action lawsuit on my behalf, Scott H. Wolpert has regularly updated me and had discussions with me regarding the status of the case and actions that would be occurring. He has also consulted me throughout the litigation on a variety of issues, including communications by ArbiterSports to officials, ArbiterSports' operations including use of their platforms, the many concerns by officials about ArbiterSport's data breach of June 2020, potential remedies related to possible settlement and what remedies would be most important to officials, the status of settlement discussions with the Defendant, including at mediation, and details regarding preliminary approval of the proposed settlement and the claims process for sports officials to use.

7. I understand the responsibilities of a Class Representative and I have fulfilled, and I continue to fulfill, my duties to the Class. I have been actively involved in the litigation of this case, as described more fully bellow, and have been in close contact with Scott H. Wolpert, one of the attorneys representing the Class, to monitor and contribute to this case throughout.

8. I was not promised any amount of money to serve as a Class Representative, or in connection with supporting the settlement with Defendant. My support for the Settlement is based on my view, in light of the record and the risks, that they are in the best interests of the Class.

9. My attorneys consulted me about the settlement negotiations with Defendant as they occurred, and I authorized my attorneys in these negotiations. I authorized the proposed

settlement, and I believe that it is fair, adequate, and reasonable. I believe that my attorneys worked diligently to secure this settlement in the best interests of the Settlement Class.

10. I believe this is an outstanding settlement for sports officials and one that is in the best interests of the Settlement Class.

11. In my role as Class Representative, I have expended substantial time and effort (as more fully explained below) to perform actions that have benefitted the Settlement Class.

12. Since I first had discussions with Mr. Wolpert and retained Timoney Knox, LLP and the Shub Law Firm, LLC, I have spent over 40 hours fulfilling my role as a Class Representative in this case. A summary of my activities includes:

- a. Meeting with and speaking with my attorneys as part of the initial investigation of this case;
- b. Reviewing drafts of pleadings, including the Complaint and the Amended Complaint and other documents before authorizing my attorneys to file them and providing input on these documents;
- c. Gathering documents to provide to my attorneys for possible production to Defendants in discovery, as well as helping my attorneys understand the documents and ArbiterSports' business;
- d. Assisting my attorneys with the collection and review of electronically stored information on my e-mail accounts and computers;
- e. Participating in regular conversations with Mr. Wolpert throughout the duration of the case, and additional communications by way of text and email correspondence.

f. Providing recommendations to my attorneys regarding remedies that would most benefit officials and suggestions regarding the claims process.

9. To date, I have not received any personal benefit from my participation in this case, but I chose to serve as a Class Representative because I believe strongly that it was necessary and was the right thing to do. I am heavily involved in my officiating chapter and heard other officials describe their concerns about the ArbiterSports data breach and possible misuse of their personal information. I also am still required to use ArbiterSports for various event assignments and wanted to help play a role in decreasing the possibility that this could occur again.

10. Given the fact that I continue to work as a sports official and am required to continue to use ArbiterSports for certain assignments, my participation as a Class Representative in this case was particularly risky. I took the risk that assignors who use ArbiterSports would not continue to assign games to me. This risk will continue.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

8/19/2021 | 11:49 AM EDT

Date

DocuSigned by:

John Schmid

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John Schmid

Client: 000000021507-Schmid, John et al
Matter: 000000000001-Schmid: ArbiterSports LLC

| Invoice | Code | Date | Expense Cod | Amount | Narrative |
|---------|-------|------------|-------------|------------|--|
| 0 | 00001 | 10/12/2020 | RE | \$2,500.00 | Mary Frantz; ArbiterSports - Retainer for Expert |
| 0 | 00001 | 10/13/2020 | M | \$130.00 | Relx Inc. DBA LexisNexis; Class action vetting |
| 0 | 00001 | 10/15/2020 | RP | \$2.00 | Utah Department of State; Document fees |
| 0 | 00001 | 10/15/2020 | RP | \$2.00 | Utah Department of State: Document fee |
| 0 | 00001 | 10/19/2020 | FF | \$400.00 | US District Court - Filing fee for Complaint |
| 0 | 00001 | 10/21/2020 | RP | \$25.00 | DC Bar - fee to obtain copy of Certificate of Good Standing for Pro |
| 0 | 00001 | 12/8/2020 | BC | \$10.00 | Supreme Court of Ohio - Fee for Certificate of Good Standing for |
| 0 | 00001 | 12/8/2020 | BC | (\$10.00) | Supreme Court of Ohio - Fee for Certificate of Good Standing for |
| 0 | 00001 | 12/11/2020 | FF | \$20.00 | US District Court - Northern District of Ohio - Fee for Certificate of |
| 0 | 00001 | 12/31/2020 | DE | \$3.60 | PACER; DOCKET ENTRIES 12/28/2020 - OHSDC 36 pages |
| 0 | 00001 | 1/1/2021 | SC | \$10.00 | The Supreme Court of Ohio; Certificate of Good Standing |
| 0 | 00001 | 1/15/2021 | FE | \$45.42 | FEDERAL EXPRESS CORP.; Federal Express sent to Bennett G. |
| 0 | 00001 | 2/16/2021 | FE | \$45.61 | FEDERAL EXPRESS CORP.; Federal Express sent to Bennett G. |
| 0 | 00001 | 3/11/2021 | MED | \$7,200.00 | Stradley Ronon; 1/2 Mediation Cost - Invoice #21022440 |
| 0 | 00001 | 4/29/2021 | PO | \$6.96 | Postage/Registered Mail- Certified Mail |
| | | | | | |

TOTAL EXPENSES - \$10,390.59

EXHIBIT 14

Quezada, et al. v. ArbiterSports, LLC,

Case No. 2:20-CV-05193-TJS (E.D. Pa)

SHUB LAW FIRM LLC

EXPENSE REPORT – Inception through August 18, 2021

| <u>Categories:</u> | <u>Amount:</u> |
|---|-----------------------|
| Experts/Consultants/Professional Services | \$2,500.00 |
| Meals/Transportation/Lodging | \$50.58 |
| TOTAL EXPENSES: | \$2,550.58 |