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Attorneys for Plaintiff
David Greenley AND THE PUTATIVE CLASS

DECLARATION OF PETER F. BARRY

I, PETER F. BARRY, declare:

1. I am one of the attorneys for the Plaintiff, David Greenley, in this action. I am filing this declaration in support of the Plaintiff's motion for final approval of the class action settlement requesting the following:
 - a. Accepting three late claims, which brings the total number of valid claims to 45;
 - b. Finally approving the class action settlement, including the common fund in the amount of \$1,450,000;
 - c. Approving attorney fees of \$362,500 equal to twenty five percent (25%) of the settlement common fund;
 - d. Approving reimbursement of litigation expenses in the aggregate amount of \$30,874.12;
 - e. Approving Settlement Administration expenses of \$12,500; and
 - f. Approving a service award to Representative Plaintiff in the amount of \$10,000.
2. I am the principal attorney at The Barry Law Office, Ltd. I am admitted *pro hac vice* to practice law before this court. A more detailed description of my bar admissions and history in practice are explained in prior filed declarations in this action and therefore will not be repeated here.
3. I have personal knowledge of the following facts and, if called upon as a witness, I could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe that they are true and correct.
4. I submit this Declaration to support final approval of this class action settlement.
5. After preliminary approval I worked closely with the appointed claims administrator, CPT Group, Inc. to provide notice and administer this settlement.

- 1 Based on correspondence with CPT, I believe notice was timely sent out as
2 directed by the Court. The direct mail notice sent was the best practical and
3 resulted in a high claims rate. I requested and continually reviewed weekly
4 reports summarizing the submission of claims and any opt outs or objections.
- 5 6. I communicated directly with any class member who had questions with regard
6 to the claims process or questions about the settlement. During those
7 discussions, generally through email but sometimes by phone, I strongly
8 suggested participation in the claims process, encouraging all class members to
9 submit a timely claim.
- 10 7. At the end of the claims period (taking into account the three late claims),
11 according to the claim's administrator a total of 45 valid claims were submitted.
12 The estimated pro-rata distribution to each claiming class member will result in
13 payment of approximately \$22,980.
- 14 8. I have practiced in the area of consumer rights and class action litigation for
15 more than a 25 years and have recovered millions of dollars (in the aggregate)
16 for individuals and class members. This class settlement and resulting payout
17 per claiming class member is extraordinary in my opinion. If approved, this
18 settlement will result in the largest payout per claiming class member in any
19 case I have been involved in. Additionally, I cannot find any other published
20 privacy class settlement that comes close to this amount in recovery per
21 claiming class member.
- 22 9. In reviewing the total dollar amount per claiming class member, the Court may
23 ask if this is a result of a low claims rate. The opposite is the case. As the
24 Court is likely aware the standard claims rate for class actions hovers around
25 3%. In this case the claims rate was in excess of 28%. This further supports the
26 proposition that the class settlement was not only fair, adequate and reasonable,
27 but provided sufficient compensation to class members encouraging
28 participation.

1 10. With a resulting claims rate of over 28%, no opt outs and no objections, the
2 reaction of the settlement class was resoundingly positive. This further
3 supports final approval of this settlement.

4 11. Compared to other class settlements on similar facts, this settlement is
5 extraordinary. *See Franklin v. Ocwen Loan Servicing, LLC*, 3:18-cv-03333-SI,
6 Dkt. 157 (N.D. Cal. Mar. 9, 2022) where each class member, on similar facts, is
7 expected to only receive \$27.

8 12. I am extremely proud of our efforts in successfully litigating and ultimately
9 reaching a favorable class settlement. I am further encouraged by the final
10 results of the notice sent, the high level of class participation in making claims
11 and ultimately the final expected monetary distribution to each claiming class
12 member. I fully support the request for the Court to grant final approval.

13 I declare under penalty of perjury under the laws of the United States of America that
14 the foregoing is true and correct, and that this declaration was executed on May 9, 2022.

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16 s/Peter F. Barry

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