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Attorneys for Plaintiff
11 *David Greenley AND THE PUTATIVE CLASS*

12
UNITED STATES DISTRICT COURT
13 **SOUTHERN DISTRICT OF CALIFORNIA**

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| DAVID GREENLEY, individually and on behalf of others similarly situated, | CASE NO. 21cv339-WQH-MDD |
| | [Judge: Hon. William Q. Hayes] |
| Plaintiffs, | |
| v. | |
| | **DECLARATION OF JOSHUA B. SWIGART IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT** |
| MAYFLOWER TRANSIT, LLC, | |
| Defendant. | |
| | Date Action Filed: February 25, 2021 |
| | Date: August 4, 2022 at 10:30 a.m. |
| | Courtroom: 14B |

DECLARATION OF JOSHUA B. SWIGART

I, JOSHUA B. SWIGART, 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 Swigart Law Group, APC. I am licensed 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.

Based on correspondence with CPT, I believe notice was timely sent out as directed by the Court. The direct mail notice sent was the best practical and resulted in a high claims rate. I requested and continually reviewed weekly reports summarizing the submission of claims and any opt outs or objections.

6. I communicated directly with any class member who had questions with regard to the claims process or questions about the settlement. During those discussions, generally through email, I strongly suggested participation in the claims process, encouraging all class members to submit a timely claim.

7. At the end of the claims period (taking into account the three late claims), according to the claim's administrator a total of 45 valid claims were submitted. The estimated pro-rata distribution to each claiming class member will result in payment of approximately $22,980.

8. I have practiced in the area of class action litigation for more than a decade and have recovered hundreds of millions of dollars (in the aggregate) for millions of class members. This class settlement and resulting payout per claiming class member is extraordinary in my opinion. If approved, this settlement will result in the largest payout per claiming class member in any case I have been involved in. Additionally, I cannot find any other published privacy class settlement that comes close to this amount in recovery per claiming class member.

9. In reviewing the total dollar amount per claiming class member, the Court may ask if this is a result of a low claims rate. The opposite is the case. As the Court is likely aware the standard claims rate for class actions hovers around 3%. In this case the claims rate was in excess of 28%. This further supports the proposition that the class settlement was not only fair, adequate and reasonable, but provided sufficient compensation to class members encouraging participation.

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

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

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

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on May 5, 2022

s/Joshua B. Swigart

Joshua B. Swigart