

Consolidated Appeal Nos. 24-3849, 25-2135, 25-2137, 25-3454

**In The United States Court Of Appeals
For The Ninth Circuit**

HEATHER TURREY, OLIVER FIATY, JORDAN HERNANDEZ, and
JEFFREY SAZON, individually, and on behalf of all others similarly situated,

Plaintiffs-Appellees.

v.

VERVENT, INC.; ACTIVATE FINANCIAL, LLC; and DAVID JOHNSON,
Defendants-Appellants

Appeal From the United States District Court
for the Southern District of California
No. 3:20-cv-00697-DMS-AHG, Hon. Dana M. Sabraw

**DECLARATION OF JOHN J. GROGAN IN SUPPORT OF
APPELLEES' MOTION FOR ATTORNEY FEES AND NON-
TAXED EXPENSES ON APPEAL**

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*Attorneys for Plaintiffs-Appellees HEATHER TURREY, OLIVER FIATY, JORDAN
HERNANDEZ, and JEFFREY SAZON*

I, John J. Grogan, declare as follows:

1. I am a partner of the law firm Langer Grogan & Diver P.C. (“LGD”). I am one of the court-appointed Class Counsel pursuant to Federal Rule of Civil Procedure 23(g) in the above-entitled matter. I have personal knowledge of the matters set forth in this declaration or believe them to be true based on facts and events in which I have participated and which otherwise have been made available to me and would be competent to testify as to them.

2. My colleague and partner at LGD, Irv Ackelsberg, previously submitted declarations in support of Plaintiffs’ motion for attorneys’ fees in the Southern District of California, Dkt No. 357-14 and Dkt No. 372-1 and I re-aver them so far as they are pertinent to the present motion for fees.

LANGER GROGAN & DIVER P.C.

3. Langer Grogan & Diver, P.C. (“LGD”) is a Philadelphia law firm specializing in complex, civil litigation with concentrated practices areas in civil rights, consumer rights and antitrust. The majority of LGDs cases are class actions. Its website, www.langergrogan.com, summarizes the firm’s work and the biographies of its attorneys.

Attached as Exhibit 1 to this declaration are the CVs of the attorneys and paralegals who worked on the appeal.

4. LGD has been lead counsel in several ground-breaking class actions. In particular, LGD has been a leader in the use of RICO to hold to account financial institutions whose conduct, while purporting to be standard business-to-business services, has in fact been acts in furtherance of schemes to defraud. *See Faloney v. Wachovia Bank, N.A.*, 254 F.R.D. 204 (2008) (LGD suit alleging violations of 18 U.S.C. § 1962(d) against bank providing payment services to fraudulent telemarketers; settled resulting in one of the largest consumer recoveries in the Third Circuit); *Reyes v. Zions First National Bank*, Civ. Action 10-00345 (E.D. Pa. 2010) (suit alleging violations of 18 U.S. § 1962(d) against a bank providing entry into the automated payments system to fraudulent telemarketers; settled yielding \$37.5 million recovery for victimized consumers); *Commonwealth of Pennsylvania vs. Think Finance*, 2:14-cv-07139-JCJ (2015) (suit on behalf of Pennsylvania Attorney General under the Pennsylvania state RICO statute, in connection with so called “tribal lending;” spawned national litigation against Think Finance, its CEO, its investors, and a hedge

fund associated with its tribal lending products; handsomely settled in favor of Pennsylvania consumers. *See* <https://www.attorneygeneral.gov/taking-action/ag-shapiro-shuts-down-think-finance-wins-debt-relief-for-pa-consumers/>).

5. RICO cases brought by LGD have resulted in important developments in the law and in innovative law-enforcement efforts between governmental entities at both the state and federal levels, and the private bar. In *Faloney*, LGD's efforts supplemented, and, along with advocacy from members of the United States Senate, spurred more vigorous efforts by the Office of the Comptroller of the Currency, to crack down on banks facilitating telemarketing fraud. *See* <https://www.markey.senate.gov/news/press-releases/may-29-2008-court-urged-to-ensure-victims-of-multi-million-dollar-fraud-are-reimbursed>. The Zions matter resulted in an important decision by the Third Circuit Court of Appeals, reversing a denial of class certification and upholding LGD's theory that individual consumer claims arising from attempts to elicit bank account numbers by selling inherently worthless products, could be certified as a class action under Fed. R. Civ. P. 23. *See Reyes v. Netdeposit, LLC*, 802 F.3d 469 (3d Cir. 2015). In the *Think Finance*

matter, LGD attorneys, in particular, Messrs. Ackelsberg and Grogan, were retained to represent the Attorney General of Pennsylvania to prosecute actors in a “tribal lending scheme.” In addition to securing a leading opinion on the critical question of whether Native American tribal entities were “indispensable parties” under Fed. R. Civ. P. 19, *see Commonwealth of Pennsylvania v. Think Fin., Inc.*, No. 14-CV-7139, 2016 WL 183289, at *8 (E.D. Pa. Jan. 14, 2016), the Pennsylvania action proved to be a catalyst for resolution of actions brought by the Consumer Financial Protection Board (“CFPB”) and a myriad of private class actions brought in other states. Eventually, successful settlement of those cases occurred in the context of the Think Finance bankruptcy proceeding and included contributions from a host of entities and persons including hedge funds, private investors, corporate executives and successor companies. *In re Think Fin., LLC*, No. 17-33964 (HDH) (Bankr. N.D. Tex).

The Requested Fees and Expenses on Appeal

6. LGD prosecuted this litigation on a purely contingent basis with no guarantee of recovery. LGD, along with co-counsel, incurred 100% of the risk in pursuing the litigation over the course of almost 7

years. LGD prosecuted this case with the understanding that we would be paid a fee and receive reimbursement for expenses only if successful. Following the successful trial, we continued to bear this risk through Defendants' appeal to the Ninth Circuit. We took on and prevailed against two corporate defendants and an individual defendant that were supported by a team of highly experienced and well-resourced attorneys trial and appellate lawyers from three national law firms: Morrison Foerster LLP, Troutman Pepper Locke PPP, and ArentFox Schiff.

7. LGD attorneys originally investigated, developed, and initiated this case. And with the assistance of co-counsel at BHO and the Law Firm of Paul Arons, we successfully prosecuted the case and achieved a \$4,000,000 jury verdict in favor of Plaintiffs and the class on their RICO claim again against Defendants Vervent Inc., Activate Financial LLC, and David Johnson.

8. On the appeal, LGD brought its significant experience in prosecuting RICO class actions to bear. We were intimately involved in briefing, mediation, and preparing our co-counsel for oral argument.

9. I traveled to San Diego in November 2024 to participate in person in the Ninth Circuit mediation process in a good faith effort to resolve the dispute prior to the submission of briefs. And David Nagdeman assisted in drafting the mediation statement.

10. With respect to the appeal brief, for each legal issue on appeal, LGD attorneys, primarily David Nagdeman, read the parties' briefing, court orders, trial transcripts, oral hearing transcripts, and trial documents from the district court proceedings as relevant to those issues.

11. Mr. Nagdeman and I further did in-depth legal research and brief drafting related to the legal issues raised on appeal, reviewing cases cited below, cases cited in appellants' opening brief, and further case research as necessary to ensure that the Ninth Circuit received a fulsome and thorough analysis of the relevant legal precedents.

12. We were particularly attentive to the RICO-related statute of limitations issues and proximate causation issues, as they require more sophisticated and deeper analyses as applied to already complex doctrine around the racketeering laws. LGD's extensive experience in

civil RICO matters was critical to researching and responding to Defendants' arguments.

13. My partner, Irv Ackelsberg, who conducted the lion's share of initial factual investigation and development of this case, helped draft and review the statement of facts appellees included in their brief.

14. Attorneys at LGD were also critical in helping prepare our co-counsel, Tim Blood at BHO, for oral argument. We held several moots with Mr. Blood. We rereviewed the briefing and most pertinent case law. And we prepared pages of questions and answers for Mr. Blood to consider and review for his preparation.

15. David Nagdeman traveled to Los Angeles for the hearing in May 2026 and further helped Mr. Blood prepare with additional review and discussion of the arguments.

16. I am thoroughly familiar with the quality and quantity of work done in this case by the lawyers who worked on the appeals. I attest there was no unnecessary work or duplication of effort. I believe the time expended by my firm on the appeals was imminently reasonable and, in all instances, necessary to succeed on the appeal. I

also note that my firm does not have a billable hour requirement and does not award bonuses or raises based on billed hours.

17. The following information regarding my firm's time and out-of-pocket expenses is taken from time and expense records prepared and maintained by the firm in the ordinary course of business. The time records were prepared daily or shortly thereafter by each attorney or paralegal working on the appeal.

18. The schedule below provides a summary of the hours expended by timekeepers from my firm who performed work on the appeal. The schedule includes the name of each person who worked on the appeals, hourly billing rates, the number of hours expended, the resulting lodestar, and the bar passage year for each timekeeper.

19. The lodestar calculation, which all relates to work performed since Defendants' notice of appeal was filed, is conservatively based on the firm's 2023 billing rates, even though most work on the appeal occurred after LGD increased their rates to adjust to comparable prevailing rates. These were the standard rates charged for all litigation work in all our cases, and the rate does not increase for work on appeals. These rates have been determined to be reasonable by

numerous other courts in class action litigation, including by Judge Sabraw in awarding attorney fees for our district court work in this case. *See Exhibit 3 to Blood Declaration: Order Granting In Part Motion For Attorneys' Fees, Costs Of Suit, And Service Awards, Turrey, et al. v. Vervent, Inc., et al.*, No. 20-cv-697-DMS-AHG (S.D. Cal. February 26, 2025).

20. Other courts that have approved LGD's standard billing rates and attorneys' fees as reasonable. *See, e.g., Alabama Doe 1 et al. v. Gilead Sciences, Inc.*, No. 20-cv-03699 (Cal. Super. Ct. July 11, 2023) (approving \$1,200 Mr. Grogan, and \$500 for Mr. Nagdeman); *Boyd v. TitleMax of Delaware, Inc.*, JAMS Arbitration Case, Ref. No. 5450000202 (March 20, 2023) (former Magistrate Judge Reuter approving rate of \$950 for Mr. Ackelsberg and \$350 for Mr. Nagdeman); *Commonwealth of PA v. Think Finance, Inc., et al.*, No. 14-cv-07139 (E.D. Pa. Dec. 30, 2019) (approving settlement and rates similar to those requested above in which LGD represented the State of Pennsylvania as special counsel); *Reyes v. Zions First Nat'l Bank, et al.*, No. 10-00345 (E.D. Pa. July 8, 2016) (Order) (approving LGD's requested fees at similar rates); *Garber v. Office of the Comm'r of*

Baseball, No. 12-3704 (S.D.N.Y. April 27, 2016) (Order) (same); *Laumann v. National Hockey League*, No. 12-1817 (S.D.N.Y. Sept. 1, 2015) (Order) (same); *Faloney v. Wachovia Bank, N.A.*, No. 07-1455 (E.D. Pa. Jan. 22, 2009) (Order) (“Langer Grogan’s hourly fees on which the lodestar is calculated ... are well within those charged by comparable skilled attorneys.”).

21. Further, based on my knowledge of the class action plaintiff’s bar nationwide, the rates charged by my firm are in line with or lower than the rates charged by other firms that handle class actions of similar size and complexity. *See Orthopaedic Hosp. v. Encore Med., L.P.*, No. 3:19-cv-00970-JLS-AHG, 2021 U.S. Dist. LEXIS 225014, at *40 (S.D. Cal. Nov. 19, 2021) (2020 and 2021 partner rates of \$925-\$1,225, associate rates of \$770-\$1,065); *Hefler v. Wells Fargo & Co.*, No. 16-CV-05479-JST, 2018 U.S. Dist. LEXIS 213045, at *38 (N.D. Cal. Dec. 17, 2018) (approving rates from \$650 to \$1,250 for partners or senior counsel, \$400 to \$650 for associates); *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liab. Litig.*, No. 2672 CRB (JSC), 2017 U.S. Dist. LEXIS 39115, at *732 (N.D. Cal. Mar. 17, 2017) (\$275 to \$1,600 for partners, \$150 to \$790 for associates, and \$80 to \$490 for

paralegals); *Schneider v Chipotle Mexican Grill, Inc.*, 336 F.R.D. 588, 601 (N.D. Cal. Nov. 4, 2020) (\$830 to \$1,275 for partners and \$425 to \$695 for associates); *Carlotti v. Asus Comput. Int'l*, No. 18-cv-03369-DMR, 2020 U.S. Dist. LEXIS 108917, at *15 (N.D. Cal. June 22, 2020) (\$950 and \$1,025 for partners); *Dickey v. Advanced Micro Devices, Inc.*, No. 15-cv-04922-HSG, 2020 U.S. Dist. LEXIS 30440, at *22 (N.D. Cal. Feb. 21, 2020) (\$615-\$1,000 for partners and \$275-\$575 for associates); *Gutierrez v. Wells Fargo Bank, N.A.*, No. C 07-5923, 2015 U.S. Dist. LEXIS 67298, at *15 (N.D. Cal. May 21, 2015) (\$475-\$975 for partners, \$300-\$490 for associates, \$150-\$430 for paralegals, and \$250-\$340 for litigation support); *In re Animation Workers Antitrust Litig.*, No. 14-CV-4062-LHK, 2016 U.S. Dist. LEXIS 156720, at *20 (N.D. Cal. Nov. 11, 2016) (up to \$1,200 for senior attorneys and \$290 for paralegals); *In re High-Tech Empl. Antitrust Litig.*, No. 11-CV-02509-LHK, 2015 U.S. Dist. LEXIS 118052, at *33-34 (N.D. Cal. Sept. 2, 2015) (\$490-\$975 for partners, \$310-\$800 for non-partner attorneys, and \$190-\$430 for paralegals, law clerks, and litigation support staff); *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 U.S. Dist. LEXIS 140137, at *122-23 (N.D. Cal. Aug. 17, 2018) (\$400-\$975 for partners,

\$185-\$900 for non-partner attorneys, \$95-\$440 for paralegals, law clerks, and litigation support staff, and \$270-\$345 for summer law clerks).

22. LGD's hourly rates used in the lodestar are considerably lower than the reported rates charged by the attorneys and law firms that represented Defendants on appeal in this action. For instance, for the appeal Defendants hired appellate specialists Joseph Palmore and Aileen McGrath from Morrison & Foerster LLP's Washington D.C. and San Francisco offices. Mr. Palmer was identified in a 2023 federal fee application at an hourly rate of \$1,650. *See* Exhibit 5 to Blood Declaration at 3. Last year, Morrison & Foerster identified the firm's 2025 standard U.S. hourly rate range for partners and senior of counsel as \$1,475 to \$2,475, and declared to the court that its rates are "reasonable and comparable to the rates charged by other firms of similar standing in the legal market." Exhibit 6 to Blood Declaration at 5.

23. Each of the LGD attorneys who have worked on the appeals has practiced for the following number of years: Mr. Ackelsberg – 50 years, Mr. Grogan – 30 years; Mr. Nagdeman – 7 years; Based on the

years and depth of experience of each of the attorneys and the paralegal, Kim Ferrari (21 years of experience), LGD's 2023 hourly rates of \$280 to \$950.00 are below prevailing market rates.

24. The enhancement sought is also justified by the riskiness of this RICO class action. Courts have long recognized the special complexity and difficulty RICO presents. *See Preferred Commc'ns v. City of L.A.*, No. 91-56018, 1994 U.S. App. LEXIS 760, at *7 (9th Cir. Jan. 7, 1994) ("RICO remains a difficult and often surprising area of the law...") (Kleinfeld, J., dissenting); *Cent. Distribs. of Beer v. Conn.*, 5 F.3d 181, 186 (6th Cir. 1993) ("RICO is a difficult statute fraught with problems in its interpretation.") (Wellford, J., dissenting); *O'Malley v. N.Y.C. Transit Auth.*, 896 F.2d 704, 709 (2d Cir. 1990) ("Our circuit, like most others around the country, has had great difficulty with the RICO concepts of "pattern" and "enterprise"...)

25. Faced with a massive trial record and an opposing team consisting of appellate specialists from Morrison & Foerster LLP, augmented with attorneys from ArentFox Schiff LLP and Troutman Pepper Locke LLP, Plaintiffs' counsel had to dedicate an extraordinary volume of concentrated billing hours to the appeal. Counsel successfully

executed multi-layered procedural and substantive parsing to defeat Defendants' complex legal and fact-based, evidentiary arguments concerning the RICO proximate causation and the injury-discovery rule. We also presented alternate grounds for affirmance on both of the major issues, one of which was successful and obviated Defendants' substantive arguments on RICO causation. This allocation of LGD's limited resources to match an augmented elite corporate defense team represents an extraordinary outlay of legal capital by Plaintiffs' counsel.

26. The total number of hours reasonably attributable to the appeal by professional staff at my firm is 199.1 hours for a total lodestar of \$139,790. That total lodestar is broken down as detailed in the charts below. Additionally, the detailed time entries for which my firm seeks compensation are in **Exhibit 2** attached. The time entries are organized chronologically and include the date, timekeeper name, a detailed description of the work done, and the number of hours as required by Ninth Circuit rules.

27. In connection with this motion, Mr. Nagdeman performed an entry-by-entry analysis to ensure that the billed time and expenses were accurate, efficient, and benefitted the appeal. I consulted with Mr.

Nagdeman on his review and myself reviewed certain time and expense entries. Mr. Nagdeman was intimately involved with the trial and these appellate proceedings and he has overseen and/or conducted most of the day-to-day activities in the PEAKS litigation. The hours set forth below are conservative. As a result of the reviews of the billed time entries, reductions were made in the exercise of billing judgment.

28. The hours incurred include the time spent researching and writing this motion for attorney fees and expenses, this supporting declaration, the motion to transfer the attorney fees from the Ninth Circuit to this Court, and the time spent reviewing and organizing the time and expense records for accuracy and to ensure the bill records were presented and categorized in compliance with the Ninth Circuit rules. *See* Ninth Circuit Rule 39-1.6(b).

29. This is a table of lodestar broken out by attorney or paralegal involved:

Attorney	Rate	Time	Lodestar
David Nagdeman	\$550.00	105.8	\$58,190.00
Irv Ackelsberg	\$950.00	9.2	\$8,740.00
John Grogan	\$950.00	73.6	\$69,920.00
Kim Ferrari	\$280.00	10.5	\$2,940.00
Total		199.10	\$139,790.00

30. This is a table of hours broken out by a description of the work performed:

Category	Time
Interviews and Conferences	31.20
Obtaining and Reviewing Records	6.00
Legal Research	9.50
Preparing Briefs	83.80
Preparing/Attending Oral Argument	46.90
Other (Appeal Bond)	1.60
Other (Fee Petition)	8.10
Other (Post-Appeal Administration)	12.00
Total 199.10	

31. My firm's lodestar figures are based on the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates. I believe that the time reflected in my firm's

lodestar calculation is reasonable and was necessary for the effective and efficient litigation of these appeals.

32. As detailed below, my firm's out-of-pocket nontaxed appellate expenses are \$3,353.63. The expenses incurred for the appeal are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, check records and other source materials and are an accurate record of the expenses incurred in conjunction with the appeals. Mr. Nagdeman reviewed the expense records to ensure all expenses sought were incurred for and benefited the appeals. The expense amount sought is separate from and does not include any of the taxable costs covered by Plaintiffs' pending Bill of Costs that was filed in the Ninth Circuit Court of Appeals on August 24, 2026.

33. The appellate expenses sought with the motion are:

Date	Expenses	Type	Description
Nov. 19, 2024 - Nov. 21, 2024	\$426.84	Airfare	Mr. Grogan's flight to San Diego
Nov. 19, 2024 - Nov. 21, 2024	\$823.35	Lodging	Mr. Grogan's 2 nights of lodging at the Guild Hotel
Nov. 19, 2024 - Nov. 21, 2024	\$74.98	Cab Fare	Cab fare related to Mr. Grogan's travel

Nov. 19, 2024 - Nov. 21, 2024	\$117.49	Meals	Meals related to Mr. Grogan's travel
May 16, 2026 - May 18, 2026	\$667.80	Airfare	Mr. Nagdeman's flight to Los Angeles
May 16, 2026 - May 18, 2026	\$966.55	Lodging	Mr. Nagdeman's 2 nights of lodging 1 in the Hotel Dena, 1 in the Langham Huntington
May 16, 2026 - May 18, 2026	\$176.75	Cab Fare	Cab fare related to Mr. Nagdeman's travel
May 16, 2026 - May 18, 2026	\$99.87	Meals	Meals related to Mr. Nagdeman's travel
Total		\$3,353.63 (Non-Taxed Expenses)	

34. The necessity and purpose of these expenses are self-explanatory. The lodging, cab fare, and meal expenses were incurred by myself and Mr. Nagdeman related to our travel. I traveled to San Diego in November 2024 to attend in-person the mediation conference with the 9th Circuit mediator. Mr. Nagdeman traveled to Pasadena in May 2026 to attend oral arguments before the Court of Appeals.

35. I believe the requested fees and costs are fair and reasonable under controlling law, particularly considering the results realized for the Class, the difficulty and complexity of the case, and the time and

expense spent by Class Counsel to achieve the excellent results in this appeal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 9, 2026, at Philadelphia, PA.

By: s/ *John J. Grogan*
JOHN J. GROGAN

Exhibit 1

IRV ACKELSBERG

Langer Grogan & Diver, P.C.
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
(215) 320-5660

Admitted to practice before the Pennsylvania Supreme Court (October, 1976),
the United States District Court for the Eastern District of PA, the Court of
Appeals for the Third Circuit and Fourth Circuit and the United States
Supreme Court

EDUCATION

Law School: Rutgers University-South Jersey Campus, Camden,
New Jersey
Degree: J.D. (1976)
Honors: Magna Cum Laude

College: Haverford College
Degree: B.A. Philosophy (1972)

PROFESSIONAL EXPERIENCE

Employment: Langer, Grogan & Diver, P.C.
Sept. 2006 to present
Position: Partner

Community Legal Services, Inc. ("CLS")
Sept. 1976 to Sept. 2006
Position: Managing Attorney

State and federal general civil practice with particular expertise in consumer credit, mortgage foreclosure, bankruptcy, RICO, debt collection, credit reporting and unfair and deceptive practices, including class actions. Active appellate practice in state and federal court, including amicus curiae advocacy.

Developed innovations in legal practice areas including representation of homeowner victims of mortgage fraud, student victims of fraudulent trade schools, low-wage workers harmed by abusive employment background screening, and consumer creditors in chapter 11 proceedings.

At CLS, administered office of 30 attorneys, paralegals and secretaries; supervised legal work; member of program-wide Legal Management team; led the Consumer Unit. Active representation of community groups in various public interest matters. Authored legislation; advised state, local and federal agencies; testified before Congress, advised government agencies.

Expert witness and author, frequent speaker at Continuing Legal Education programs.

Awards: 2005 Vern Countryman Award from the National Consumer Law Center for excellence and dedication in consumer law practice on behalf of low-income consumers; 2001 Bending the ARC Award from the Public Interest Section of the Philadelphia Bar Association; 1997 recipient of Striving Towards Excellence Award by Pennsylvania Legal Services

Publications: Authored the treatise RESIDENTIAL MORTGAGE FORECLOSURE: PA. LAW AND PRACTICE (2d ed., Bisel 2014); Contributing author, C. Carter (ed.), PA. CONSUMER LAW (Bisel 2008, Supp. 2012); Assisting Clients Seeking the Road to Decent Jobs: Job Training Advocacy, @ Clearinghouse Review, Vol. 29, No. 3 (July 1995).

Career Highlights

Combatting predatory “payday” lending

Litigation:

Boyd v. TitleMax of Delaware, Inc., JAMS Arbitration Case, Ref. No. 5450000202. 2023 decision awarding Pennsylvania consumer treble damages and attorney fees against Delaware auto title loan lender under Pennsylvania’s usury law.

Solomon v. American Web Loan, Inc., No. 4:17-cv-0145-HCM-RJK (E.D. Va.). Co-counsel in successful objection to national class action settlement involving “tribal” lending enterprise that resulted in tens of millions of dollars in additional distribution and hundreds of millions of dollars in additional debt relief to class members.

Comm. of Pa. v. Think Finance, Inc., 2018 WL 637656 (E.D. Pa., Jan. 31, 2018), 2016 WL 161597 (Jan. 14, 2016), No. 14-CV-7139. Representing the Pa. Attorney General as Special Counsel in successful civil enforcement action under state RICO statute against businesses directing an illegal “tribal” lending scheme targeting Pennsylvania consumers. This case was catalyst for a joint settlement in a chapter 11 proceeding involving parallel litigation brought by the CFPB and private class, producing more than \$100 million in distributions to consumers who paid illegal interest.

In re Frascella Enterprises, Inc., 349 B.R. 421 (Bankr. E.D. Pa. 2006), 360 B.R. 435 (2007), 388 B.R. 619 (2008). Lead counsel in class action on behalf of payday lending borrowers against lender.

Legislative advocacy: Led successful state legislative campaigns against industry push to legalize payday lending in 2004 and 2005. This pioneering work was refined and continued by successor at CLS, resulting in Pennsylvania remaining off-limits for this highly damaging form of credit targeting cash-desperate consumers.

Strengthening rights of homeowners defending foreclosures, and protecting them from abusive practices in the real estate and mortgage markets

Litigation:

Gillespie v LoanCare, LLC, No. 190202806, CP Phila. Successful settlement correcting erroneous late-charge calculations for national class of FHA borrowers.

Wilson v. Bank of Am., N.A., 2014 WL 4744555 (E.D. Pa. Sept. 24, 2014) (among first cases decided nationwide on enhanced mortgagor rights established by new Mortgage Servicing Rule promulgated by the Consumer Financial Protection; also providing extensive analysis of availability of Pennsylvania state law remedies against mortgage servicers that mistreat borrowers after approving them for “HAMP” loan modification to salvage a delinquent mortgage).

Green Tree Consumer Discount Co. v. Newton, 909 A.2d 811 (Pa. Super. 2006). Narrowed 20-year old precedent that had limited ability of foreclosure defendants to raise defenses to foreclosure and expressly recognized as defenses the mental incapacity of mortgagor and failure of contractor that arranged the financing to provide promised home improvements.

Newton v. United Companies Financial Corp., 24 F.3d 444 (E.D. Pa. 1998). First successful reported opinion under Home Ownership Equity Protection Act in test case that resulted in rescission of four subprime mortgages.

In re Smith, 866 F.2d 576 (3rd Cir. 1989). Established applicability of Pa. Consumer Protection Law's treble-damage remedy to address mortgage servicing abuses.

Smith v. Fleet Real Estate Funding Corp., 530 A.2d 919 (1987). Argued case which established in Pennsylvania the existence of equitable defense to mortgage foreclosure where mortgagee fails to comply with servicing guidelines under federally-insured mortgage programs.

Developed and completed several class actions that remedied abusive “lease-purchase” and home-purchase referral scams in Philadelphia in the 1980’s and 1990’s, including *King v. Rubin*, 35 Phila. 571 (C.P. Phila. 1998) and *Pettyjohn v. Selig*, 40 Pa.D.&C.3d 417 (Phila. 1983).

Writing, teaching, expert work:

Leading expert on foreclosures defenses statewide; besides authoring the *Residential Mortgage Foreclosure* treatise, referenced above, taught at day-long judicial training in 2011 sponsored by Administrator of the Courts; frequent lecturer at CLE events; appeared as expert on mortgages in several proceedings.

Pioneered focus on the structure and effects of mortgage “securitization.”

While at CLS, developed multi-forum campaigns against “predatory lending,” helping to make that term a household word; included collaborative work with researchers and journalists; advised state Banking Department, the United States Attorney’s office and City agencies on understanding and responding to abusive mortgage origination practices; testified before United States Senate and Federal Reserve Board.

Protecting low-income consumers from fraudulent for-profit schools and student loans

Litigation:

Turrey et al. v. Vervent, Inc., 2023 WL 163200, No.3:20-cv-000697-DMS-AHG (S.D. Cal. Jan. 11, 2023). Developed certified RICO class action on behalf of former students of ITT Educational Services against loan servicer of a sham private student loan program designed and operated for ITT. Following a jury verdict for the class, judgment was recently entered in the amount of \$12 million.

Rodriguez v. McKinney, 156 F.R.D. 118 (E.D. Pa. 1994), 878 F.Supp. 744 (1995). Co-counsel in successful class action RICO suit against owner of trade school that lured unemployed into fraudulent trade school, financed by federal financial aid programs. Three-way settlement including Government resulted in class-wide student loan cancellations.

National administrative advocacy and local community education:

In 1990’s, among handful of legal aid attorneys nationwide that raised awareness of misuse of federal financial aid to target welfare recipients for useless training programs that often left the victims not only without marketable credential but also student loan debt. Worked with Philadelphia journalists on detailed exposes. Invited by U.S. Dept. of Education to participate in negotiated rulemaking to close loopholes in the financial aid system and establish administrative remedies for victimized trade school debtors, including “false certification” and “closed school” discharge provisions under the Higher Education Act. Successfully used these new provisions in obtaining administrative classwide relief for victims who attended specific, fraudulent schools.

Protecting low-wage workers from abusive employment background screening systems

Led legal team in successful effort to expose and ultimately terminate a secret “theft database” used by the retail industry against employees unknowingly labeled as unemployable “thieves” despite having no criminal record. See *Goode v. LexisNexis Risk & Information Analytics Group, Inc.*, 848 F. Supp. 2d 532 (E.D. Pa. 2012); Stephanie Clifford and Jessica Silver-Greenberg, “Retailers Track Employee Theft in Vast Databases,” N.Y. Times, April 3, 2013, page 1.

Representing consumer creditors in chapter 11 bankruptcy cases

Gentry v. Siegel, 668 F.3d 83 (4th Cir. 2012). Authored winning amicus curiae brief on behalf of National Assoc. of Consumer Advocates and Nat'l Assoc. of Consumer Bankruptcy Attorneys, establishing the right of consumer creditors to file class claims in business chapter 11 case.

Served on two Official Creditor Committees in complex bankruptcies of businesses that filed their bankruptcies to stop class consumer litigation, including *In re Teledraft*, No. 2:12-bk-26289- SSC (Bankr. D. Ariz.), where served as Committee Chair. *See also In re SCH Corp.*, 569 Fed.Appx. 119 (3d Cir. 2014) (reversing equitable mootness dismissal of appeal on behalf of consumer creditor class).

Championing the interests of Philadelphia citizens:

Westbrook et al. v. Nutter, Dec. Term 2008, No. 4091 (Adjudication filed Jan. 5, 2009). Lead counsel in successful class action that prevented the closure of eleven neighborhood branches of the Free Library of Philadelphia.

SEPTA Fare Proceedings and State Court Appeals, 1989-90. Appeared on behalf of low-income consumers in three public hearing proceedings and two state court appeals up to state Supreme Court. Effort resulted in first-time adoption of trial-like proceedings, first-ever rejection by SEPTA-appointed hearing examiner of fare increase proposed by the agency, substantial savings to consumers caused by delays in implementation and smaller than originally proposed fare increase. *See also CEPA v. SEPTA*, 557 A. 2d 1123 (Pa. Cmwlth Ct.1989). En banc decision establishing that failure by SEPTA to comply with its statutory right-to-know obligations during public hearing proceedings on fare proposal is "error of law" and basis for stopping fare increase.

Other miscellaneous cases:

Dwyer v. Ameriprise Financial, Inc., 313 A.3d 969 (Pa. 2024). Co-authored amicus brief for National Consumer Law Center in successful appeal in Pennsylvania Supreme Court. Established that a claim under the Unfair Trade Practices and Consumer Protection Law built on "deceptive" conduct does not incorporate the common law requirement of intent that must be proved in common law fraud claims.

Lee v. Schweiker, 739 F.2d 870 (3rd Cir. 1984). Held that Social Security Administration must repay post-bankruptcy overpayment recoupments made in violation of the automatic bankruptcy stay.

In re Michael, 699 F.3d 305 (3d Cir. 2012). Successfully represented National Assoc. of Consumer Bankruptcy Attorneys as amicus curiae, briefed and argued. Court adopted position advocated by the amicus regarding disposition of trustee funds following conversion from chapter 13 to chapter 7.

In re Mintze, 434 F.3d 222 (3d Cir. 2006). In predatory lending litigation, ultimately unsuccessful effort to avoid mandatory arbitration of bankruptcy claims.

Industrial Valley Bank & Trust Co. v. Nash, 502 A.2d 1254 (Pa. Super. 1985). Established applicability of Uniform Commercial Code remedies to unreasonable disposition of repossessed motor vehicles.

JOHN J. GROGAN
LANGER GROGAN & DIVER, PC
1717 Arch Street, Suite 4130
(215) 320-5662 tel.
(215) 320-5703 fax.
jgrogan@langergrogan.com

PROFESSIONAL EXPERIENCE

LANGER GROGAN & DIVER, P.C.

Partner

2004-Present

Founding partner of a law practice that combines the representation of private clients in complex civil litigation in state and federal courts with a sustained program of public interest litigation. The firm concentrates its representation of private and class-based clients in the areas of antitrust, intellectual property, and consumer rights. The firm's public interest practice focuses on constitutional litigation.

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

Lecturer in Law

2012-Present

Designed and taught a summer course on the introduction to American law for foreign law students and non-lawyers. Recruited lecturers, conducted lectures in American legal systems and constitutional law, and oversaw all academic portions of the program.

SANDALS & LANGER, L.L.P.

Associate

2001-2003

Attorney in the practice of antitrust, appellate, class action, consumer, immigrant rights, and civil rights litigation.

CAMDEN CENTER FOR LAW AND SOCIAL JUSTICE, INC.

Co-Founder and Director

1994-2001

Co-Founder and director of a private, non-profit public interest law firm serving the civil law needs of the poor of Southern New Jersey. Practice areas include immigration law and immigrant's rights, labor and employment law, and civil rights.

RUTGERS UNIVERSITY SCHOOL OF LAW-CAMDEN

Adjunct Professor

1995-2000

Teacher of first-year courses in legal writing and research.

ECHOING GREEN PUBLIC SERVICE FELLOW

Fellow

1994-1996

Fellow of a national program to support public service and social-change entrepreneurs. Fellowship project was to establish the Camden Center for Law and Social Justice, Inc.

HONORABLE ALAN B. HANDLER, JUSTICE, SUPREME COURT OF NEW JERSEY
Law Clerk 1993-94 Term

EDUCATION

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL 1993
Juris Doctor, *magna cum laude*, Order of the Coif
Kramer Public Interest Scholar 1991-1993

FORDHAM UNIVERSITY 1988
Bachelor of Arts, 1988 (History), *cum laude en cursu honorum*, Phi Beta Kappa

ACHIEVEMENTS

AMERICAN LAW INSTITUTE
Elected Member 2008

SALZBURG SEMINAR ON INTERNATIONAL HUMAN RIGHTS, SALZBURG AUSTRIA
Fellow 2001
Fellow representing the University of Pennsylvania Law School at an international gathering of public officials, lawyers and human rights advocates to discuss the advancement of international human rights.

SOUTHERN NEW JERSEY IMMIGRATION POLICY NETWORK
Co-Founder 2000
Co-founder of a coalition of over fifty community organizations to support and advocate on behalf of immigrants in the Southern New Jersey area.

CAMDEN IMMIGRANT ADVOCACY PROJECT
Co-Founder 1998
Co-founder of an initiative to train local lawyers in immigration law to enhance the local bar's awareness of immigrant welfare.

HIV LAW PROJECT OF SOUTHERN NEW JERSEY
Co-Founder 1996
Co-founder of the first legal services program for people with HIV and AIDS in Southern New Jersey.

AWARDS

PENNSYLVANIA SUPER LAWYER 2006-PRESENT

HEBREW IMMIGRANT AID SOCIETY, *Advocate Award* 2017

JEWISH SOCIAL POLICY ADVOCACY NETWORK, *Social Justice Award* 2011

HIAS & COUNCIL MIGRATION SERVICES OF PHILADELPHIA, <i>Pro Bono Award</i>	2007
COMMUNITY LEGAL SERVICE OF PHILADELPHIA, <i>Champion of Justice Award</i>	2006
UNIVERSITY OF PENNSYLVANIA LAW ALUMNI SOCIETY, <i>Young Alumnus Award</i>	2001
ROMAN CATHOLIC DIOCESE OF CAMDEN, <i>St. Thomas More Award for Public Service</i>	2000
NEW JERSEY STATE BAR ASSOCIATION, <i>Young Lawyer's Award</i>	1997

BOARD RESPONSIBILITIES:

JUSTICE AT WORK, INC.	2026-PRESENT
CAMDEN CENTER FOR LAW AND SOCIAL JUSTICE, CAMDEN, N.J.	PRESENT
CENTER ON IMMIGRATION, CABRINI COLLEGE	2012-2022
ORTHODOX CHRISTIAN STUDIES CENTER, FORDHAM UNIVERSITY.	PRESENT
SSJ WELCOME CENTER, CAMDEN, N.J	2023-2025

PUBLICATIONS:

“The Eternal Scandal: Karl Rahner, the Sinful Church and the Sexual Abuse Crisis,” in *Contritio: Annäherungen an Schuld, Scham und Reue*. (Eds. Julia Exning and Katrina Peetz), Leipzig: Evangelische Verlagsanstalt GmbH (2017).

“Lay Collaboration in Ministry in an Era of Heightened Accountability,” *Proceedings of the Sixty-Fourth Annual Convention of the Canon Law Society of America*. (2002)

“The Honorable Alan B. Handler: The Justice as Craftsman,” 31 *Rutgers Law Journal* xxxiii (2000)

PAPERS AND PRESENTATIONS:

Karl Rahner and the Sinful Church, Conference of the Institute for Reconciliation, Chestnut Hill College, April 19, 2015.

In Honor of Howard Lesnick, Public Interest Recognition Ceremony, University of Pennsylvania Law School, April 11, 2006.

Models of Lay Collaboration, Annual Convention of Canon Lawyers and Tribunal Officials, Diocese of New Orleans, Baton Rouge, Mobile, Shreveport, and Jackson. Baton Rouge, Louisiana, December 2003.

Gifts in Blessed Tension: Affirming the Vocations of Laity and Clergy, Keynote, Academic Convocation, Immaculate Conception Seminary, Huntington, New York, May 2003.

Lay Collaboration in Ministry in an Era of Heightened Accountability, Sixty-Fourth Annual Convention of the Canon Law Society of America, Cincinnati, Ohio, October 9, 2002.

The Status of Immigrants in Southern New Jersey: A Lawyer's Perspective.
Paper Commissioned by the Camden Immigrant Advocacy Project. April 1998.

Public Interest Lawyering in the Post-Entitlement Era, Rebellious Lawyering Conference, Yale University Law School, March, 1997.

On Doing Good, Presentation to the Philadelphia Bar Association, June 1996.

Lay Collaboration and the Mission to Promote Justice, May 1995. Presented to the Annual Convocation of the Maryland Province of the Society of Jesus.

David A. Nagdeman

1717 Arch St, Ste 4020
Philadelphia, PA 19103
dnagdeman@langergrogan.com

EDUCATION

Temple University Beasley School of Law, *Juris Doctor*, May 2019, *summa cum laude*

Honors: Order of the Coif; Dean's List, Josephine Bartola Scholarship; Hiliary H. Holloway Scholarship; James E. Beasley Scholarship; Faculty Award for Academic Achievement; Terrence H. Klasky Memorial Award for Outstanding Achievement in Banking, Negotiable Instruments, or Consumer Protection; TASA Prize for Outstanding Performance in the Field of Evidence; Arthur G. Raynes Award.

Activities: Note/Comment Editor, *Temple Law Review* (2017 – 2018)
Staff Editor, *Temple Law Review* (2016 – 2017)

University of Chicago, *Master of Arts in Divinity*, May 2009

University of Pennsylvania, *Bachelor of Arts in Religious Studies*, May 2007

CLERKSHIPS

United States District Court, Eastern District of Pennsylvania, Phila., PA, Aug. 2021 – Aug. 2022
Judicial Law Clerk to the Hon. Gerald McHugh

LEGAL EXPERIENCE

Langer, Grogan & Diver P.C., Phila., PA, May 2017 – Present
Paralegal (May 2017 – July 2019)
Associate Attorney (July 2019 – April 2025)
Partner (April 2025 – Present)

ACADEMIC EXPERIENCE

Temple University Beasley School of Law, Phila., PA, Jan. 2026 - Present
Adjunct Professor of Remedies

EDITORIAL EXPERIENCE

Strange Horizons, <http://www.strangehorizons.com>, Aug. 2009 – May 2013
Senior Articles Editor

University of Chicago Press, *Classical Philology*, Sept. 2008 – Aug. 2009
Editorial Assistant

PRESENTATIONS & PUBLICATIONS

Class Action Discovery: Requesting, Obtaining and Using Machine-Generated Evidence, National Association of Consumer Advocates 2026 Spring Training (May 3, 2026)

Using RICO in Consumer Class Actions on Predatory Credit and Student Loans, Consumer Rights Litigation Conference (Oct. 26, 2023).

Comment: *Sovereign Ephemera: State Standing Against the Federal Government for Injuries to Quasi-Sovereign Interests*, 90 TEMPLE LAW REVIEW 53 (2017).
Awarded Best Paper, Temple Law Review Symposium (2018)

David A. Nagdeman

Page 2 of 2

REPRESENTATIVE CASES

ACLU of Pennsylvania v. ICE, No. 20-cv-2363 (E.D. Pa.) (successful FOIA action against ICE related to detention reports)

Alabama Doe v. Gilead Sciences, Inc., No. 20-CIV-3699 (Cal. Super. Ct.) (successful national consumer privacy class action related to disclosure of HIV status)

Bankston v. Landis Technologies Inc., No. 24-cv-05546 (E.D. Pa.) (RICO class action against fraudulent rent-to-own scheme and conspirators)

Bekiroglu v. Limitless Credit Consulting LLC, No. 22-cv-4911 (E.D. Pa.) (successful consumer action brought under the federal Credit Repair Organization Act)

Dettmering v. VBit, No. 22-cv-1482 (D. Del.) (ongoing RICO class action against fraudulent Bitcoin mining enterprise)

Kidd v. River Heights Capital, No. 25-cv-5112 (E.D. Pa.) (ongoing FDCPA class action against debt buyer and its attorney unconscionably enforcing ancient default judgment debts)

Lindsay v. Clemm, No. 24-cv-00482 (E.D. Pa.) (successful RICO action against loan sharking attorneys)

McFalls v. 38th Judicial District, No. 4 M.D. 2021 (Pa. Commw. Ct.) (ongoing civil rights class action for illegal imposition of fees on criminal defendants)

Stewart v. Black, No. 25-cv-9326 (S.D.N.Y.) (fraudulent transfer action against transferee and conspirators attempting to conceal funds of notorious sale-leaseback vendor EasyKnock)

Stewart v. EasyKnock, No. 24-cv-3704 (E.D. Pa.) (ongoing UDAP action against notorious sale-leaseback vendor EasyKnock)

Turrey v. Vervent, No. 20-cv-697 (S.D. Cal.) (successful RICO conspiracy action with favorable jury verdict affirmed by the 9th Circuit against servicer of fraudulent student loan product)

Warren v. Commonwealth of Pennsylvania, No. 309 MD 2024 (Pa. Commw. Ct.) (ongoing civil rights class action related to state's obligation to fund indigent defense services)

Winters et al. v. Ocean Spray Cranberries, Inc., No. 12-cv-12016 (D. Mass.) (successful antitrust action against Ocean Spray brought by independent growers related to Ocean Spray's manipulation of cranberry prices)

Kimberly T. Ferrari

kferrari@langergrogan.com

PROFESSIONAL EXPERIENCE

LANGER GROGAN & DIVER, Philadelphia, PA – 2022-Present

Senior Litigation Paralegal

- Experience in complex class actions including antitrust and consumer protection
- Responsible for case management from inception to trial and appeals including cite checking, drafting pleadings and discovery, document review and eDiscovery
- Manage eDiscovery lifecycle of cases including oversight and project management
- Coordinate hearings and trials including organizing exhibits, witnesses and demonstratives
- Trial technician in federal and state court; responsible for managing evidence and real-time display for bench and jury trials
- Attend firm meetings and lead operations and administration departments
- Part of successful trial teams involving RICO and antitrust class actions in federal court
- Collaborate with partners regarding firm initiatives and develop policies and best practices
- Supervise staff, outside consultants and service providers

HANGLEY ARONCHICK SEGAL PUDLIN & SCHILLER, Philadelphia, PA – 2007-2022

Litigation Paralegal

- Specialize in commercial litigation, insurance defense, products/professional liability and law reform litigation
- Collaborate with Director of IT and board regarding technology policies, rollouts, cyber security and information governance
- Contribute to the development of firm policies on the technology committee
- Responsible for daily management of discrete tort lawsuits, including investigation of accidents, property damage and bodily injuries
- Coordinate between firm, co-counsel, court personnel and vendors for trial and war room
- Research, analyze and summarize evidence for hearings and trials; attend same
- Interview and mentor new paralegals and supervise contract attorneys and staff
- Cite check briefs, perform legal and factual research and prepare tables of authorities
- Case management including daily e-filing in state and federal courts and compliance with statutory requirements and individual court and state rules
- Draft and edit correspondence, discovery, pleadings, motions and E-briefs
- Maintain, manage and develop databases from initial document collection through production, including large data sets and quality control
- Negotiate pricing and contracts with technology vendors to meet firm needs
- Organize document-intensive cases and oversee maintenance of case discovery
- Create visual exhibits and presentations for use at trial including video evidence
- Trial presentation (hot seat) in federal and state court trials as well as private mediations/arbitrations
- Responsible for extensive research project on behalf of school district
- Research and prepare affidavit and testify as fact witness in federal and state courts

PATTON BOGGS LLP, Newark, NJ – 2006-2007

Litigation Paralegal

Invited by partner from Latham & Watkins to launch and establish Patton Boggs NJ/NY offices

- Manage eDiscovery database for complex mass toxic tort case
- Work with attorneys to evaluate claims and review documents collected in discovery

- including legal holds and collections
- Draft motions, cite check and orchestrate document productions and court filings
- Work with international clients and city agencies on document retention and document review/production/collection
- Train staff and clients in the use of CaseMap and case specific databases
- Supervise paralegal assistants and support staff

LATHAM & WATKINS, LLP, Newark, NJ – 2004-2006

Litigation Paralegal (Responsibilities as stated above)

- Attend off-site witness interviews of document custodians with forensic IT consultants and collect all potential evidence
- Review and summarize medical records and depositions
- Analyze claims and track acceptance/tender/plaintiff specific information in CaseMap database customized in-house

EDUCATION

WILLIAM PATERSON UNIVERSITY

BA in Political Science

- Pi Sigma Alpha, Political Science Honor Society, NCAA Athlete, Semester at St. Edmunds College, University of Cambridge, UK

TECHNICAL SKILLS

Trial Director, On Cue, Relativity, Summation and other various litigation discovery software, Case Notebook, CaseMap, Westlaw, Lexis, iManage, PACER, Microsoft Office and Adobe

LEADERSHIP EXPERIENCE/ASSOCIATIONS

Judge of Elections, Montgomery County, PA, 2021-present

Women in eDiscovery, 2016-present; Philadelphia Association of Paralegals, 2007-present
Philadelphia

Exhibit 2

Date	Attorney	Hours	Type	Memo
07/09/24	J. Grogan	0.40	Interviews and Conferences	Call with Ninth Circuit Mediator
08/13/24	J. Grogan	0.60	Interviews and Conferences	Confer with DN IA and TB re settlement posture
11/11/24	D. Nagdeman	1.50	Interviews and Conferences	Mediation statement draft
11/12/24	D. Nagdeman	2.50	Interviews and Conferences	Mediation statement draft
11/13/24	D. Nagdeman	0.50	Interviews and Conferences	Mediation statement draft
11/14/24	D. Nagdeman	0.50	Interviews and Conferences	Mediation statement draft
11/14/24	D. Nagdeman	2.00	Interviews and Conferences	Edits to mediation statement
11/15/24	D. Nagdeman	0.50	Interviews and Conferences	Edits to mediation statement
11/18/24	D. Nagdeman	0.50	Interviews and Conferences	Call re mediation strategy
11/19/24	J. Grogan	2.00	Interviews and Conferences	Travel to SD from Phx.
11/19/24	J. Grogan	2.70	Interviews and Conferences	Confer BHO pre mediation
11/20/24	J. Grogan	8.00	Interviews and Conferences	Attend Mediation and debrief
11/20/24	D. Nagdeman	1.00	Interviews and Conferences	Emails and calls re mediation
11/21/24	J. Grogan	7.00	Interviews and Conferences	Return SD to Phila.
12/03/24	J. Grogan	1.20	Interviews and Conferences	Follow up settlement discussion and debrief
12/03/24	D. Nagdeman	0.30	Interviews and Conferences	Emails re settlement discussions
02/12/25	D. Nagdeman	0.50	Other (Appeal Bond)	Review bond draft
03/13/25	D. Nagdeman	0.30	Other (Appeal Bond)	Email and discussion re new bond
03/13/25	J. Grogan	0.60	Other (Appeal Bond)	Call with Def re interim bond
03/31/25	J. Grogan	0.20	Other (Appeal Bond)	Call with TB re stipulation re bond
04/04/25	K. Ferrari	1.00	Preparing Briefs	Review three dockets in 9th Circuit and updated team on status of Mediation and briefing
08/06/25	D. Nagdeman	0.50	Preparing Briefs	Call to discuss appeal
08/19/25	D. Nagdeman	0.50	Preparing Briefs	Review opening brief
08/20/25	J. Grogan	1.40	Preparing Briefs	Initial review of Des App. Brief
08/21/25	D. Nagdeman	0.50	Preparing Briefs	Meeting to discuss appellate brief
08/27/25	K. Ferrari	0.50	Obtaining and Reviewing Records	Review appendix and record in appeal
08/27/25	D. Nagdeman	2.00	Preparing Briefs	Draft appeal brief
08/27/25	D. Nagdeman	1.50	Legal Research	Legal research re causation and SoL
08/27/25	J. Grogan	5.20	Legal Research	Research on causation and SOL
09/09/25	D. Nagdeman	1.90	Preparing Briefs	Draft appeal brief
09/11/25	D. Nagdeman	1.50	Preparing Briefs	Draft appeal brief
09/11/25	D. Nagdeman	1.50	Obtaining and Reviewing Records	Review trial court docs
09/15/25	D. Nagdeman	3.00	Preparing Briefs	Draft appeal brief
09/15/25	D. Nagdeman	1.40	Legal Research	Legal research
09/16/25	D. Nagdeman	1.50	Preparing Briefs	Draft appeal brief
09/16/25	J. Grogan	2.40	Preparing Briefs	Review Initial Draft Argument Section Opp Brief
09/17/25	D. Nagdeman	2.00	Preparing Briefs	Draft appeal brief
09/17/25	D. Nagdeman	1.40	Legal Research	Legal research
09/17/25	J. Grogan	1.60	Preparing Briefs	Review initial draft opp
09/18/25	D. Nagdeman	1.00	Preparing Briefs	Draft appeal brief

09/18/25	J. Grogan	2.40	Preparing Briefs	Review and edits to opp brief draft
09/19/25	D. Nagdeman	0.50	Preparing Briefs	Draft appeal brief
09/19/25	J. Grogan	2.10	Preparing Briefs	Continued edits and review opp brief
09/22/25	J. Grogan	4.40	Preparing Briefs	Draft Statement of Case
09/22/25	Kim Ferrari	4.00	Obtaining and Reviewing Records	Review Jury instructions and chart same.
09/23/25	J. Grogan	6.20	Preparing Briefs	Continue draft on opp mem.
09/24/25	J. Grogan	4.70	Preparing Briefs	Draft opp mem
09/25/25	D. Nagdeman	2.60	Preparing Briefs	Draft appeal brief
09/26/25	J. Grogan	2.40	Preparing Briefs	Review and edit opp mem.
09/30/25	D. Nagdeman	1.70	Preparing Briefs	Draft appeal brief
10/02/25	D. Nagdeman	0.50	Preparing Briefs	Call with counsel to discuss brief
10/02/25	D. Nagdeman	2.40	Preparing Briefs	Draft appeal brief
10/04/25	J. Grogan	4.40	Preparing Briefs	Causation Draft and Review
10/06/25	D. Nagdeman	2.20	Preparing Briefs	Draft appeal brief
10/08/25	D. Nagdeman	1.40	Preparing Briefs	Draft appeal brief
10/09/25	D. Nagdeman	3.60	Preparing Briefs	Draft appeal brief
10/13/25	D. Nagdeman	1.50	Preparing Briefs	Draft appeal brief
10/20/25	D. Nagdeman	0.50	Preparing Briefs	Zoom to discuss brief
10/21/25	D. Nagdeman	0.60	Preparing Briefs	review record cites for brief
10/28/25	J. Grogan	3.00	Preparing Briefs	Review and edit of BHO draft
10/28/25	D. Nagdeman	0.50	Preparing Briefs	draft appeal brief
10/29/25	Irv Ackelsberg	3.00	Preparing Briefs	review and edit Statement of Facts; discuss with
10/29/25	J. Grogan	2.00	Preparing Briefs	Team call to collate revision to BHO draft
10/29/25	J. Grogan	0.80	Preparing Briefs	Meet with BHO and review edits to brief.
10/29/25	Kim Ferrari	5.00	Preparing Briefs	Review end edit 9th circuit brief.
10/29/25	D. Nagdeman	1.40	Preparing Briefs	draft appeal brief
10/29/25	D. Nagdeman	0.50	Preparing Briefs	Zoom discussion re brief
10/30/25	D. Nagdeman	1.50	Preparing Briefs	Draft brief
11/03/25	J. Grogan	0.70	Preparing Briefs	final edits and call regarding same
11/03/25	D. Nagdeman	0.50	Preparing Briefs	Draft brief
01/21/26	D. Nagdeman	0.50	Preparing/Attending Oral Argument	Call to discuss hearing
03/20/26	D. Nagdeman	0.50	Preparing/Attending Oral Argument	Call to discuss hearing
03/20/26	J. Grogan	0.60	Preparing/Attending Oral Argument	Team Call to map our argument prep
03/23/26	J. Grogan	1.60	Preparing/Attending Oral Argument	Begin initial Ninth Circuit RICO review for
04/06/26	D. Nagdeman	0.50	Preparing/Attending Oral Argument	Draft questions for hearing prep
04/15/26	Irv Ackelsberg	3.00	Preparing/Attending Oral Argument	prep for moot
04/16/26	D. Nagdeman	1.80	Preparing/Attending Oral Argument	Moot and prep for moot
04/16/26	Irv Ackelsberg	1.70	Preparing/Attending Oral Argument	more prep for moot and the moot
04/20/26	Irv Ackelsberg	1.50	Preparing/Attending Oral Argument	review and edit hearing questions
04/20/26	J. Grogan	1.80	Preparing/Attending Oral Argument	Meet to discuss and answer prep questions
04/21/26	J. Grogan	0.60	Preparing/Attending Oral Argument	Short answer to hard questions sheet
05/11/26	D. Nagdeman	2.10	Preparing/Attending Oral Argument	Research decisions by bench

05/11/26	J. Grogan	0.70	Preparing/Attending Oral Argument	Review Panel writings on RICO
05/12/26	J. Grogan	1.10	Preparing/Attending Oral Argument	Moot for Monday argument with Tim.
05/12/26	D. Nagdeman	1.00	Preparing/Attending Oral Argument	Hearing prep
05/15/26	D. Nagdeman	2.90	Preparing/Attending Oral Argument	Hearing prep
05/16/26	D. Nagdeman	10.00	Preparing/Attending Oral Argument	Travel to LA for hearing
05/17/26	D. Nagdeman	1.00	Preparing/Attending Oral Argument	Hearing prep
05/18/26	D. Nagdeman	10.00	Preparing/Attending Oral Argument	Travel from LA for Hearing
05/18/26	D. Nagdeman	4.00	Preparing/Attending Oral Argument	Hearing and prep
08/03/26	D. Nagdeman	0.90	Other (Fee Petition)	Prepare hours for fee petition
08/12/26	D. Nagdeman	1.00	Other (Post-Appeal Administration)	Review appellate decision
08/13/26	D. Nagdeman	0.90	Other (Fee Petition)	Emails and discussions re fee motion
08/14/26	D. Nagdeman	0.70	Other (Fee Petition)	Emails and discussions re fee motion
08/18/26	D. Nagdeman	0.60	Other (Post-Appeal Administration)	Emails and review re settlement
08/18/26	D. Nagdeman	0.50	Other (Post-Appeal Administration)	Call re Settlement and fees
08/18/26	J. Grogan	0.80	Other (Post-Appeal Administration)	Call to discuss and review of settlement proposal
08/19/26	D. Nagdeman	0.30	Other (Post-Appeal Administration)	Review settlement email
08/19/26	D. Nagdeman	0.20	Other (Post-Appeal Administration)	Emails with class admin
08/19/26	D. Nagdeman	1.20	Other (Post-Appeal Administration)	Legal research re settlement
08/20/26	D. Nagdeman	0.70	Other (Post-Appeal Administration)	Meeting and emails with class admins
08/28/26	D. Nagdeman	0.30	Other (Post-Appeal Administration)	Email discussion re plan of allocation
08/31/26	D. Nagdeman	3.20	Other (Post-Appeal Administration)	Review class list info
08/31/26	D. Nagdeman	1.00	Other (Post-Appeal Administration)	Draft plan of allocation
09/01/26	D. Nagdeman	0.50	Other (Fee Petition)	Fee declaration
09/01/26	D. Nagdeman	0.80	Other (Post-Appeal Administration)	Review class list info
09/02/26	D. Nagdeman	0.80	Other (Fee Petition)	Fee declaration
09/03/26	D. Nagdeman	0.50	Other (Post-Appeal Administration)	Call with opposing counsel re final payment
09/03/26	D. Nagdeman	0.40	Other (Post-Appeal Administration)	Review of PJ interest and email to opp counsel
09/03/26	D. Nagdeman	0.60	Other (Fee Petition)	Fee declaration
09/04/26	D. Nagdeman	0.50	Other (Post-Appeal Administration)	Draft plan of allocation
09/08/26	D. Nagdeman	3.70	Other (Fee Petition)	Fee declaration

Total**199.10**

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

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

Dated: September 9, 2026

By: s/ Timothy G. Blood
TIMOTHY G. BLOOD