IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated,

Plaintiffs,

v.

JOHNSON & JOHNSON CONSUMER INC.,

Defendant

No. 3:22−CV−03149−MAS−TJB

NOTICE OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS

To: David R. Kott, Esq.
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07101-0652
(973) 639-2056

Kathleen L. Carlson, Esq. (pro hac vice)
Lawrence P. Fogel, Esq. pro hac vice)
Abigail B. Molitor, Esq. (pro hac vice)
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

COUNSEL:

Please take notice that on December 17, 2026, or as soon thereafter as counsel may be heard, Plaintiffs, by and through the undersigned counsel will move before the Honorable Michael A. Shipp, U.S.D.J., of the United States District Court for the District of New Jersey, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Courtroom 5W, Trenton,

NJ 08608, for the entry of an order granting Plaintiffs' motion for an award of attorneys' fees, litigation costs and expenses, and approval of service awards.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs shall rely upon the accompanying Brief, Declaration of Grace E. Parasmo, Declaration of Matthew R. Mendelsohn and the attached Proposed Order.

Dated: October 27, 2026

By: */s/ Matthew R. Mendelsohn*

Matthew R. Mendelsohn
MAZIE SLATER KATZ & FREEMAN, LLC
103 Eisenhower Parkway
Roseland, NJ 07068
Telephone: (973) 228-9898
mrm@mazieslater.com

PARASMO LIEBERMAN LAW
Yitzchak H. Lieberman (admitted *pro hac vice*)
ylieberman@parasmoliebermanlaw.com
Grace E. Parasmo (admitted *pro hac vice*)
gparasmo@parasmoliebermanlaw.com
8149 Sunset Blvd, #611
Los Angeles, CA 90046
Telephone: (917) 657-6857

SCHWARTZ LAW PLLC
Allen Schwartz (admitted *pro hac vice*)
allen@allenschwartzlaw.com
150 Broadway, Suite 701
New York, New York 10038
Telephone: 347-460-5379

Attorneys for Plaintiffs and the Class

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated, Plaintiffs, v. JOHNSON & JOHNSON CONSUMER INC., Defendant.	Civil Action No. 3:22-cv-03149-MAS-RLS

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS

MAZIE SLATER KATZ & FREEMAN, LLC
Matthew R. Mendelsohn
103 Eisenhower Parkway
Roseland, NJ 07068
(973) 228-9898
Attorneys for Plaintiffs
and the Settlement Class

[Additional Counsel on signature page]

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I. INTRODUCTION

Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald, on behalf of themselves and on behalf of each of the Settlement Class Members ("Plaintiffs"), respectfully move the Court for an order granting this motion for an award of attorneys' fees, litigation costs and expenses, and approval of Service Awards in connection with the class action settlement entered into with Defendant Johnson & Johnson Consumer Inc. n/k/a Kenvue Brands LLC ("JJCI" or "Defendant"). The Court preliminarily approved the Settlement on August 12, 2026. (ECF No. 93.)[1] The Settlement resolves the claims of Plaintiffs and Settlement Class Members in this action (the "Action" or this "Litigation"), which alleges that JJCI collected the facial geometry of Illinois users of its Neutrogena Skin360 ("Skin360") skin assessment tool in violation of the Illinois Biometric Information Privacy Act, 740 Ill. Comp. Stat. 14/1 *et seq.* ("BIPA").

Class Counsel vigorously and efficiently prosecuted this action for more than four years and achieved an excellent result for the Settlement Class. Under the Settlement, JJCI will pay $4,700,000 into a non-reversionary Settlement Fund. (SA § III.41.) Settlement Class Members who submit timely and valid claims will receive an equal *pro rata* share of the Settlement Fund after payment of Settlement Administration Expenses, Class Counsel's Fee Award, and Service Payments, and no portion of the Settlement Fund will be returned to JJCI. (*Id.* §§ V.3, V.10.) The Settlement also provides for meaningful prospective relief. JJCI must confirm that it has deleted any images obtained during a Skin360 skin scan during the Class Period. (SA § IV.B.1.) JJCI must also, subject to any changes in relevant authority, maintain a user notice and written consent

[1] Unless otherwise specified, terms used in this motion are intended to have the same meanings as in the proposed Settlement Agreement ("Settlement Agreement" or "SA").

mechanism and a written retention and destruction policy for information collected through Skin360. (SA § IV.B.1.)

Thus, the Settlement provides the approximately 11,000 Settlement Class Members with access to a $4.7 million non-reversionary cash fund, a gross recovery of approximately $427 per Settlement Class Member, together with prospective relief addressing the very practices challenged in this Litigation. (Declaration of Grace E. Parasmo in Support of Plaintiffs' Motions for (1) Final Approval of Class Action Settlement and (2) Attorneys' Fees, Expenses, and Service Awards ("Parasmo Final Decl.") ¶ 35, filed concurrently herewith.) Ms. Parasmo's earlier declaration in support of preliminary approval (ECF No. 92-4) is referred to as the "Parasmo Prelim. Decl.," and the Declarations of Matthew R. Mendelsohn and Allen Schwartz filed concurrently herewith are referred to as the "Mendelsohn Decl." and the "Schwartz Decl.," respectively.

The Settlement Class has responded to notice in large numbers. As of October 23, 2026, the Settlement Administrator received 219,959 claim submissions. (Declaration of Brandon Schwartz in Support of Plaintiffs' Motion for Final Approval ("EAG Decl.") ¶ 23, filed concurrently herewith.) Of those, 11,834 submissions are pending validation after EAG's preliminary fraud screening. (*Id.*) No Settlement Class Member has objected to the Settlement. (*Id.* ¶ 21.)

Under the Settlement, Class Counsel may seek an award of attorneys' fees not to exceed one-third of the Settlement Fund, or $1,566,666.67 plus reimbursement of their reasonable costs and expenses, to be paid from the Settlement Fund. (SA § XIII.B.1.) Consistent with the Settlement Agreement and the Preliminary Approval Order, Plaintiffs file this motion at least fourteen days before the November 10, 2026 objection and exclusion deadline so that Settlement Class Members may review it before deciding whether to object. (SA § XIII.B.1; ECF No. 93 ¶ 21.) The Settlement Administrator will post the motion and supporting papers on the Settlement Website upon filing.

(EAG Decl. ¶ 28.) Class Counsel's current lodestar is approximately $1,632,130.50 and their itemized expenses currently total $51,973.95; the requested fee therefore represents a negative multiplier of approximately 0.96, which supports the reasonableness of the requested fee award. (Parasmo Final Decl. ¶¶ 51, 61, 65, 67; Mendelsohn Decl. ¶¶ 18, 32; Schwartz Decl. ¶¶ 25–26.) Plaintiffs also request Service Awards of $5,000 for each of the four Plaintiffs to compensate them for their efforts and commitment on behalf of the Settlement Class. (SA § XIII.A.1.)

As explained in more detail below, the requested fee is reasonable, particularly in view of the substantial risks of pursuing this litigation, considerable litigation efforts, and results achieved for the Settlement Class. Finally, the requested Service Awards for the representative Plaintiffs are reasonably modest, customary and warranted to compensate them for their participation in this Litigation on behalf of the Settlement Class. For these reasons, and those discussed below, Plaintiffs respectfully request that the Court grant the motion.

II. SUMMARY OF CLASS COUNSEL'S WORK

A. Pleadings and Related Motion Practice

Before filing suit, Class Counsel thoroughly investigated the claims against JJCI. (Parasmo Final Decl. ¶ 3.) They investigated the Skin360 web and mobile applications and the privacy policies and terms of service that governed them. They consulted with a facial biometric expert on technical issues, including Perfect Corp.'s relevant patents. They interviewed prospective class representatives and researched the governing law under BIPA. (*Id.*) This groundwork allowed Class Counsel to understand JJCI's conduct, frame viable claims, and identify the relief and remedies ultimately secured for the Settlement Class.

Plaintiffs allege that JJCI, through Skin360, captured, collected, disclosed, and profited from their facial geometry without obtaining informed written consent and without publicly disclosing a data retention policy. Plaintiff Melzer initiated this action by filing a complaint on

May 26, 2022 in this Court. (ECF No. 1.) Plaintiff subsequently amended her complaint. (ECF No. 21.) On April 26, 2023, the Court granted in part and denied in part JJCI's first motion to dismiss. (ECF Nos. 41, 42.) The Court rejected JJCI's argument that BIPA requires that a biometric identifier be used to identify an individual, sustained Plaintiffs' Section 15(c) and 15(d) claims, and dismissed only the unjust enrichment claim. (ECF No. 41 at 5–15.)

On July 1, 2024, Plaintiffs filed the Second Amended Complaint, adding Plaintiffs Christine Borovoy, Andy Sajnani, and Patricia Biewald, and an allegation that JJCI unlawfully transferred Plaintiffs' and Settlement Class Members' biometric identifiers to Kenvue, Inc., a newly formed entity, without disclosing or obtaining consent. (ECF No. 62.)

On March 7, 2025, the Court denied JJCI's second motion to dismiss, holding that individuals who used the virtual Skin360 technology are not "patient[s]" under BIPA's health care exemption. (ECF Nos. 74, 75.)

B. Discovery

Plaintiffs engaged in substantial discovery and factual investigation, including written discovery and the production and review of documents. (Parasmo Final Decl. ¶¶ 9–16.) Much of JJCI's production was technical or contractual, and the technical documents required analysis with Plaintiffs' experts. Plaintiffs' review of JJCI's document production included, *inter alia*, JJCI's agreements with third parties regarding the development and implementation of the Skin360 platform; technical documentation concerning the data architecture and data flows associated with the Skin360 web and mobile applications and the storage of data collected by Skin360; and documents regarding JJCI's collaborations with third parties. (*Id.* ¶ 14.)

Plaintiffs also served a subpoena on Perfect Corp., the company that developed and customized the facial scanning technology used in Skin360. (*Id.* ¶ 17.) Perfect Corp. produced technical documentation, including documents describing its software development kit ("SDK")

and application programming interfaces ("APIs") implemented within Skin360, and software code. (*Id.* ¶ 18.) Plaintiffs, with the assistance of their retained experts, analyzed the technical aspects of how Skin360 operates, including the manner in which facial geometry and related data were allegedly captured and processed. (*Id.* ¶ 19.)

To prepare for mediation, the parties also exchanged informal discovery relating to the class size and composition. (*Id*. ¶ 22.) Additionally, Plaintiffs conducted an independent expert investigation of JJCI's Skin360 tool and software code, and analyzed its privacy policies. (*Id*.)

C. The Parties' Settlement Negotiations

After the Court denied JJCI's second motion to dismiss, the parties agreed to engage in private mediation. (Parasmo Final Decl. ¶ 22; ECF No. 80.) On August 5, 2025, the parties participated in a mediation before the Honorable Wayne R. Andersen (Ret.) of JAMS in Chicago, Illinois. (Parasmo Final Decl. ¶ 23; ECF No. 84.) Plaintiffs prepared a detailed mediation statement, with the assistance of technical experts, that set out their position on the facts, and both parties' mediation statements assessed the law and the merits of the action. (Parasmo Final Decl. ¶ 23.) With Judge Andersen's guidance, the parties reached an agreement in principle at the mediation. (*Id.*; ECF No. 84.) On October 23, 2025, the parties executed a Settlement Term Sheet memorializing the material terms of the Settlement. (Parasmo Final Decl. ¶ 24.) Over the following months, the parties negotiated the long-form Settlement Agreement and the form of class notice, and by February 16, 2026, the parties had executed the Settlement Agreement. (*Id.*)

All the terms of the Settlement Agreement are the result of arm's-length negotiations between experienced counsel for both sides. (*Id.* ¶ 25.) The named Plaintiffs all approve of the Settlement. (*Id.* ¶ 69.)

Thereafter, Class Counsel drafted and filed the unopposed Motion for Preliminary Approval on February 17, 2026, which the Court granted on August 12, 2026. (ECF Nos. 92, 93;

Parasmo Final Decl. ¶ 29.) The Court appointed Eisner Advisory Group LLC ("EAG") as Settlement Administrator. (ECF No. 93 ¶ 12; EAG Decl. ¶ 1.) Class Counsel then worked with EAG to implement the Notice Plan and oversee the claims, objection, and opt-out process. (Parasmo Final Decl. ¶ 30.) EAG commenced the Notice Program on September 11, 2026, meeting the Court-ordered Notice Date. (EAG Decl. ¶ 5.) Because claim submissions included large numbers of apparently fraudulent entries, EAG has applied fraud-detection and validation protocols and is coordinating with both Parties on the claims validation process. (*Id.* ¶¶ 23–24.) Class Counsel drafted the unopposed Motion for Final Approval, which is filed concurrently herewith. (Parasmo Final Decl. ¶ 31.) Class Counsel also expects to spend additional hours appearing at the Final Approval Hearing, overseeing claims administration and distribution of Settlement payments, and responding to Settlement Class Member inquiries. (*Id*. ¶¶ 30, 56.)

III. ARGUMENT

A. Standard of Review

Pursuant to Fed. R. Civ. P. 23(h), "[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." Courts in the Third Circuit may calculate fees in a class action settlement under either the percentage-of-recovery method or the lodestar method. *In re AT&T Corp. Sec. Litig.*, 455 F.3d 160, 164 (3d Cir. 2006); *see also Dewey v. Volkswagen Aktiengesellschaft*, 558 F. App'x 191, 196–97 (3d Cir. 2014) ("Both federal law and New Jersey law permit courts to apply the percentage-of-recovery method in class actions where attorney's fees flow from a 'common fund' shared by plaintiffs."). The Settlement Agreement provides that federal law governs Class Counsel's fee and expense application. (SA § XVIII.10.) The ultimate determination of the proper amount of attorneys' fees rests within the sound discretion of the court based on the facts of the case. *In re Sterling Fin. Corp. Sec. Class Action*, No. CIV.A. 07-2171, 2009 WL 2914363, at *1

(E.D. Pa. Sept. 10, 2009). As explained below, the use of the percentage-of-recovery method is appropriate in this case, and in any event, the reasonableness of the fee request is fully supported by a lodestar cross-check, indicating that the fee should be approved regardless of the method used by the Court.

The Third Circuit has identified two considerations that "must play central roles in the assessment of a fee award under Rule 23(h)": how the amount awarded compares to the benefit given to the class, measured by either the amounts paid or the sums promised, and whether side agreements between class counsel and the defendant suggest an unreasonable fee. *In re Wawa, Inc. Data Sec. Litig.*, 85 F.4th 712, 718–19 (3d Cir. 2023). Both considerations favor approval here. The Settlement Fund is non-reversionary, and every dollar not paid in fees, expenses, Service Awards, or administration costs will be distributed pro rata to claimants. (SA §§ V.3, V.10; EAG Decl. ¶ 26.) JJCI did not agree to refrain from opposing the fee request, there is no fee reversion, and any amount the Court declines to award will be added to the payments to Settlement Class Members rather than returned to JJCI. (SA §§ XIII.B.2, XIII.B.6.) JJCI's agreement not to oppose Service Payments of up to $5,000 per Class Representative does not extend to fees. (SA § XIII.A.1.) There are no side agreements between Plaintiffs or Class Counsel and JJCI. (Parasmo Final Decl. ¶ 68.) The Settlement was also reached through mediation before a retired federal judge, a circumstance that weighs against any inference of collusion. (ECF No. 84); *see Wawa*, 85 F.4th at 726.

Plaintiffs' motion is also supported by the Parasmo Final, Mendelsohn, and Schwartz Declarations, which together describe the nature of the services rendered, the amount of the fund, the results obtained, the time spent by phase of the litigation, each timekeeper's experience and current hourly rate, itemized actual expenses, and the fee-allocation agreement among Class

Counsel. (Parasmo Final Decl. ¶¶ 3–41, 42–68; Mendelsohn Decl. ¶¶ 11–34; Schwartz Decl. ¶¶ 5–27.)

B. The Court Should Award a Reasonable Percentage of the Common Fund

The Supreme Court has long recognized that a lawyer who obtains a recovery "for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole." *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). In the Third Circuit, the percentage-of-recovery method is generally favored in cases involving a common fund. *In re Prudential Ins. Co. Am. Sales Prac. Litig. Agent Actions*, 148 F.3d 283, 333 (3d Cir. 1998); *see also Glaberson v. Comcast Corp.*, No. 03-6604, 2015 WL 5582251, at *11 (E.D. Pa. Sept. 22, 2015) (collecting cases). "Courts use the percentage of recovery method in common fund cases on the theory that the class would be unjustly enriched if it did not compensate the counsel responsible for generating the valuable fund bestowed on the class." *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 821 (3d Cir. 1995). "The percentage-of-recovery method is generally favored in common fund cases because it allows courts to award fees from the fund 'in a manner that rewards counsel for success and penalizes it for failure.'" *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 300 (3d Cir. 2005) (quoting *In re Prudential*, 148 F.3d at 333). The goal of this method is "ensuring that competent counsel continue to be willing to undertake risky, complex, and novel litigation." *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 198 (3d Cir. 2000).

Because Class Counsel's fee will be paid from the Settlement Fund itself (SA § XIII.B.3), this is an equitable common-fund case. The Third Circuit's recent decision in *Gelis v. BMW of North America, LLC* does not change the analysis. *Gelis* held that *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542 (2010), limits lodestar multipliers when fees are awarded under a contractual fee-shifting provision governed by federal law and calculated by the lodestar method. 178 F.4th

810, 824–26 (3d Cir. 2026). The court expressly declined to decide whether *Perdue* applies to equitable common-fund awards, and it stated that its opinion "does nothing to disrupt our existing case law permitting district courts to employ a multiplier in the context of a so-called 'lodestar cross-check.'" *Id.* at 826.

C. The Requested Attorneys' Fees Are Reasonable

1. The Requested Fee is Reasonable Under the Percentage-of-Recovery Method

Class Counsel's request for a fee of one-third of the Settlement Fund is reasonable under the percentage-of-the-recovery method. While no general rule exists, the Third Circuit has observed that fee awards in common-fund cases have ranged from nineteen to forty-five percent of the settlement fund. *In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 736 (3d Cir. 2001) (quoting *Gen. Motors*, 55 F.3d at 822); *see also Rose v. Travelers Home & Marine Ins. Co.*, No. CV 19-977, 2020 WL 4059613, at *11 (E.D. Pa. July 20, 2020); *McGowan v. CFG Health Network, LLC*, No. 322CV02770ZNQRLS, 2024 WL 1340329, at *14 (D.N.J. Mar. 28, 2024) (same); *see also Baez-Medina v. Judge Grp., Inc.*, No. CV 21-3534, 2023 WL 4633503, at *7 (E.D. Pa. July 20, 2023); *Sorace v. Wells Fargo Bank, N.A.*, No. 20-4318, 2024 WL 643229, at *13 (E.D. Pa. Feb. 15, 2024), aff'd, No. 24-1498, 2024 WL 5116797 (3d Cir. Dec. 16, 2024) ("In common fund cases, fee awards generally range from 19% to 45% of the settlement fund"); *Galt v. Eagleville Hosp.*, 310 F. Supp. 3d 483, 498 (E.D. Pa. 2018) ("fee awards ranging from 30% to 43% have been awarded in cases with funds ranging from $400,000 to $6.5 million"). Class Counsel's fee request of one-third of the Settlement Fund falls within the range courts have awarded in other common-fund cases.

2. The Requested Fee is Also Reasonable Under the Lodestar Method

The Third Circuit has recommended that courts crosscheck the reasonableness of the

attorneys' fees request using the lodestar method. *Gunter*, 223 F.3d at 195 n.1. "The purpose of the cross-check is to ensure that the percentage approach does not result in an 'extraordinary' lodestar multiple or a windfall." *Whiteley v. Zynerba Pharms., Inc.*, No. 19-cv-4959, 2021 WL 4206696, at *13 (E.D. Pa. Sept. 16, 2021) (citing *In re Cendant Corp. Litig.*, 264 F.3d 201, 285 (3d Cir. 2001)). A lodestar cross-check entails an "abridged lodestar analysis" that requires neither "mathematical precision nor bean-counting." *In re Rite Aid*, 396 F.3d at 305–06. The Third Circuit recently reaffirmed these principles. *See Gelis v. BMW of N. Am., LLC*, 178 F.4th 810, 826 (3d Cir. 2026) (when the lodestar is used "to cross-check the reasonableness of a percentage-of-recovery fee award," courts require "neither mathematical precision nor bean-counting" (first quoting *In re Cendant Corp. PRIDES Litig.*, 243 F.3d at 742 n.26; then quoting *In re Rite Aid*, 396 F.3d at 306–07)). The Third Circuit also reiterated that courts may "rely on summaries submitted by the attorneys" rather than actual billing records when conducting a cross-check. *Id.* (quoting *In re Rite Aid*, 396 F.3d at 306-07). *Gelis* also cautioned that even in a cross-check, multipliers "require . . . scrutiny and justification." *Id.* (quoting *Brytus v. Spang & Co.*, 203 F.3d 238, 243 (3d Cir. 2000)). The detailed summaries in the Parasmo Final, Mendelsohn, and Schwartz Declarations provide that justification.

Under the lodestar method, a court begins determining the reasonable fee by calculating the "lodestar," i.e., the "number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate." *McKenna v. City of Phila.*, 582 F.3d 447, 455 (3d Cir. 2009). "Once the lodestar is determined, the court must then decide whether additional adjustments are appropriate." *Whiteley*, 2021 WL 4206696, at *13. A reasonable hourly rate in the lodestar calculation is "[g]enerally . . . calculated according to the prevailing market rates in the relevant community," taking into account "the experience and skill of the . . . attorney and compar[ing]

their rates to the rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation." *Id.* (quoting *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001)). The prevailing market rate is usually deemed reasonable. *Id*. (quoting *Pub. Interest Research Grp. v. Windall*, 51 F.3d 1179, 1185 (3d Cir. 1995)).

As of October 25, 2026, Class Counsel spent 1,931.9 hours litigating this action, producing a lodestar amount of $1,632,130.50 based on standard current hourly attorney rates that range from $400 to $1,100.[2] *See* Parasmo Final Decl. ¶¶ 51, 55, 57, 65; Mendelsohn Decl. ¶¶ 18, 21, 28; Schwartz Decl. ¶¶ 24–25. Summaries of the number of hours expended by attorneys and staff are provided in the Parasmo Final, Mendelsohn, and Schwartz Declarations. *See id.*

The reasonableness of Class Counsel's rates is supported by the Parasmo Final, Mendelsohn, and Schwartz Declarations, which establish that the rates are their current hourly rates and are consistent with the prevailing rates for class action litigation in the Federal Courts of New Jersey. (Parasmo Final Decl. ¶¶ 57, 59; Mendelsohn Decl. ¶¶ 24–29, 31; Schwartz Decl. ¶ 25.) Mr. Schwartz's $850 rate is the rate paid by his non-contingency clients in litigation matters. (Schwartz Decl. ¶ 25.)

Further, here, Class Counsel's current billing rates, which range from $400 to $1,100 for partners and shareholders, $500 to $550 for associates, and $115 for paralegals, are consistent with both the prevailing market rates in New Jersey for similar services and with the amounts awarded by other federal courts in this state and are therefore reasonable. (Parasmo Final Decl. ¶¶ 57, 65; Mendelsohn Decl. ¶ 28.) *See, e.g., In re Am. Med. Collection Agency, Inc. Customer*

[2] The Supreme Court and other courts have held that the use of current rates is proper since such rates compensate for inflation and the loss of use of funds. *See Missouri v. Jenkins ex rel. Agyei*, 491 U.S. 274, 283–84 (1989); *In re Schering-Plough Corp. Enhance Sec. Litig.*, No. 08-cv-397-DMC-JAD, 2013 WL 5505744, at *33 n.28 (D.N.J. Oct. 1, 2013) (citing *Jenkins*, 491 U.S. at 283–88).

Data Sec. Breach Litig., No. 19-md-2904-JKS-ADS (D.N.J. Aug. 20, 2026), ECF No. 940 ¶ 14 (approving partner hourly rates of $1,450, $1,370, $1,300 and $1,090); *Craft v. BMW of N. Am., LLC*, No. 2:24-cv-06826 (WJM), 2026 WL 2390124, at *11 (D.N.J. Aug. 17, 2026) (approving hourly rates of $350 for associates, and $675-$925 for partners in consumer class action) *Flynn-Murphy v. Jaguar Land Rover N. Am., LLC*, No. 20-14464, 2025 WL 3771284, at *22-23 (D.N.J. Dec. 31, 2025) (approving partner hourly rates of $1,300, $1,100, and $1,000); *Strougo v. Mallinckrodt Pub. Ltd. Co.,* No. 20-cv-10100, 2025 WL 1805498, at *2 (D.N.J. Apr. 25, 2025) (approving hourly rates of up to $1,300); *Cohen v. Subaru of Am., Inc*., No. 1:20-CV-08442-CPO-AMD (D.N.J. Dec. 10, 2024), ECF Nos. 244, 260 (approving hourly rates of up to $1,395); *Rieger v. Volkswagen Grp. of Am., Inc*., No. 21-10546, 2024 WL 2207439, at *7 (D.N.J. May 16, 2024) (approving $475 per hour for an associate with six years of experience to $950 per hour for a partner with 30 years of experience and $540 to $1,075 for attorneys and $280 to $445 for paralegals and analysts in consumer class action); *In re Schering-Plough Corp. Enhance Sec. Litig.*, No. 08-397 (DMC) (JAD), 2013 WL 5505744, at *33 n.27 (D.N.J. Oct. 1, 2013) (approving hourly rates up to $975 using the 2012 National Law Journal Annual Billing Survey to establish the reasonableness of attorney rates); s*ee also In re N.J. Tax Sales Certificates Antitrust Litig.*, 2016 WL 5844319, at *11 (D.N.J. Oct. 3, 2016) (finding rates of $275 to $980 to be reasonable in a class action); *Castro v. Sanofi Pasteur Inc.*, 2017 WL 4776626, at *9 (D.N.J. Oct. 23, 2017) (finding rates of up to $935 to be reasonable); *In re Merck & Co. Vytorin ERISA Litig.*, No. 08-285, 2010 WL 547613, at *12 (D.N.J. Feb. 9, 2010) (approving rates between $250 and $825 per hour).[3] Given Class Counsel's experience, work, and the complex and relatively specialized

[3] *See also, Wells v. Comm'r of Soc. Sec.*, No. 1:20-cv-10259-NLH, 2024 WL 447768, at *1–2 (D.N.J. Feb. 6, 2024) (approving an imputed hourly rate of $1,056.34); *Gonzales v. Comm'r of Soc.* Sec., No. 10-3735, 2017 WL 6513349, at *2 (D.N.J. Dec. 19, 2017) (approving an imputed

nature of this litigation, these rates are reasonable.

Courts outside of New Jersey (some of which are within the Third Circuit) have also approved hourly rates above $1,000 per hour. *See In re Remicade Antitrust Litig*., No. 17-CV-04326, 2023 WL 2530418, at *28 (E.D. Pa. Mar. 15, 2023) (approving hourly rates for attorneys up to $1,325); *In re R.R. Indus. Emp. No-Poach Antitrust Litig.,* No. 2:18-MC-00798, ECF No. 313 & 272–300 (W.D. Pa. May 4, 2020) (approving hourly rates for attorneys up to $1,100); *Howard v. Arconic Inc.,* No. 2:17-cv-1057-MRH, ECF Nos. 236-5, 253 (W.D. Pa. Aug. 9, 2023) (approving attorney rates up to $1,375); *In re Animation Workers Antitrust Litig.*, No. 14-CV-4062-LHK, 2016 WL 6663005, at *6 (N.D. Cal. Nov. 11, 2016) (finding rates of senior attorneys up to $1,200 per hour to be reasonable); *Cunningham v. Wawa, Inc*., 2021 WL 1626482, at *8 (E.D. Pa. Apr. 21, 2021) (approving hourly rates of $975 in ERISA class action).

Class Counsel in this Litigation have submitted summaries of the number of hours expended by attorneys and staff, and descriptions of the type of work each firm performed. (Parasmo Final Decl. ¶¶ 3–31, 51–55, 64–66; Mendelsohn Decl. ¶¶ 18–21; Schwartz Decl. ¶¶ 5–16, 24.) The tasks performed are typical in litigation and were necessary to the successful prosecution and resolution of the claims against JJCI. *See id.*; Parasmo Final Decl. ¶ 54; Mendelsohn Decl. ¶ 22; Schwartz Decl. ¶ 24.

The requested fee of $1,566,666.67 represents a negative lodestar multiplier of approximately 0.96. Class Counsel's current lodestar does not account for the additional work

hourly rate of $992.82); *Kathleen G. v. Comm'r of Soc. Sec.,* No. CV 17-5413 (RMB), 2025 WL 1456784, at *2 (D.N.J. May 21, 2025) (court would have approved "hourly rate of roughly $1,043.02," but counsel elected to seek a lesser amount); *Curry v. Comm'r of Soc. Sec.,* No. 1:15-CV-7515-NLH, 2023 WL 6533443, at *2 (D.N.J. Oct. 6, 2023) (approving $1,070.93 imputed hourly rate); *Wilson v. Astrue*, 622 F. Supp. 2d 132, 134, 137 (D. Del. 2008) (approving an hourly rate of $1,155.59).

that will be required to obtain final approval, oversee the claims process and the distribution of Settlement payments, and respond to Settlement Class Member inquiries. (Parasmo Final Decl. ¶ 56; Mendelsohn Decl. ¶ 23.) That future work will be substantial here because EAG is still reviewing a large volume of potentially fraudulent submissions with the Parties' input. (EAG Decl. ¶¶ 23–24.)

Courts frequently approve fees in class actions that correspond to multiples of one to four times the lodestar. *See, e.g., Prudential*, 148 F.3d at 341 ("[m]ultiples ranging from one to four are frequently awarded in common fund cases when the lodestar method is applied . . . .") (internal citation omitted); *Martin v. Foster Wheeler Energy Corp*., No. 3:06-CV-0878, 2008 WL 906472, at *8 (M.D. Pa. Mar. 31, 2008) ("Lodestar multiples of less than four (4) are well within the range awarded by district courts in the Third Circuit"). "Indeed, multiples ranging from 1 to 8 are often used in common fund cases." *Whiteley*, 2021 WL 4206696, at *14 (collecting cases). The Third Circuit has observed that it has "approved a multiplier of 2.99 in a relatively simple case." *Milliron v. T-Mobile USA, Inc.*, 423 F. App'x 131, 135 (3d Cir. 2011) (citing *In re Cendant Corp. PRIDES Litig.*, 243 F.3d at 742).

Here, the requested fee is slightly less than Class Counsel's combined lodestar, resulting in a multiplier of less than one, at the low end of the range that courts in this Circuit routinely approve. Given the quality of Class Counsel's work and the results achieved, the lodestar cross-check supports the reasonableness of the requested fee.

D. The Requested Attorneys' Fees Are Fair and Reasonable Under the *Gunter* Factors

In assessing the reasonableness of a request for attorneys' fees under the percentage-of-recovery method, courts in the Third Circuit consider the following factors: (1) the size of the fund created and the number of persons benefitted; (2) the presence or absence of substantial

objections by members of the class to the settlement terms and/or the 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 counsel; and (7) awards in similar cases. *Gunter*, 223 F.3d at 195 n.1.

Courts also generally consider three additional factors: (8) [T]he value of benefits attributable to the efforts of class counsel relative to the efforts of other groups, such as government agencies conducting investigations, (9) the percentage fee that would have been negotiated had the case been subject to a private contingent fee arrangement at the time counsel was retained, and (10) any innovative terms of settlement. *In re Diet Drugs*, 582 F.3d 524, 541 (3d Cir. 2009) (*citing In re Prudential*, 148 F.3d at 338). "The fee award reasonableness factors need not be applied in a formulaic way because each case is different, and in certain cases, one factor may outweigh the rest." *In re AT&T Corp.*, 455 F.3d 160, 166 (3d Cir. 2006) (internal quotations and citations omitted). In addition, attorneys' fee requests should also be reviewed for reasonableness under the factors set forth in New Jersey Rule of Professional Conduct 1.5(a). Those factors, which include the time and labor required, the novelty and difficulty of the questions, the fee customarily charged, the amount involved and the results obtained, the experience and ability of counsel, and whether the fee is fixed or contingent, overlap substantially with the *Gunter* and *Prudential* factors and are addressed below. A review of these factors as well as the *Gunter/Prudential* factors confirms that Class Counsel's requested fees are reasonable.

1. The Size and Nature of the Common Fund Created and Number of Persons Benefited by the Settlement.

In awarding fees, the "most critical factor" for the Court to weigh is "the degree of success obtained." *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983). To assess this factor courts "consider [ ] the fee request in comparison to the size of the fund created and the number of class members

to be benefited." *In re Remicade Antitrust Litig.*, No. 17-CV-04326, 2023 WL 2530418, at *24 (E.D. Pa. Mar. 15, 2023) (citation omitted).

Here, the Settlement Fund is a sizable non-reversionary cash fund of $4.7 million for an estimated class of approximately 11,000 individuals. (SA § III.41; EAG Decl. ¶ 26; Parasmo Final Decl. ¶ 35.) As of October 23, 2026, EAG had received 219,959 claim submissions. (EAG Decl. ¶ 23.) Applying its fraud-detection and validation protocols, EAG preliminarily identified 133,004 submissions as high-confidence fraud and 53,347 as suspicious. (*Id.*) EAG also identified 186 duplicate submissions and 1,744 submissions from individuals who are not Settlement Class Members, and 19,844 submissions remain under review. (*Id.*) The remaining 11,834 submissions are pending validation of Settlement Class membership. (*Id.*) Additional claims are expected before the November 25, 2026 Claims Deadline, and EAG will report the number of approved claims and the estimated payment to each claimant in a supplemental declaration before the Final Approval Hearing. (*Id.* ¶¶ 4, 24; ECF No. 93 ¶ 22.) Even if all 11,834 potentially valid submissions were approved, each claimant would receive approximately $258 after payment of the requested fee, the requested Service Awards, and the $59,861 in administration costs incurred to date, before deduction of litigation expenses and future administration costs. (*See* EAG Decl. ¶¶ 23, 25.) Because the fund is non-reversionary and uncashed payments are redistributed to claimants before any *cy pres* distribution, the requested fee is measured against money that will actually reach the class. (SA §§ V.3, V.11); *see Wawa*, 85 F.4th at 722–23 & n.19; *In re Baby Prods. Antitrust Litig.*, 708 F.3d 163, 177–78 (3d Cir. 2013). Class Counsel also generated significant benefits to the Settlement Class beyond the creation of a sizable common fund. The Settlement provides prospective relief requiring JJCI to confirm the deletion of Skin360 images obtained during the Settlement Class Period and to maintain a user notice and written consent mechanism and a written

retention and destruction policy for Skin360. (SA § IV.B.1.) As discussed in the Motion for Final Approval filed concurrently, the Settlement compares favorably to other privacy and BIPA class settlements, many of which provided only non-monetary relief or capped monetary relief with remaining funds reverting to the defendant. *See* Motion for Final Approval at 28.

This relief would not have been obtained absent this Litigation and Class Counsel's diligent efforts. Obtaining the $4.7 million Settlement Fund is a significant recovery for the Settlement Class Members. All Settlement Class Members can submit claims. The claims period remains open, and 11,834 submissions are already pending validation. (EAG Decl. ¶ 23.)

2. The Absence of Objections to the Settlement and Requested Fee

The objection and opt-out deadline is November 10, 2026. (EAG Decl. ¶ 19; ECF No. 93 ¶¶ 14–17.) EAG implemented the Court-approved Notice Program beginning on September 11, 2026. (EAG Decl. ¶ 5.) That day, EAG emailed notice to all 106 Settlement Class Members on the Settlement Class List, and 102 of those emails, or approximately 96%, were delivered. (*Id.* ¶¶ 5–6.) From September 11 through October 10, 2026, EAG ran a geo-targeted internet notice campaign directed to Illinois adults on the Google Display Network, Facebook, and Instagram. (*Id.* ¶ 7.) That campaign generated 45,478,871 impressions, exceeding the more than 44 million impressions projected at preliminary approval. (*Id.* ¶ 9.) EAG also distributed an English and Spanish press release over PR Newswire's Illinois Newsline with a combined potential audience of approximately 13.3 million. (*Id.* ¶ 11.) EAG established a Settlement Website and a toll-free hotline, both of which remain active. (*Id.* ¶¶ 12–13.) The notices told Settlement Class Members that Class Counsel would seek attorneys' fees of up to one-third of the Settlement Fund, plus reasonable costs and expenses, and that each Class Representative would request a Service Award of up to $5,000. (*Id.* ¶ 28; *see, e.g.,* Long Form Notice, Parasmo Prelim. Decl. Ex. 1, Ex. B (ECF No. 92-4 at 70).) The notices also explained how and when to object to the Settlement or opt out.

(ECF No. 92-4 at 72–73.) As of October 23, 2026, EAG had received no objections. (EAG Decl. ¶ 21.) EAG had received only one communication seeking exclusion, and because it was incomplete, EAG sent the requester an Opt-Out Form. (*Id.* ¶ 20.) Plaintiffs will update these figures before the Final Approval Hearing. (*See id.* ¶¶ 4, 20, 22.) The absence of objections from a class that received this notice weighs in favor of Class Counsel's fee request. *In re Lucent Techs., Inc., Sec. Litig.*, 327 F. Supp. 2d 426, 435 (D.N.J. 2004) ("[T]he Court concludes that the lack of a significant number of objections is strong evidence that the fees request is reasonable").

3. The Skill and Efficiency of Attorneys Involved

Courts assess this factor by considering "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." *McCoy v. Health Net, Inc.*, 569 F. Supp. 2d 448, 476 (D.N.J. 2008) (quotations omitted). The "single clearest factor reflecting the quality of class counsels' services to the class are the results obtained." *In re Safety Components, Inc. Sec. Litig.*, 166 F. Supp. 2d 72, 96 (D.N.J. 2001); *see also In re Philips/Magnavox Television Litig.*, 2012 WL 1677244, at *18 (D.N.J. May 14, 2012).

Each consideration supports the requested fee. Class Counsel are experienced privacy and BIPA litigators and have extensive experience litigating consumer class actions across the nation. (Parasmo Final Decl. ¶¶ 42–49 & Ex. A; Mendelsohn Decl. ¶¶ 11–16 & Ex. A; Schwartz Decl. ¶¶ 18–23.) They defeated two motions to dismiss on unsettled BIPA questions and efficiently secured substantial monetary and prospective relief for the Settlement Class. *See* supra Part II.A; Schwartz Decl. ¶¶ 7–13. They achieved this result against a formidable, well-resourced adversary, who was defended by two prominent firms: Sidley Austin LLP, one of the largest law firms in the nation, whose privacy and cybersecurity practice is consistently ranked among the nation's

best, and McCarter & English, LLP, one of New Jersey's oldest and largest law firms.[4] "The standing of opposing counsel should be weighed in determining the fee, because such standing reflects the challenge faced by [] Plaintiffs' attorneys." *Alaska Elec. Pension Fund v. Pharmacia Corp*., No. 03-1519 (AET), 2013 WL 12153597, at *2 (D.N.J. Jan. 30, 2013). Class Counsel's success "in the face of such formidable opposition confirms the superior quality of their representation and the reasonableness of the fee request." *Id.*

4. The Complexity and Duration of the Litigation

This complex class action litigation was initiated in May 2022 and has required extensive work by Class Counsel. (ECF No. 1.) The facts and legal issues were highly complex, involving technical questions about how Skin360's facial scanning technology functioned, whether the data it captured constitutes biometric identifiers or biometric information under BIPA, whether BIPA's health care exemption applied, and the role of third-party technology provider Perfect Corp. in processing that data. (ECF Nos. 41, 74.) In prosecuting the Action, Class Counsel defeated two motions to dismiss, engaged in written and document discovery, pursued third-party discovery from Perfect Corp., and retained and worked with technical experts. (Parasmo Final Decl. ¶¶ 4–21.) The Settlement is the product of a mediation before Judge Andersen and months of further arm's-length negotiations. (*Id.* ¶¶ 22–25.) On this record, the amount of compensation sought by Class Counsel is reasonable. *See In re Rite Aid Corp. Sec. Litig.*, 396 F.3d at 305; *Granillo v. FCA US LLC,* No. CV16153FLWDEA, 2019 WL 4052432, at *10 (D.N.J. Aug. 27, 2019) (fee award

[4] Sidley's privacy and cybersecurity practice was named a 2025 "Cybersecurity & Privacy Practice Group of the Year" by Law360, and Chambers USA ranks it among "The Elite" for Nationwide Privacy & Data Security. *See* Sidley Austin LLP, *Privacy and Cybersecurity*, https://www.sidley.com/en/services/privacy-and-cybersecurity (last visited Oct. 14, 2026). McCarter & English, headquartered in Newark, has more than 400 lawyers. *See* McCarter & English, LLP, *Firm Profile*, JD Supra, https://www.jdsupra.com/profile/mccarter_english/ (last visited Oct. 14, 2026).

approved where a complex class "lasted nearly four years and has required extensive work by Class Counsel (including motion practice, discovery, and multiple mediation sessions) to result in a successful conclusion").

5. The Risk of Non-Payment

The risk of non-payment is a major factor in considering an award of attorney fees. *In re Ins. Brokerage Antitrust Litig.*, 282 F.R.D. 92, 122 (D.N.J. 2012). Class Counsel took this case on a purely contingent fee basis and advanced all litigation costs, assuming a substantial risk that they might not be compensated for their efforts. The case raised novel legal questions under BIPA and complex technical questions about how Skin360 operated, and JJCI vigorously contested liability. Class Counsel nonetheless invested substantial time and resources over more than four years to secure this favorable Settlement. This factor supports approving Class Counsel's requested fee. Unlike in fee-shifting cases governed by *Perdue*, the risk of nonpayment remains a proper consideration when a court sets a percentage fee from an equitable common fund. *See Gunter*, 223 F.3d at 195 n.1; *Gelis*, 178 F.4th at 826 (reserving whether *Perdue* applies to equitable common-fund awards).

6. The Amount of Time Devoted to the Litigation by Class Counsel

Class Counsel have received no compensation for their efforts prosecuting this case for more than four years. They risked non-payment of $51,973.95 in out-of-pocket expenses and the 1,931.9 hours they worked on this Litigation, knowing that if their efforts were not successful, no fee would be paid. (Parasmo Final Decl. ¶¶ 51, 61–62, 65, 67; Mendelsohn Decl. ¶¶ 18, 32–33; Schwartz Decl. ¶¶ 24–26.) Class Counsel anticipate spending additional time overseeing the claims process, appearing at the Final Approval Hearing, and overseeing the distribution of Settlement payments, and responding to inquiries from Settlement Class Members. (Parasmo Final Decl. ¶ 56; Mendelsohn Decl. ¶ 23.) The time reported here does not include this future

work. *See Yaeger v. Subaru of Am., Inc.*, 2016 WL 4547126, at *2 (D.N.J. Aug. 31, 2016) ("This does not include fees for services to be rendered to the class in the future, such as monitoring and enforcement of the administration of Settlement Agreement."). Class Counsel's commitment of time and effort supports their fee request.

7. The Request Is Comparable to Awards in Similar Cases.

As demonstrated above, Class Counsel's request for one-third of the Settlement Fund is well within the range of fees awarded in this Circuit and in similar cases. *See supra* Part III.C.1. Courts in this Circuit generally award between 19% and 45% of a common fund. *See In re Cendant Corp. PRIDES Litig.*, 243 F.3d at 736; *Gen. Motors*, 55 F.3d at 822; *Rose*, 2020 WL 4059613, at *11; *McGowan*, 2024 WL 1340329, at *14; *Baez-Medina*, 2023 WL 4633503, at *7; *Sorace*, 2024 WL 643229, at *13, aff'd, No. 24-1498, 2024 WL 5116797 (3d Cir. Dec. 16, 2024). Fee awards of 30% to 43% are common in cases like this one, with funds between $400,000 and $6.5 million. *Galt*, 310 F. Supp. 3d at 498. At $4.7 million, the Settlement Fund sits squarely within that range, and the requested one-third award falls near the lower end of the 30% to 43% awarded in such cases. Fee awards in BIPA class actions, which are frequently litigated in federal and state courts in Illinois, consistently fall between 33% and 40%.[5] Class Counsel's request sits at the low end of that range. Accordingly, this factor supports the reasonableness of the requested fee.

8. The Settlement Benefits are Attributable Solely to the Effects of Class Counsel

The Third Circuit has advised courts to examine whether counsel has benefited from a

[5] *See Halim v. Charlotte Tilbury Beauty Inc.*, No. 2022-CH-11832 (Ill. Cir. Ct. Cook Cnty.) (awarding 33% of the $2,925,000 common fund in BIPA class settlement involving an alleged virtual try-on technology); Schwartz Decl. ¶ 20; Parasmo Final Decl. ¶ 49; *see also Sosa v. Onfido, Inc.*, No. 1:20-cv-04247 (N.D. Ill. Sept. 15, 2023), ECF No. 79-1, at 181–83 (collecting BIPA common-fund fee awards of 33% to 40%).

governmental investigation or enforcement action concerning the alleged wrongdoing, because this can indicate whether or not counsel should be given full credit for obtaining the value of the settlement fund for the class. *See Prudential*, 148 F.3d at 338. That is not the case here. Class Counsel alone initiated this Action and have actively litigated it without assistance from the government or any third parties. Further, JJCI did not add a pop-up to the Skin360 website referencing biometric data until after this case was filed. (Parasmo Final Decl. ¶ 36.) Indeed, JJCI did not add a Skin360 pop-up that referred to biometric data until May 2023, nearly a year after Plaintiff Melzer filed suit. (ECF No. 62 ¶ 50; ECF No. 1.) Thus, this factor supports the requested fee. *See Harshbarger v. Penn Mut. Life Ins. Co.*, No. CV 12-6172, 2017 WL 6525783, at *5 (E.D. Pa. Dec. 20, 2017) ("Because Class Counsel were the only ones pursuing the claims at issue in this case, this factor weighs in favor of approval").

9. The Percentage of the Fee Approximates the Fee that Would Have Been Negotiated in the Private Market

The Third Circuit advises that the requested fee should also be compared to "the percentage fee that would have been negotiated had the case been subject to a private [non-class] contingent fee agreement." *In re AT&T Corp.*, 455 F.3d at 165. Here, Class Counsel's requested one-third of the Settlement Fund is commensurate with customary percentages in private contingent fee agreements. *See In re Ins. Brokerage Antitrust Litig.*, 297 F.R.D. 136, 156 (D.N.J. 2013) ("Attorneys regularly contract for contingent fees between 30% and 40% with their clients in non-class, commercial litigation.").

10. Innovative Terms of the Settlement

The final factor asks the Court to consider any innovative terms of the Settlement. Here, Class Counsel negotiated prospective relief requiring JJCI to confirm the deletion of Skin360 images obtained during the Class Period and to maintain a user notice and written consent

mechanism and a written policy regarding the retention and destruction of information collected through Skin360. (SA § IV.B.1.) This factor also weighs in favor of approving the requested fee.

On balance, the *Gunter/Prudential* factors demonstrate that Class Counsel's requested fee is reasonable, and therefore, should be approved.

E. Class Counsel's Expenses Should Be Approved

Class Counsel also request reimbursement of their out-of-pocket litigation expenses of $51,973.95, which is the amount of expenses that counsel reasonably advanced in furtherance of investigating and prosecuting this litigation. (Parasmo Final Decl. ¶¶ 61–62, 67; Mendelsohn Decl. ¶¶ 32–33; Schwartz Decl. ¶ 26.) Rule 23(h) authorizes an award of "nontaxable costs that are authorized by law or by the parties' agreement," and the Settlement Agreement authorizes reimbursement of Class Counsel's reasonable costs and expenses from the Settlement Fund. Fed. R. Civ. P. 23(h); (SA § XIII.B.1). Local Civil Rule 54.2(a) permits reimbursement of "actual, not estimated, expenses" that are "properly itemized." "Counsel 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." *Careccio v. BMW of N. Am. LLC*, 2010 WL 1752347, at *7 (D.N.J. Apr. 29, 2010) (quoting *In re Safety Components, Inc. Sec. Litig.*, 166 F. Supp. 2d 72, 108 (D.N.J. 2001)).

The Parasmo Final, Mendelsohn, and Schwartz Declarations itemize Class Counsel's actual out-of-pocket expenses by category. *See In re Ocean Power Techs., Inc.*, 2016 WL 6778218, at *29 (D.N.J. Nov. 15, 2016) (approving class counsel's expenses where they were "summarized by category" and were "the type of expenses routinely charged to hourly paying clients and, therefore, should be reimbursed out of the common fund"). The amount is reasonable, and Plaintiffs respectfully request that it be approved. *See, e.g., In re Schering-Plough/Merck Merger Litig.*, 2010 WL 1257722, at *19 (D.N.J. Mar. 26, 2010) (approving expenses that were

"adequately documented and reasonably and appropriately incurred in the prosecution of the case."). Thus, Plaintiffs respectfully request that the Court approve reimbursement of these expenses, which were necessary to the prosecution and settlement of this case. (Parasmo Final Decl. ¶¶ 62–63, 67; Mendelsohn Decl. ¶¶ 33–34; Schwartz Decl. ¶¶ 26–27.)

Plaintiffs do not seek Settlement Administration Expenses through this motion. Those costs are payable from the Settlement Fund under the Settlement Agreement and are separate from, and not included in, the attorneys' fees, litigation costs, and Service Awards requested here. (EAG Decl. ¶ 25.) As of October 23, 2026, EAG had incurred $59,861 in notice and administration fees and costs. (*Id.*) EAG estimates total Settlement Administration Expenses to be between $81,769 and $95,724. (*Id.*) EAG has no financial interest in the outcome of this motion, and its compensation is not contingent on the amount of any fee or Service Award the Court approves. (*Id.* ¶ 27.)

F. The Requested Service Awards Should Be Approved

The Third Circuit has recognized that service awards to class representatives are appropriate. *Sullivan v. DB Invs., Inc.*, 667 F.3d 273, 333 n.65 (3d Cir. 2011) (en banc). The Court has already preliminarily found that the Settlement "does not grant preferential treatment to Plaintiffs." (ECF No. 93 ¶ 3.) The four requested awards total $20,000, less than one-half of one percent of the Settlement Fund. Settlement Class Members were told in the notice that each Class Representative would request a Service Award of up to $5,000. (EAG Decl. ¶ 28.) As of October 23, 2026, no one had objected. (*Id.* ¶ 21.)

The Court should approve Service Awards of $5,000 for each of the four Class Representatives: Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald. (SA § XIII.A.) Each stepped forward publicly to represent other Illinois Skin360 users in a case about the privacy of their biometric data. Over more than four years of litigation, they

actively participated in the litigation, searched for and provided information relevant to their claims, communicated regularly with their attorneys about the proceedings, kept abreast of the significant developments in the case, and reviewed and approved the Settlement. (Parasmo Final Decl. ¶¶ 69–73; Melzer Decl. (ECF No. 92-8) ¶¶ 4-9; Borovoy Decl. (ECF No. 92-10) ¶¶ 4-8; Sajnani Decl. (ECF No. 92-11) ¶¶ 4-8; Biewald Decl. (ECF No. 92-9) ¶¶ 4-8.) The benefits that accrue to all Settlement Class Members under the Settlement Agreement are a direct result of their services and willingness to serve as class representatives.

The requested awards are modest and standard. The requested $5,000 service award is well within the range courts in this Circuit routinely approve. See *Brown v. Rita's Water Ice Franchise Co. LLC*, 242 F. Supp. 3d 356, 371 (E.D. Pa. 2017) (approving service awards of $5,000 to each plaintiff from the common fund); *In re Ins. Brokerage Antitrust Litig.*, 282 F.R.D. at 125 (approving service awards totaling $85,000, consisting of $5,000 to each of the class representatives); *In re Am. Invs. Life Ins. Co. Annuity Mktg. & Sales Pracs. Litig*., 263 F.R.D. 226, 245 (E.D. Pa. 2009) (approving $10,500 and $5,000, reflecting named plaintiffs' involvement and "the sacrifice of their anonymity"); *Talone v. Am. Osteopathic Ass'n*, 2018 WL 6318371, at *17 (D.N.J. Dec. 3, 2018) ($15,000 to each plaintiff); *Bredbenner v. Liberty Travel, Inc.*, 2011 WL 1344745, at *23-24 (D.N.J. Apr. 8, 2011) (approving service awards of $10,000 to each of the named plaintiffs, totaling $80,000). Service awards in BIPA class settlements are consistent with, and often exceed, the amount requested here.[6] The service awards requested are reasonable and should be approved.

[6] *See* Pls.' Mot. for Att'ys' Fees, Expenses & Incentive Awards, Ex. 3, *Sosa v. Onfido, Inc.*, No. 1:20-cv-04247 (N.D. Ill. Sept. 15, 2023), ECF No. 79-1, at 184 (collecting incentive awards of $5,000 to $10,000 in Northern District of Illinois BIPA settlements).

IV. CONCLUSION

For the above-mentioned reasons, Plaintiffs respectfully request that the Court grant their motion, and approve an award of one-third of the Settlement Fund ($1,566,666.67) for attorneys' fees, $51,973.95 for reimbursement of all reasonable litigation expenses, as well as Service Awards in the amount of $5,000 each for Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald.

Dated: October 27, 2026

By: */s/ Matthew R. Mendelsohn*

Matthew R. Mendelsohn
MAZIE SLATER KATZ & FREEMAN, LLC
103 Eisenhower Parkway
Roseland, NJ 07068
Tel: (973) 228-9898 mrm@mazieslater.com

Yitzchak H. Lieberman (admitted *pro hac vice*)
Grace E. Parasmo (admitted *pro hac vice*)
PARASMO LIEBERMAN LAW
8149 Sunset Blvd, #611
Los Angeles, CA 90046
Tel: (917) 657-6857
ylieberman@parasmoliebermanlaw.com
gparasmo@parasmoliebermanlaw.com

Allen Schwartz (admitted *pro hac vice*)
SCHWARTZ LAW PLLC
150 Broadway, Suite 701
New York, New York 10038
Tel: 347-460-5379
allen@allenschwartzlaw.com

Attorneys for Plaintiffs and the Settlement Class

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated, Plaintiffs, v. JOHNSON & JOHNSON CONSUMER INC., Defendant.	Case No. 3:22-cv-03149-MAS-RLS **DECLARATION OF GRACE E. PARASMO IN SUPPORT OF PLAINTIFFS' MOTIONS FOR (1) FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND (2) ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

I, Grace E. Parasmo, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of eighteen and reside in the State of California. I am a partner in the law firm of Parasmo Lieberman Law ("PLL") in Los Angeles, California. I am one of the attorneys for Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald ("Plaintiffs") and the Settlement Class in this matter. I am a member in good standing of the Bar of the State of California and the Bar of the State of New York, and I am admitted pro hac vice in this proceeding.

2. I make this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify under oath to the matters set forth in this Declaration.

A. Pre-Suit Investigation

3. Before filing this action, Class Counsel thoroughly investigated the claims against Johnson & Johnson Consumer Inc. ("JJCI"). Beginning in May 2021, Class Counsel's intake consisted of interviewing dozens of potential class representatives who had used Neutrogena's Skin360 tool. Those interviews addressed the core issues in this case, including when and how each person used Skin360, whether the person was in Illinois at the time, what the application asked the person to do, and whether the person received any notice or gave written consent to collection of scans of facial geometry. Class Counsel also investigated the Skin360 web and mobile applications and the privacy policies and terms of service that governed them. Class Counsel researched the legal authority governing potential claims under the Illinois Biometric Information Privacy Act ("BIPA") and analyzed issues of venue and jurisdiction for the claims against JJCI, and New Jersey choice of law rules. Following an interview by Class Counsel in April 2022, Plaintiff Melzer retained Class Counsel and filed her lawsuit in May 2022. Class Counsel researched and drafted the allegations in the Complaint. Class Counsel also consulted with a facial biometric consulting expert on technical issues concerning the allegations in the case and Perfect Corp.'s relevant patents. This work was essential to Class Counsel's ability to understand the nature of JJCI's conduct and the potential relief and remedies for the Settlement Class.

B. The Litigation

4. Plaintiff Melzer initiated this action by filing a class action complaint in this Court on May 26, 2022, alleging that through its use of Skin360 in Illinois, Defendant violated Sections 15(a), (b), (c), and (d) of BIPA. (Dkt. 1.) Plaintiff alleged that JJCI collected, captured, stored, disclosed, and profited from scans of her facial geometry through Skin360 without

providing the notice or obtaining the written consent that BIPA requires and without publicly disclosing a data retention policy. (*Id*.)

5. JJCI moved to dismiss on July 22, 2022. (Dkt. 17.) Plaintiff Melzer amended her complaint on August 11, 2022 (the "First Amended Complaint" or "FAC"), and the Court denied JJCI's motion as moot. (Dkt. 21, 24.) JJCI moved to dismiss the FAC on September 14, 2022. (Dkt. 25.) Class Counsel researched and drafted Plaintiff's opposition, which was filed on October 27, 2022. (Dkt. 30.) Plaintiff submitted supplemental authority. (Dkt. 34.)

6. On April 25, 2023, the Court denied JJCI's motion as to Plaintiff's BIPA claim, rejecting its threshold argument that BIPA requires that a biometric identifier must "be used to identify an individual." (Dkt. 41, 42.) The Court dismissed Plaintiff's unjust enrichment claim. (Dkt. 41, 42.) JJCI answered the FAC on June 9, 2023. (Dkt. 46.)

7. On July 1, 2024, Plaintiffs filed the Second Amended Complaint adding Plaintiffs Christine Borovoy, Patricia Biewald, and Andy Sajnani and an allegation that JJCI unlawfully transferred Plaintiffs' and class members' biometric identifiers to Kenvue, Inc., a newly formed entity, without disclosing or obtaining consent. (Dkt. 61, 62.)

8. JJCI moved to dismiss the Second Amended Complaint. (Dkt. 66.) Plaintiffs opposed the motion on October 15, 2024, and JJCI replied on November 12, 2024. (Dkt. 72, 73.) On March 7, 2025, the Court denied JJCI's second motion to dismiss, holding "that individuals who used the virtual Skin360 technology are not patient[s] within the meaning of BIPA's health care exemption. . . ." (Dkt. 74, at 10-11 (cleaned up); Dkt. 75.)

C. Discovery and Continued Fact Investigation

9. The parties engaged in substantial discovery and factual investigation, including written discovery, the production and review of documents, and third-party discovery.

10. After JJCI answered, the parties held their Rule 26(f) conference in June 2023 and submitted a Joint Discovery Plan on July 10, 2023. (Dkt. 48.) Magistrate Judge Singh held a scheduling conference on July 24, 2023 and entered a Pretrial Scheduling Order. (Dkt. 50, 51.) The parties exchanged initial disclosures in August 2023.

11. Plaintiffs served their first requests for production of documents and interrogatories on JJCI in August 2023. JJCI served its responses and objections in October 2023. Plaintiff Melzer served her responses to JJCI's interrogatories and requests for production in October 2023, produced documents thereafter, and served amended responses in March 2024.

12. The parties negotiated a Discovery Confidentiality Order over several weeks, including provisions addressing source code and the treatment of biometric information. The Court entered the order on October 6, 2023. (Dkt. 53.)

13. Discovery required substantial effort to address disputes. In November 2023, Plaintiffs sent JJCI a letter identifying deficiencies in its discovery responses. Class Counsel met and conferred with JJCI's counsel in November and December 2023 and March 2024, and the parties continued to confer by letter, email, and videoconference through April 2024. Those discussions addressed, among other things, JJCI's insurance agreement, the legibility of produced documents, whether JJCI had produced all of its agreements with Perfect Corp. and with JJCI's third-party software development and services vendor, and the scope of JJCI's search for responsive documents. The parties reported on the status of discovery to Magistrate Judge Singh in joint letters filed October 30, 2023, January 29, 2024, April 26, 2024, and June 24, 2024, and participated in a telephone conference with the Court on February 1, 2024. (Dkt. 54, 56, 58, 60.)

14. JJCI produced documents in five volumes between November 2023 and March 2024. Plaintiffs' review of JJCI's document production included, inter alia, JJCI's agreements with third parties regarding the development and implementation of the Skin360 platform. It also included technical documentation concerning the data architecture and data flows associated with the Skin360 web and mobile applications and the storage of data collected by Skin360, and documents regarding JJCI's collaborations with third parties. Much of JJCI's production was technical or contractual, and the technical documents required analysis with Plaintiffs' experts.

15. JJCI took the position that it lacked possession, custody, or control of Perfect Corp.'s software development kit, source code, and related technical information, and relied on provisions of its agreements with Perfect Corp. and other service providers to support that position. Class Counsel researched the governing standard under Federal Rule of Civil Procedure 34 and set out Plaintiffs' position in correspondence to JJCI in February 2024. Responding to JJCI's position required reading those agreements together with the technical documents, and providing legal analysis on JJCI's obligations.

16. The parties also negotiated the scope of JJCI's search for electronically stored information. JJCI initially searched a shared drive that contained documents but not communications. After extended meet and confers over custodians, search terms, date range, and data sources, JJCI agreed in April 2024 to search the files of certain custodians for the period January 1, 2019 through December 31, 2023, including email and JJCI's other systems and data. The parties also negotiated extensively over an ESI protocol, search terms, and production of source code.

17. Plaintiffs also undertook third-party discovery to obtain source code and other technical documentation underlying the Skin360 web and mobile app. Class Counsel drafted a

subpoena to Perfect Corp., the company that developed and customized the facial scanning technology used in Skin360. Plaintiffs served the notice of the subpoena in February 2024. Perfect Corp. served responses and objections in March 2024, and Class Counsel met and conferred with Perfect Corp.'s counsel from March 2024 through June 2024. Perfect Corp. produced documents on March 8, April 19, and June 18, 2024. Class Counsel met and conferred with Perfect Corp. regarding that production through June 2024.

18. Perfect Corp.'s production included technical documentation, including documents describing its software development kit ("SDK") and application programming interfaces ("APIs") implemented within Skin360, and software code.

19. Plaintiffs hired two experts to analyze the technical aspects of how Skin360 operates, including the manner in which facial geometry and related data were allegedly captured and processed. Plaintiffs' experts also assisted with the review and interpretation of JJCI's and Perfect Corp.'s technical documentation and their software code.

20. After the lawsuit was filed, Class Counsel interviewed Illinois consumers who contacted Class Counsel about the Skin360 litigation. These interviews were part of Class Counsel's factual investigation of the claims. Through them, Class Counsel gathered firsthand accounts of how consumers used the Skin360 virtual skin assessment tool, including how and when they performed face scans, whether they used the web or mobile application, and their related product purchases. Class Counsel also asked these consumers to locate and preserve any records of their Skin360 use. This investigation informed Class Counsel's understanding of how Skin360 operated in practice and supported the development of discovery. It also allowed Class Counsel to evaluate and vet additional class representatives, resulting in the addition of Plaintiffs Christine Borovoy, Andy Sajnani, and Patricia Biewald in the Second Amended Complaint filed

on July 1, 2024. (Dkt. 62.) In total, Class Counsel communicated with dozens of potential Class Members after the lawsuit was commenced.

21. On August 12, 2024, after JJCI moved to dismiss the Second Amended Complaint, the parties submitted a letter brief discussing their respective positions regarding JJCI's request, and Plaintiffs' opposition, to stay discovery in the case pending the motion to dismiss. (Dkt. 67.) On August 19, 2024, the Court stayed the matter pending the motion to dismiss. (Dkt. 69.)

D. Mediation

22. After the Court denied JJCI's second motion to dismiss, the parties agreed to mediate, and on March 27, 2025, asked the Court to stay the case pending mediation, and the Court granted the request. (Dkt. 80, 81.) To prepare for the mediation, the parties exchanged informal discovery relating to the class size and composition. In May 2025, Class Counsel requested information regarding the number of Skin360 skin assessments performed during the class period, application downloads, and the sources of JJCI's usage figures. Class Counsel met and conferred with JJCI's counsel regarding those requests in June and July 2025, and JJCI provided estimates and follow-up information in July 2025. Plaintiffs also conducted an independent expert investigation of JJCI's Skin360 tool and software code and analyzed its privacy policies.

23. On August 5, 2025, the parties participated in an in-person mediation before the Honorable Wayne R. Andersen (Ret.) of JAMS in Chicago, Illinois. As part of the mediation, Class Counsel prepared a detailed mediation statement that put forth their position on the facts, with the assistance of technical experts. Both parties prepared mediation statements that assessed

the law and the merits of the action. With the guidance of Judge Andersen, the parties reached an agreement in principle to settle this action.

24. On October 23, 2025, the parties reached agreement regarding the material terms of the proposed settlement and executed a Settlement Term Sheet. Over the following months, the parties negotiated the long form settlement agreement, the notice program, and the form of class notice, and by February 16, 2026, the parties had executed the class action settlement agreement. The parties kept the Court apprised of the status of those negotiations. (Dkt. 87, 89, 90.)

25. All the terms of the Settlement Agreement are the result of arm's-length negotiations between experienced counsel for both sides.

26. The extensive factual investigation and discovery conducted, along with a thorough analysis of applicable law, allowed Class Counsel to make a well-informed assessment of the strengths and weaknesses of the claims and defenses, and to adequately assess the fairness and reasonableness of the proposed Settlement.

27. The Court's orders on the motions to dismiss also provided meaningful guidance on the viability and scope of the claims and the defenses available to JJCI. Those rulings, considered in conjunction with the discovery obtained, enabled Class Counsel to carefully analyze the risk of future litigation in comparison to the relief offered by the Settlement.

E. Preliminary Approval and Implementation of the Notice Program

28. Class Counsel obtained bids from well-established, experienced, and highly regarded class action notice and administration firms. After reviewing and comparing costs among the proposals, and obtaining further follow-up information from each potential

administrator, Plaintiffs proposed, and JJCI agreed, to engage Eisner Advisory Group LLC (EAG) to serve as Settlement Administrator.

29. On February 17, 2026, Plaintiffs moved for preliminary approval of the Settlement. (Dkt. 92.) On August 12, 2026, the Court granted the motion and scheduled the Final Approval Hearing for December 17, 2026. (Dkt. 93.) The deadline to object to or request exclusion from the Settlement is November 10, 2026, and the deadline to submit a claim is November 25, 2026.

30. After preliminary approval, Class Counsel worked with EAG to implement the Notice Program and oversee the claims, objection, and opt-out process. Class Counsel reviewed drafts of the settlement website, the notices, the claim form, the opt-out form, the banner notices, the press release, and the telephone script, and requested corrections so that each conformed to the Settlement Class definition in the Preliminary Approval Order and to the deadlines set by the Court and the Settlement Agreement. Class Counsel continue to monitor notice and claims, including EAG's review of claim submissions that show indicators of fraud or duplication, and will supervise the payment of claims post-final approval as well as respond to inquiries of Class Members.

31. Class Counsel also researched and drafted the Motion for Final Approval, the Motion for Attorneys' Fees, Expenses, and Service Awards and the supporting documents, and worked with EAG to obtain its declaration.

F. Positive Reaction of the Settlement Class

32. To date, the Settlement Class's response has been positive. As of October 23, 2026, EAG reports that no Settlement Class Member has objected to the Settlement. EAG has received one communication seeking exclusion, which did not include all of the information

required for a valid request for exclusion under the Settlement Agreement. The deadline to object or request exclusion is November 10, 2026. Class Counsel will provide updated figures before the Final Approval Hearing.

33. After EAG's preliminary fraud screening, 11,834 claims are pending validation, with twenty-nine (29) days remaining until the Claims Deadline on November 25, 2026.

34. The Notice apprised Settlement Class Members that Class Counsel would seek attorneys' fees of up to one-third of the Settlement Fund, plus reasonable costs and expenses, and service payments of up to $5,000 for each Class Representative. The Notice also advised Settlement Class Members how and when to object to or opt out of the Settlement. Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards will be posted on the Settlement Website promptly after filing and in advance of the objection deadline.

G. The Settlement Is Fair, Reasonable, and in the Best Interests of the Settlement Class

35. I, along with the other Class Counsel, believe that the amount offered by the Settlement, $4,700,000 on a non-reversionary basis for an estimated 11,000 Settlement Class Members, represents an excellent outcome whether compared to privacy cases more generally or BIPA cases more specifically.

36. The Settlement also provides meaningful prospective relief. After the lawsuit was filed, JJCI implemented a pop-up on the Skin360 website, which, for the first time, referenced biometric data. (Dkt. 62, ¶ 50, Figure 1.) The Settlement's prospective relief provision will ensure that JJCI maintains a user notice and written consent mechanism for Skin360 and a written policy regarding the retention and destruction of information collected through Skin360. (Settlement Agreement § IV.B.) It also requires JJCI to confirm that it has deleted any images obtained during a Skin360 skin assessment during the Class Period. (*Id.*)

37. Based on our investigation, the discovery conducted in this case, my interviews of Settlement Class Members, the Court's rulings on the motions to dismiss, and my experience prosecuting consumer class actions in courts throughout the nation, including numerous privacy and technology class actions, I, along with Class Counsel, believe that the Settlement reached in this matter is in the best interests of Plaintiffs and the Settlement Class, and is fair, reasonable, and adequate in light of the risks of protracted litigation.

38. While I believe that the merits of Plaintiffs' BIPA claims could and would be proven at trial, there is considerable risk and inherent uncertainty which continued litigation imposes on Plaintiffs and the Settlement Class Members, especially given JJCI's many asserted defenses, including that it was not subject to, or obligated to comply with, BIPA's provisions.

39. My understanding is that JJCI maintains that it did not capture or collect biometric data through Skin360 and that it did not control such data. I understand that JJCI contends that any processing of biometric data occurred outside of any servers owned or operated by JJCI and that JJCI had no visibility into Perfect Corp.'s technology.

40. JJCI's defenses, and the resources that JJCI had committed to defending the case through trial and appeal, presented numerous risks of non-recovery by the Settlement Class had the litigation continued. Considering the substantial benefits provided by the Settlement, Class Counsel believe that the Settlement is an excellent outcome for the Settlement Class.

H. Settlement Administration

41. The Settlement Administrator currently estimates that the Settlement Administration Expenses will be between $81,769 and $95,724.

I. Class Counsel's Lodestar and Expenses

a. Parasmo Lieberman Law

i. Firm Overview

42. Yitzchak H. Lieberman and I co-founded Parasmo Lieberman Law. PLL is a plaintiffs' class action firm with offices in California and New York. The Firm focuses its practice on consumer data privacy and security, consumer protection and false advertising, and wage and hour law, in state and federal courts nationwide.

43. I obtained my law degree from New York Law School in 2006, where I served as Executive Articles Editor of the New York Law School Law Review. I was admitted to practice law in the states of New York and California in 2007 and 2016, respectively. I am admitted to practice before the United States District Courts for the Northern, Southern, and Central Districts of California and the Southern and Eastern Districts of New York.

44. The entirety of my practice since graduating law school in 2006 has been spent prosecuting class actions, including, inter alia, state and federal consumer class actions. I bring twenty years of experience in complex and class action litigation, including trial experience in consumer and wage and hour class actions. I have served as counsel in dozens of class actions across the country resulting in hundreds of millions of dollars in relief for class members. I have litigated a wide range of class actions and group litigation, including false and deceptive advertising, consumer finance, wage and hour, antitrust, data privacy and technology, securities fraud, and shareholder derivative litigation. I have been trained as a Certified Information Privacy Professional and have given CLE lectures on data privacy and technology law.

45. From 2006 through 2010, I was an associate attorney at Abbey Spanier Rodd & Abrams, LLC, a plaintiffs-side class action firm based in New York, New York. At Abbey Spanier, I was counsel on class actions and other complex litigations in state and federal courts

across the country, including consumer protection, wage and hour, antitrust, securities fraud actions, and shareholder derivative actions. I also was part of the legal team on a wage and hour class action jury trial against Walmart, which resulted in a judgment in excess of $187 million on behalf of 187,000 hourly employees. In that matter, I worked on the pre- and post-trial motions and the appeal of the verdict, which was affirmed by the Supreme Court of Pennsylvania.

46. In 2011, I joined KamberLaw, LLC, where I was counsel on digital privacy class actions against technology companies such as Apple, Google, Hulu, and HTC. As a partner at KamberLaw, I was appointed class counsel in *Guido v. L'Oréal U.S.A., Inc*., No. 11-CV-01067 (C.D. Cal.), where plaintiffs obtained class certification, defeated a motion to decertify, and ultimately achieved a class settlement. At KamberLaw, I also had a substantial role in the following privacy, data security, and information technology class actions: *In Re: iPhone/iPad Application Consumer Privacy Litigation*, MDL No. 2250 (N.D. Cal.); *In Re Hulu Privacy Litigation*, No. 3:11-CV-03764-LB (N.D. Cal.); *In Re Clearspring Flash Cookie Litig*., No. 10-cv-05948-GW (C.D. Cal.); *In Re Quantcast Advertising Cookie Litig*., No. 10-cv-05484-GW-JCG (C.D. Cal.); *Kim v. Space Pencil d/b/a Kissmetrics*, No. 3:11-cv-03796-LB (N.D. Cal.); *Valentine v. NebuAd*, No. C 08-05113 TEH (N.D. Cal.); and *Bose v. Interclick, Inc*., No. 10 Civ. 9183 (DAB) (S.D.N.Y.).

47. Mr. Lieberman obtained his law degree in 2006 from Boston University School of Law. He was admitted to practice law in the states of California and New York in 2011 and 2014, respectively. He is also admitted to practice in the United States District Courts for the Northern, Central, and Southern Districts of California. During law school, Mr. Lieberman was a Judicial Intern for the Hon. David I. Schmidt, New York State Supreme Court, Kings County. Mr. Lieberman studied at Talmudical academies and received his Bachelor of Talmudic Law

(BTL), a degree comprising the study, analysis, and critical thinking methodology of Talmud, focused on textual analysis, principles of logic, and game theory.

48. Mr. Lieberman has extensive experience litigating consumer class actions, including serving as trial counsel in a false advertising class action that proceeded to a jury trial. He is counsel in numerous consumer class actions throughout the country involving data privacy and technology, illegal call recording and telemarketing, false advertising, and consumer finance. Prior to co-founding the Firm, he was a partner at KamberLaw, LLP in Los Angeles, California, and participated in the following consumer class actions: *In re Collecto, Inc. Telephone Consumer Protection Act (TCPA) Litigation*, Master No. 1:14-md-2513-RGS (D. Mass.); *Lofton v. Verizon*, No. 13-cv-05665 (N.D. Cal.); *Wang v. Bank of America*, No. CGC 12-526452 (Sup. Ct. San Fran. Cty.); *Holmes v. NCO, Inc*., No. 3:10-cv-2543 (S.D. Cal.); *Guido v. L'Oréal U.S.A., Inc*., No. 11-CV-01067 (C.D. Cal.); and *In Re Hulu Privacy Litigation*, No. 3:11-CV-03764-LB (N.D. Cal.).

49. Examples of cases in which Mr. Lieberman and I have been appointed class counsel on behalf of a class include, but are not limited to:

- *Halim v. Charlotte Tilbury Beauty Inc*., No. 2022CH11832 (Cir. Ct. Cook Cnty.) (appointed class counsel; court granted final approval of a $2,925,000 settlement and prospective business practice changes for a class of consumers asserting claims under BIPA);
- *King v. Bumble Trading, Inc.,* No. 5:18-cv-06868-NC (N.D. Cal.) (appointed class counsel; court granted final approval of a $22.5 million settlement resolving claims on behalf of nationwide and California subclasses alleging violations of California's Automatic Renewal Law and the New York Dating Services Law);
- *Slovin v. Sunrun, Inc.,* No. 4:15-cv-05340-YGR (N.D. Cal.) (appointed class counsel; court approved a $5.5 million class settlement for alleged violations of the Telephone Consumer Protection Act);
- *Lomeli, et al. v. SeaWorld Parks and Entertainment, Inc*., No. 37-2023-00008529-CU-BT-CTL (San Diego Cnty. Super. Ct.) (appointed class counsel; court granted final approval of a $1.5 million settlement in a class action premised on violations of California's Automatic Renewal Law); and

- *VanCleave v. Abbott Laboratories*, No. 19-cv-345045 (Santa Clara Cnty. Super. Ct.) (appointed class counsel in pending certified class action under the UCL, CLRA, and FAL).

50. Attached as **Exhibit A** is a true and accurate copy of PLL's current Firm Resume.

ii. Attorney Staffing and Fees

51. In performing work on this case, PLL attorneys expended 952.3 hours for a total lodestar of $809,455.00. PLL's attorneys kept detailed records of the time they spent on this litigation.

52. PLL attorneys recorded their time contemporaneously. The hours set forth below are drawn from those records.

53. In preparing this declaration, I reviewed PLL's time records and exercised billing judgment. I removed time to eliminate duplication of effort and reduced time entries to account for duplicative work performed by multiple attorneys on the same task. These reductions total approximately 90.9 hours.

54. These hours were reasonable and necessary given the complex nature of the case and the results achieved. The hours are also reasonable under the factors used by the federal and state courts in New Jersey to determine and measure such matters. PLL worked cooperatively with co-counsel to allocate tasks appropriately and to avoid undue duplication of effort.

55. PLL's time, by phase of the litigation, is as follows:

Phase	**Grace E. Parasmo**	**Yitzchak H. Lieberman**	**Total**
Pre-suit investigation and complaint (through 5/26/2022)	34.8	11.7	46.5
Motions to dismiss and amended pleading (5/27/2022 – 6/9/2023)	71.3	177.0	248.3
Discovery, Second Amended Complaint, and second motion to dismiss (6/10/2023 – 3/7/2025)	144.9	148.1	293.0

Mediation and settlement (3/8/2025 – 2/16/2026)	162.9	133.3	296.2
Preliminary approval and notice, Final approval and Fee Motion (2/17/2026 – 10/25/2026)	54.1	14.2	68.3
TOTAL	**468.0**	**484.3**	**952.3**

56. Based on experience in similar actions, it is expected that Class Counsel will expend significant additional attorney time through the conclusion of this matter, including responding to any objections, appearing at the Final Approval Hearing on December 17, 2026, supervising EAG's review of claims and the distribution of settlement payments, and responding to inquiries from Settlement Class Members, assuming that no appeals are filed. If an appeal is filed, that amount would increase significantly.

57. As set forth in the Declaration of Matthew R. Mendelsohn, the rates for partners in law firms practicing class actions in the Federal Courts of New Jersey range from about $725.00 per hour to over $1,500.00 per hour. (Mendelsohn Decl. ¶¶ 24-27.) The current hourly rates set forth below for attorneys at PLL are consistent with those rates.

Name	**Position**	**Hours**	**Current Hourly Rate**	**Lodestar**
Grace E. Parasmo	Partner	468.0	$850	$397,800.00
Yitzchak H. Lieberman	Partner	484.3	$850	$411,655.00
TOTALS		**952.3**		**$809,455.00**

58. The hours above are rounded to one-tenth of an hour.

59. Mr. Lieberman and I were approved at a rate of $750 in *Lomeli v. SeaWorld Parks and Entertainment, Inc.*, No. 37-2023-00008529-CU-BT-CTL (San Diego Cnty. Super. Ct.), in 2025. The $850 rate is also the rate the firm billed for Mr. Lieberman's non-contingency work in other litigation in 2026.

60. PLL's detailed time entries can be provided to the Court for an *in camera* review upon request.

iii. Expenses Incurred in Prosecuting the Litigation

61. The lodestar figure does not include our firm's litigation expenses, which are recorded separately. To date, our firm has incurred a total of unreimbursed expenses in the amount of **$29,397.87.**

62. The expenses incurred by PLL are as follows:

Expense Category	**Amount**
Court Fees & *Pro Hac* Fees	$2,879.76
Mediation Fees	$11,122.92
Subpoena/Service	$87.51
Case Advertising and Class Member Interviews	$6,664.04
Attorney Travel	$2,880.49
PACER Research	$113.40
Expert Fees	$5,640.00
FedEx	$9.75
TOTAL	**$29,397.87**

63. Each of the above-mentioned expenses were incurred in connection with this litigation, were necessary for the advancement of the litigation, and are reflected in the books and records of the firm. These books and records are prepared from invoices and payment records prepared in the normal course of business, and are an accurate record of the expenses incurred.

b. Hopkins & Huebner, P.C.

64. Hopkins & Huebner, P.C. ("Hopkins & Huebner"), a law firm with offices in Des Moines, Iowa, served as co-counsel for Plaintiffs in this action. Two of its attorneys, Glenn F.

Ruud and Kylie K. Franklin, are admitted to the Illinois state bar, and were admitted *pro hac vice* in this case. Hopkins & Huebner's work included consulting with Class Counsel on Illinois law and Illinois procedural and ethical issues, reviewing pleadings, motion papers, and court orders, reviewing discovery, and participating in communications about case status and mediation.

65. Hopkins & Huebner ceased operations on August 31, 2026. Before closing, it provided Class Counsel with an invoice reflecting its contemporaneous time records and expenses for this matter from July 13, 2021 through August 27, 2026. Based on those records, Hopkins & Huebner's timekeepers spent a total of 80.0 hours on this action, for a lodestar of $30,945.50, as follows:

Timekeeper	**Position**	**Hours**	**Hourly Rate**	**Lodestar**
Kylie K. Franklin	Shareholder	52.4	$400	$20,960.00
Glenn F. Ruud	Shareholder	23.2	$400	$9,280.00
Chandler M. Surrency	Shareholder	0.7	$400	$280.00
Karen M. Balzer	Paralegal	3.7	$115	$425.50
Total		**80.0**		**$30,945.50**

66. These figures exclude 0.9 hours (0.4 hours by Ms. Franklin and 0.5 hours by Ms. Balzer) that Hopkins & Huebner recorded on November 18, 2022 in connection with a separate matter.

67. Hopkins & Huebner also incurred **$1,003.37** in unreimbursed expenses. These consist of *pro hac vice* admission fees paid to the Clerk of the U.S. District Court ($300.00), *pro hac vice* fees paid to the New Jersey Lawyers' Fund for Client Protection ($424.00), the annual New Jersey court registration fee for *pro hac vice* attorneys ($246.17), and PACER charges ($33.20).

J. Agreements Required to Be Identified Under Rule 23(e)(3)

68. Pursuant to Federal Rule of Civil Procedure 23(e)(3), the only agreement made in connection with the Settlement is the Settlement Agreement itself. There are no side agreements between Plaintiffs or Class Counsel and JJCI. Separately, Class Counsel have a co-counsel agreement among themselves governing case costs and the allocation of any attorneys' fees the Court awards. Under that agreement, PLL and Mazie Slater share case costs, including expert costs, 60% and 40%, respectively. From any fee award, Schwartz Law PLLC and Hopkins & Huebner, P.C. will each be paid their respective lodestars without a multiplier. The remainder will be allocated 60% to PLL and 40% to Mazie Slater, subject to good-faith adjustment if the firms' respective lodestars differ materially from those percentages. This agreement governs only how Class Counsel divide whatever fee the Court awards. It does not increase the total fee requested, affect the amount available to the Settlement Class, or impose any obligation on JJCI or Settlement Class Members.

K. The Class Representatives and Requested Service Awards

69. I have worked closely with the Class Representatives. They each have been actively and diligently pursuing this litigation in cooperation with my firm and co-counsel. They assisted with counsel's investigation, with the filing of the complaint (or the amended complaint), complied with their discovery obligations, asked for updates about their case, and shared their views and input on important aspects of the litigation and the settlement relief. Each of the Plaintiffs supports the Settlement and believes that it constitutes a fair, reasonable, and adequate result for the Settlement Class. The Class Representatives have adequately represented the Settlement Class.

70. Plaintiff Melzer contacted Class Counsel in April 2022 and assisted with the initial investigation of the potential claims against JJCI. She agreed to serve as a Class

Representative and filed the initial Complaint on May 26, 2022. For more than two years, Plaintiff Melzer was the sole putative Class Representative pursuing these claims against JJCI.

71. On July 1, 2024, Plaintiffs Borovoy, Sajnani, and Biewald joined the action through the Second Amended Complaint. (Dkt. 62.)

72. Plaintiffs actively participated in the litigation. Plaintiff Melzer responded to JJCI's interrogatories and requests for production, produced responsive documents, served amended responses, and searched for and provided the email addresses she used so that JJCI could search its records.

73. Plaintiffs kept in regular contact with Class Counsel and conferred with Class Counsel to discuss case strategy, discovery, mediation, and the prospects of settlement.

74. Based on the time and effort the Plaintiffs dedicated to the class over the course of this litigation, we believe that a $5,000 service award to each Plaintiff is fair and reasonable, and respectfully request that these awards be approved.

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

/s/ Grace E. Parasmo
Grace E. Parasmo

Dated: October 27, 2026

EXHIBIT A

PARASMO LIEBERMAN LAW FIRM RESUME

Parasmo Lieberman Law is a nationally recognized plaintiffs' class action firm with offices in California and New York. The Firm focuses its practice on consumer data privacy and security, consumer protection and false advertising, and wage and hour law. The Firm is committed to vigorously pursuing cases of genuine public importance, championing the rights of consumers, employees, and other aggrieved individuals against well-resourced corporate defendants, and achieving meaningful results for the classes it represents. The Firm's attorneys share a common goal: to pursue justice, level the playing field, and effect corporate change.

Selected Class Actions

Halim v. Charlotte Tilbury Beauty Inc., No. 1:23-cv-00094 (Illinois Chancery Div., Cook Cnty) (Appointed class counsel; court granted final approval of a $2,925,000 settlement and prospective business practice changes for a class of consumers asserting claims under the Illinois Biometric Information Act.)

King v. Bumble Trading, Inc., No. 5:18-cv-06868-NC (N.D. Cal.) (Appointed class counsel; court granted final approval of $22.5 million settlement resolving claims on behalf of nationwide and California subclasses alleging violations of California Automatic Renewal Law and the New York Dating Services Law.)

Slovin v. Sunrun, Inc., No. 4:15-cv-05340-YGR (N.D. Cal.) (Appointed class counsel; court approved $5.5 million class settlement in consumer class action for violations of the Telephone Consumer Protection Act's auto-dialer and Do-Not-Call provisions.)

Lomeli, et al. v. SeaWorld Parks and Entertainment, Inc., No. 37-2023-00008529-CU-BT-CTL (San Diego Cnty. Super. Ct.) (Appointed class counsel; court finally approved $1.5 million settlement in class action alleging unfair competition and false adverting claims premised on failure to comply with California's Automatic Renewal Law)

S.A. v. Natural Cycles USA Corp., No. 3:25-cv-10421-WHO (N.D. Cal.) (Class action alleging violations of California privacy statutes arising from the collection and disclosure of sensitive reproductive and health related information through a digital contraceptive application, without consent.)

VanCleave v. Abbott Laboratories, No. 19-cv-345045 (Santa Clara Cnty. Super. Ct.) (Appointed class counsel in class action alleging claims under the California Unfair Competition Law and California Consumer Legal Remedies Act for misleading health and wellness claims on the labeling of children's nutrition drinks)

Herrera v. Legoland California LLC, No. 25CU026472C (San Diego Cnty., Cal. Super. Ct.) (Class action alleging unfair competition, false advertising, and related statutory violations arising from the automatic renewal of annual passes to Legoland California. Plaintiffs seek restitution, injunctive relief, and compliance with California consumer-protection statutes.)

Attorney Biographies

Grace E. Parasmo

Ms. Parasmo has twenty years of experience in class action and complex litigation. She has served as counsel in dozens of class actions across the country resulting in hundreds of millions of dollars in relief for class members. She has substantial experience on a wide range of class actions and group litigation, including deceptive and false advertising, privacy and data security, wage and hour, antitrust, securities fraud, and shareholder derivative litigation.

Prior to co-founding Parasmo Lieberman Law, Ms. Parasmo was a partner at KamberLaw, LLC, where her practice focused on consumer protection and technology-related class actions, including early and significant litigation concerning online tracking, digital advertising practices, and consumer privacy. She is a former member of the International Association of Privacy Professionals, and she obtained an Information Privacy Professional certification. She also lectures on issues relating to online privacy, consumer protection, and technology law.

Ms. Parasmo received her J.D. from New York Law School in 2006, where she served as Executive Articles Editor of the *New York Law School Law Review*. She was a judicial extern to the Honorable Burton R. Lifland, former Chief Bankruptcy Judge for the Southern District of New York. She earned her B.A., *cum laude*, with Departmental Honors, from Fordham University.

Before entering private practice, Ms. Parasmo worked as a consumer advocate with the New York State Attorney General's Office, Bureau of Internet and Technology and later the Bureau of Consumer Fraud and Protection, where she mediated consumer complaints and recommended potential enforcement actions.

Ms. Parasmo is admitted to practice in California and New York and before the United States District Courts for the Northern, Southern, and Central Districts of California and the Southern and Eastern Districts of New York.

Selected Matters

Consumer Protection, Privacy, and Technology

In Re: iPhone/iPad Application Consumer Privacy Litigation, MDL No. 2250 (N.D. Cal.) (class action involving the interaction of Apple mobile devices and mobile apps to transmit consumers' personal information and geolocation data to third-party advertisers and analytics networks without consent)

In Re Hulu Privacy Litigation, No. 3:11-CV-03764-LB (N.D. Cal.) (class action alleging violations of the federal Video Privacy Protection Act arising from company's unauthorized disclosure of consumers' video viewing information to third-party advertisers, metrics companies, and social networks)

In Re Clearspring Flash Cookie Litig., No. 10-cv-05948-GW*;* ***In Re Quantcast Advertising Cookie Litig.,*** 10-cv-05484-GW-JCG (C.D. Cal.) (class actions that resulted in landmark settlements including *cy pres* funds and injunctive relief that enjoined third-party ad and analytics companies' repurposing of consumers' Adobe Flash software to override browser privacy and security settings to track consumers).

Kim v. Space Pencil d/b/a Kissmetrics, No. 3:11-cv-03796-LB (N.D. Cal. 2011) (class action arising out of third-party analytics company's repurposing of consumers' computer resources to override their browser privacy and security settings to track consumers; settlement resulted in injunctive relief for class that stopped the complained-of tracking activities).

Valentine v. NebuAd, No. C 08-05113 TEH (N.D. Cal. 2011) (class action alleging violation of the Electronic Communications Privacy Act arising out of online ad-serving company's use of deep packet inspection for behavioral targeting of online ads; obtained a *cy pres* fund for ECPA violations.)

Bose v. Interclick, Inc., (S.D.N.Y. 2011) (class action alleging violations of the Computer Fraud and Abuse Act and New York General Business Law, Section 349 against online ad network that used flash cookies and history sniffing code to track consumer's browsing habits, invade their privacy, and collect their personal information).

Guido v. L'Oréal U.S.A., Inc., No. 11-CV-01067 (C.D. Cal.) (class action that resulted in class settlement that required L'Oréal USA to comply with the Federal Hazardous Substances Act and its corresponding regulations for classifying products as flammable pursuant to 16 C.F.R. 1500.3 for all Garnier Fructis Hair-Styling products in the Sleek & Shine product line).

Wage and Hour

Braun and Hummel v. Wal-Mart Stores, Inc., Nos. 3127 and 3757 (Court of Common Pleas, Philadelphia County) (Plaintiffs obtained a $78 million jury verdict against Wal-Mart and an express finding that Wal-Mart acted in bad faith in failing to pay class members for missed rest breaks and off-the-clock work. The verdict was hailed as the largest jury verdict in the Commonwealth of Pennsylvania in 2006. On October 3, 2007, the Court of Common Pleas ordered Wal-Mart to pay an additional $62.3 million in statutory damages to class members. On November 14, 2007, a judgment for in excess of $187 million was entered by the trial judge against Wal-Mart. On June 1, 2011, the Superior Court of Pennsylvania affirmed the $150 million judgment against Wal-Mart, and the three-judge panel held that there was sufficient evidence in the record to conclude that Wal-Mart breached its contract with its hourly employees and violated the state's labor laws. Thereafter, Wal-Mart sought leave to appeal to the Pennsylvania Supreme Court. The Pennsylvania Supreme Court affirmed the decisions of two lower courts and the unanimous class action jury verdict).

***Iliadis, et al. v. Wal-Mart Stores, Inc.*,** No. MID-L-5498-02 (N.J. Sup. Ct., Middlesex Co.) (after class certification and further proceedings, a settlement was reached providing for injunctive relief and the payment by Wal-Mart of up to $28 million to hourly employees for unpaid rest and meal breaks and off-the-clock work).

Yitzchak H. Lieberman

Yitzchak H. Lieberman is a co-founder of Parasmo Lieberman Law and has spent his career representing consumers in class actions across the country. His practice focuses on consumer data privacy and security, biometric privacy, consumer protection and false advertising, and consumer finance claims. He has obtained multi-million dollar settlements and meaningful changes in business practices in cutting-edge privacy and data security class actions. Prior to co-founding Parasmo Lieberman Law, Mr. Lieberman was a partner at KamberLaw, LLP, a consumer class action law firm.

Mr. Lieberman's analytical approach to complex litigation is informed by his unique academic background. In addition to his law degree from Boston University School of Law, he holds a Bachelor of Talmudic Law—a rigorous course of study grounded in textual analysis, principles of logic, and game theory—and studied ancient Hebrew and Aramaic texts. During law school, he served as a Judicial Intern for the Honorable David I. Schmidt, New York State Supreme Court, Kings County.

Mr. Lieberman is admitted to practice in California and New York and before the United States District Courts for the Northern, Central, and Southern Districts of California.

Selected Matters

In re Collecto, Inc. Telephone Consumer Protection Act (TCPA) Litigation, Master No. 1:14-md-2513-RGS (D. Mass) (TCPA class action alleging that third party debt collector placed calls to collect debts to cellular telephone numbers without an agreement with the creditor for whom it sought to collect the debt).

Lofton v. Verizon, No. 13-cv-05665 (N.D. Cal.) (class action alleging violations of the TCPA against third party debt collectors who employed predictive dialers and recorded calls without consent).

Wang v. Bank of America, No. CGC 12-526452 (Sup. Ct. San Fran. Cty.) (class action which resulted in 12,225 persons throughout California receiving compensation as a result of a dispute over the proper interpretation of a bank deposit agreement).

Holmes v. NCO, Inc., No. 3:10-cv-2543 (S.D. Cal.) (Fair Debt Collection Practices Act class action which resulted in over 1,000 persons whose credit reports were impacted to receive nearly the entire amount of possible damages recoverable, even after trial).

Guido v. L'Oréal U.S.A., Inc., No. 11-CV-01067 (C.D. Cal.) (class action that resulted in class settlement that required L'Oréal USA to comply with the Federal Hazardous Substances Act and its corresponding regulations for classifying products as flammable pursuant to 16 C.F.R. 1500.3 for all Garnier Fructis Hair-Styling products in the Sleek & Shine product line).

In Re Hulu Privacy Litigation, No. 3:11-CV-03764-LB (N.D. Cal.) (class action alleging violations of the federal Video Privacy Protection Act arising from company's unauthorized disclosure of consumers' video viewing information to third-party advertisers, metrics companies, and social networks)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated, Plaintiffs, v. JOHNSON & JOHNSON CONSUMER INC., Defendant	No. 3:22−CV−03149−MAS−TJB **DECLARATION OF MATTHEW R. MENDELSOHN IN SUPPORT OF PLAINTIFFS' MOTIONS FOR (1) FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND (2) ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

Pursuant to 28 U.S.C. § 1746, I hereby declare, and state as follows:

1. I am over the age of 18 years old and I reside in the State of New Jersey. I am a Member of the law firm of Mazie Slater Katz & Freeman, LLC ("Mazie Slater"), which has been retained to represent Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald ("Plaintiffs") in this matter. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify under oath to the matters set forth in this Declaration.

2. I make this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.[1]

I. THE ACTION

3. Briefly stated, on May 26, 2022, Plaintiff Helene Melzer filed this action against

[1] To avoid redundancy, I incorporate the statements regarding the history and settlement of this litigation contained in the Declaration of Grace Parasmo, Esq., which contains a more detailed recitation of the background of this action and the Settlement.

Johnson and Johnson Consumer Inc. ("JJCI"). Plaintiff alleged that JJCI, through its artificial intelligence tool, Neutrogena Skin360 ("Skin360"), captured and collected users' biometric identifiers and improperly used such data violating the Illinois Biometric Privacy Act, 740 ILCS 14/1 et seq. ("BIPA"), which, among other things, prohibits private entities from capturing and collecting scans of facial geometry without prior informed written consent or from disclosing or redisclosing it without prior consent or from profiting from it.

4. The Court denied JJCI's motion to dismiss Plaintiff's BIPA claims as alleged in the First Amended Complaint (ECF No. 21) on April 26, 2023. ECF No. 42. JJCI again moved to dismiss the BIPA claims in Plaintiffs' Second Amended Complaint (ECF No. 62) on the grounds that JJCI was subject to BIPA's "healthcare exemption." ECF No. 66. The Court denied this motion on March 7, 2025. ECF No. 75.

II. THE SETTLEMENT

5. After the Court denied JJCI's second motion to dismiss, the parties agreed to engage in private mediation. On August 5, 2025 the parties participated in a mediation before Honorable Wayne Andersen (Ret.) from JAMS in Chicago, Illinois. As part of the mediation, Plaintiffs prepared a detailed mediation statement that put forth their respective positions on the facts and law, with the assistance of technical experts. With the guidance of Honorable Wayne Andersen, the parties reached an agreement in principle to settle this action.

6. On October 23, 2025, the Parties reached agreement regarding the material terms of the proposed settlement and executed a Settlement Term Sheet. Over the following months, the parties negotiated the complete terms of the proposed settlement and the form of class notice, and on February 16, 2026, the parties executed the Settlement Agreement.

7. All the terms of the Settlement Agreement are the result of arm's-length

negotiations between experienced counsel for both sides, with the assistance of Judge Anderson.

III. THE SETTLEMENT IS AN EXCELLENT OUTCOME FOR PLAINTIFFS AND THE CLASS

8. The Settlement was achieved after proposed class counsel undertook a thorough evaluation of the merits of the case, the risks of litigation, JJCI's asserted defenses, and ultimately the costs and benefits of the Settlement.

9. While I believe that Plaintiffs could prevail at trial, I know the considerable risk and inherent uncertainty that litigation entails, especially given the evolving case-law relating to BIPA, and JJCI's asserted defenses.

10. Based on the discovery and analysis undertaken, and my experience, it is my opinion and belief that the Settlement is in the best interests of Plaintiffs and Class Members, and indeed represents an excellent outcome.

IV. MY EXPERIENCE

11. I graduated from Rutgers University in 2002 and then attended Seton Hall University School of Law, from which I graduated in 2005. I am a Member at Mazie Slater, a fourteen-attorney firm located in Roseland, New Jersey, where I have worked since 2006.

12. I have extensive experience in complex civil litigation in general, and class actions and consolidated proceedings specifically. I have been appointed to leadership positions in other similar proceedings, as set forth below.

13. I have been continuously and successfully litigating consumer class action lawsuits for approximately 20 years. During that time, I have repeatedly been appointed as Class Counsel by courts throughout the country and have successfully resolved many cases on behalf of tens of millions of class members. Examples of cases where I have been appointed as class counsel and achieved a successful resolution on behalf of the class include but are not limited to:

- *Niemczyk v. Pro Custom Solar, LLC* (D.N.J. Case No. 2:19-cv-7846-ES-MAH) (appointed Co-Lead Class Counsel for approximately 4.1 million class members for alleged violations of the TCPA resulting in a common fund settlement of between $20-$30 million, depending on how quickly defendant pays);

- *In Re Subaru Battery Drain Products Liability Litigation* (D.N.J. Case No.: 1:20-cv-03095-JHR-MJS*)* (appointed Co-Lead Class Counsel for owners of Volvo vehicles containing alleged defects in the electrical system resulting in nationwide settlement providing up to 165% reimbursement, vehicle modifications and extended warranty);

- *Linardi v. Astral Energy, LLC* (N.J. Sup. Ct. No: BER-L-003724-18) (appointed Co-Lead Class Counsel on behalf of consumers alleging fraud and breach of contract against third-party energy provider resulting in class settlement);

- *Feldman v. BRP US, Inc.* (S.D. FL. 17-cv-61150) (appointed Co-Lead Class Counsel on behalf of NY, NJ, FL and TX purchasers of Sea-Doo watercraft suffering from allegedly defective exhaust components resulting in a settlement providing 100% reimbursement and an agreement to cover the defect under warranty);

- *Gray v. BMW of North America, LLC* (D.N.J. 13-cv-3417-WJM-MF) (appointed Co-Lead Class Counsel on behalf of BMW 6-series owners alleging defects in the convertible systems resulting in a nationwide settlement providing a free repair of the defect, reimbursements for past repairs and an extended warranty);

- *Bauman v. V Theater, et al* (D. NV. 2:14-cv-01125-RFB-PAL) (appointed Co-Lead Class Counsel on behalf of nationwide class of individuals alleging violations of the TCPA resulting in a settlement valued of up to $20 million);

- *Haghayeghi v. Guess?, Inc.*, (S.D. Cal. 14-cv-00020) (appointed Co-Lead Class Counsel on behalf of nationwide class of individuals alleging violations of the TCPA resulting in nationwide settlement);

- *Majdipour v. Jaguar Land Rover N. Am., LLC* (D.N.J 2:12-cv-07849-MCA-LDW) (appointed Co-Lead Class Counsel on behalf of owners and lessees of Range Rover vehicles containing allegedly defective air suspension systems resulting in a nationwide settlement providing reimbursements and extended warranties);

- *Meyer v. bebe stores, inc.*, (N.D. Cal. 14-cv-00267-YGR) (appointed Co-Lead Class Counsel in contested class certification motion resulting in eventual settlement on behalf of a nationwide class);

- *McLaughlin v. IDT Energy* (S.D.N.Y. 1:14-cv-04107) (appointed Co-Lead Class Counsel on behalf of consumers alleging fraud and breach of contract against third-party energy provider resulting in a favorable settlement for the class);

- *In re HIKO ENERGY LLC Litigation* (S.D.N.Y. 14-cv-1771) (appointed Co-Lead Class Counsel on behalf of consumers alleging fraud and breach of contract against third-

party energy provider resulting in a significant settlement for the class);

- *Claridge v. North American Power & Gas, LLC*, (S.D.N.Y. 15-cv-1261) (appointed Co-Lead Class Counsel on behalf of consumers alleging fraud and breach of contract against third-party energy provider resulting in a substantial settlement for the class);

- *Overton v. sanofi-aventis US, LLC*, (D.N.J. 3:13-cv-05535-PGS-DEA) (appointed Class Counsel in nationwide class action settlement recovering 57% of the alleged damages on behalf of class members);

- *Zakskorn v. American Honda Motor Co.*, (E.D. Cal. 2:11-cv-2610-KJM-KJN) (nationwide class action settlement on behalf of 1.68 million class members involving brake defect in vehicles);

- *Aarons v. BMW of North America, LLC* (C.D. Cal. 2:11-cv-7667-PSG-CW) (appointed Co-Lead Class Counsel on behalf of owners of Mini Cooper vehicles with alleged transmission defects resulting in a nationwide settlement providing reimbursements for past failures and reimbursement for the diminished vehicle value);

- *Keegan v. American Honda Motor Co.* (C.D. Cal. 2:10-cv-09508-MMM-AJW) (appointed Co-Lead Class Counsel on behalf of more than 1 million owners of Honda Civic vehicles with alleged suspension defects resulting in a nationwide settlement providing free control arm replacements and reimbursements for past repairs);

- *In re Nissan Radiator/Transmission Cooler Litigation* (S.D.N.Y. 10-cv-7493-VB) (appointed Co-Lead Class Counsel on behalf of more than 1 million owners of Nissan vehicles containing radiator defects resulting in a nationwide settlement providing a warranty extension to 10 years/100,000 miles and reimbursements for past repairs); and

- *Alin v. American Honda Motor Co., Inc.*, (D.N.J. 2:08-cv-04825) (nationwide class action settlement valued at $38.5 million on behalf of hundreds of thousands of Honda vehicle owners alleging defects in their vehicles' air-conditioning systems).

14. I continue to litigate numerous consumer class actions in various courts throughout the United States.

15. In the course of litigating consumer class action cases, I have helped to shape the law in this area, resulting in numerous reported decisions including: *Cummings v. FCA US LLC*, 401 F.Supp.3d 288 (S.D.N.Y. 2019); *Haghayeghi v. Guess?, Inc.*, 168 F. Supp. 3d 1277 (S.D. Cal. 2016); *Neale v. Volvo Cars of North America, LLC*, 794 F.3d 353 (3d Cir. 2015); *Dewey v. Volkswagen Aktiengesellschaft*, 558 Fed.Appx. 191 (3d Cir. 2014); *Gray v. BMW of North*

America, LLC, 22 F.Supp.3d 373 (D.N.J. 2014); *Dewey v. Volkswagen Aktiengesellschaft*, 681 F.3d 170 (3d Cir 2012); *Keegan v. Am. Honda Motor Co.*, 838 F.Supp.2d 929 (C.D. Cal. 2012); *Keegan v. Am. Honda Motor Co.*, 284 F.R.D. 504 (C.D. Cal. 2012); *Delguercio v. Volkswagen of America*, 558 F. Supp. 2d 505 (D.N.J. 2008).

16. Finally, unlike many class action attorneys I maintain an active trial practice, having tried numerous complex cases to verdict. In recognition of this active trial practice, I have been designated by the New Jersey Supreme Court as a Certified Civil Trial Attorney.

17. Attached as **Exhibit A** is Mazie Slater's current Firm Resume.

V. ATTORNEY STAFFING & FEES

18. In performing work on this case, Mazie Slater attorneys expended 496.3 hours for a total lodestar of $448,925.00.

19. Mazie Slater's attorneys kept detailed records of the time they spent on this litigation and recorded their time contemporaneously, rounded to one-tenth of an hour. The hours set forth below are drawn from those records.

20. The various phases of this litigation have been categorized as follows:

- Category 1 - Pre-suit investigation and complaint (through 5/26/2022);
- Category 2 - Motions to dismiss and amended pleading (5/27/2022 – 6/9/2023);
- Category 3 - Discovery, second amended complaint, and second motion to dismiss (6/10/2023 – 3/7/2025);
- Category 4 - Mediation and settlement (3/8/2025 – 2/16/2026); and
- Category 5 - Preliminary approval and notice, Final approval and Fee Motion (2/17/2026 – 10/25/2026).

21. Using these categories, Mazie Slater attorneys expended the following time in this litigation:

	1	2	3	4	5	Total
David Freeman	3.0	4.4	6.5	4.8	4.1	**22.8**
Matthew Mendelsohn	18.1	51.6	173.0	136.2	33.2	**412.1**
Sam Wildman	6.5	7.4	15.4	3.7		**33.0**
Trevor Dickson		8.9	14.2	3.3	2.0	**28.4**
	27.6	**72.3**	**209.1**	**148.0**	**39.3**	**496.3**

22. These hours were reasonable and necessary given the complex nature of the case and the results achieved. The hours are also reasonable under the factors used by the federal and state courts in New Jersey to determine and measure such matters.

23. Based on experience in similar actions, it is expected that Class Counsel will expend significant additional attorney time through the conclusion of this matter, assuming that no appeals are filed. If an appeal is filed, that amount would increase significantly.

24. A review of recent class action settlements in New Jersey revealed that the rates for partners in law firms practicing in the Federal Courts of New Jersey range from about $725.00 per hour to over $2,000.00 per hour. Rates for attorneys designated as associates range from about $300.00 per hour to about $950.00 per hour.

25. For example, in *In re: Fragrance Indirect Purchaser Antitrust Litigation*, 2:23-cv-03249-WJM-JSA, Class Counsel's fee application submitted on October 23, 2026 (ECF No. 354-1 at 23) submits hourly rates ranging from $995-$2,000 for partners, $725-$1,100 for counsel, $550-$950 for associates and $225-$400 paralegals and support staff.

26. Additionally, in the matter of *Strougo v. Mallinckrodt Public Limited Company, et al.,* No. 3:20-cv-10100-RK-TJB, the fee application filed on March 11, 2025 (ECF No. 158) sets forth the 2025 hourly rates of several class action law firms, including:

Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. (Roseland, NJ)
Partners: $850-1,300

Robbins Geller Rudman & Dowd LLP (Boca Raton, FL)
Partners: $875-1,400

Of Counsel: $850
Associates: $250-490

27. Likewise in *In Re Fieldturf Artificial Turf Sales And Marketing Practices Litigation*, No. 3:17-md-02779-MAS-TJB, the fee application filed on September 24, 2024 (ECF No. 367) sets forth the 2024 hourly rates of several class action law firms, including:

Seeger Weiss (Ridgefield Park, NJ)
Partners: $975-1,395
Associates: $475-825
Paralegals: $215-395

Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. (Roseland, NJ)
Partners: $725-1,300
Of Counsel: $975
Associates: $400-650
Paralegals: $225

Hagens Berman Sobol Shapiro LLP (Seattle, WA)
Partners: $725-975
Associates: $350-525
Paralegals: $400-425

Milberg Coleman Bryson Phillips Grossman, PLLC (New York, NY)
Partners: $850
Associates: $500
Paralegals: $250

The Moskowitz Law Firm, PLLC (Miami, FL)
Partners: $950-1,250
Associates: $850-875
Paralegals: $350-375

Girard Sharp LLP (San Francisco, CA)
Partners: $825-1,195
Associates: $340-850

28. The hourly rates set forth below for attorneys at Mazie Slater are consistent with the rates discussed above:

Name	Position	Hours	Current Hourly Rate	Lodestar
David Freeman	Partner	22.8	$1,100	$25,080
Matthew Mendelsohn	Partner	412.1	$950	$391,495
Sam Wildman	Associate	33.0	$550	$18,150
Trevor Dickson	Associate	28.4	$500	$14,200
TOTALS		**496.3**		**$448,925**

29. The hourly rates above are the current hourly rates for each applicable biller and are the usual and customary rates currently charged in Mazie Slater's cases.

30. Mazie Slater's detailed time entries can be provided to the Court for an *in camera* review upon request.

31. Mazie Slater's hourly rates have been previously approved by multiple courts. *See, e.g.*, *Niemczyk v. Pro Custom Solar, LLC,* 2:19-cv-7846-ES-MAH (D.N.J. Aug. 18, 2025) (approving Mazie Slater's hourly rates of $500 to $1,400); *In Re Subaru Battery Drain Prod. Liab. Litig.*, 1:20-cv-3095-JHR-MJS (D.N.J. Jan 24, 2023) (approving Mazie Slater's hourly rates of $450 to $950); *Majdipour v. Jaguar Land Rover N. Am.*, LLC, 2:12-cv-07849-MCA-LDW (D.N.J. Feb. 3, 2020) (approving Mazie Slater's hourly rates of $425 to $900); *Feldman v. BRP US, Inc.*, Civ. Ac. No. 17-cv-61150 (S.D. FL. Nov. 19, 2018) (same); *Gray v. BMW of N. Am., LLC*, Civ. Ac. No. 13-cv-3417-WJM-MF (D.N.J Aug. 24, 2017) (same).

VI. EXPENSES INCURRED

32. The lodestar figure does not include our firm's litigation expenses, which are recorded separately. To date, our firm has incurred a total of unreimbursed expenses in the amount of $18,313.81.

33. The expenses incurred by Mazie Slater are as follows:

Expense Category	Amount
Attorney Travel	$1,570.56
Subpoena/Service	$73.25
Delivery/FedEx	$70.04
Court Fees	$402.00
Legal Research/Other Research	$244.63
Expert Fees	$8,750.00
Mediation Fees	$7,200.00
Copying/Printing/Postage	$3.33
TOTAL	**$18,313.81**

34. Each of the above-mentioned expenses were incurred in connection with this litigation, and were necessary for the advancement of the litigation and are reflected in the books and records of the firm. These books and records are prepared from receipts, expense vouchers and check records prepared in the normal course of business, and are an accurate record of the expenses incurred.

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

/s/Matthew R. Mendelsohn
MATTHEW R. MENDELSOHN

Dated: October 27, 2026

EXHIBIT A

Mazie Slater Katz Freeman
TRIAL ATTORNEYS

FIRM RESUME 2026

THE FIRM

Mazie Slater is one of the most highly regarded trial law firms in New Jersey, based on the results achieved and the diverse scope of cases that we handle. Unlike most trial firms, our practice is not limited to a particular niche or subset of civil litigation, and this versatility sharply increases our capabilities. Our practice spans the fields of class action and mass tort litigation, commercial litigation, insurance coverage litigation, professional malpractice, product liability, and personal injury. Perhaps most important, we have earned a reputation as trial lawyers who will take complex, expensive cases to trial and achieve large verdicts. The following are some of the settlements and verdicts we achieved:

In re Benicar (Olmesarten) Products Liability Litigation: $380 million settlement for individuals who sustained alleged gastrointestinal injuries caused by the blood pressure drug Benicar, manufactured by Daiichi Sankyo, Inc. and Forest Laboratories, Inc.

Escobar v. DYFS: $166 million verdict for negligence against New Jersey child protection agency. This is the largest personal injury jury verdict in New Jersey history. The Appellate Division subsequently reversed the verdict.

Verni v. Aramark: $135 million liquor liability verdict against Aramark, which is the second largest personal injury verdict in New Jersey history. The Appellate Division subsequently reversed the verdict and the case was thereafter settled for $26 million.

Meister v. Verizon: $125 million settlement for a woman who was crushed by a Verizon utility pole. This is the largest single personal injury recovery in New Jersey history. In fact, no single personal injury settlement has ever come close to this amount.

Dewey v. Volkswagen of America, Inc.: $69 million class action settlement relating to water ingress caused by defects in in over 3 million Volkswagen and Audi vehicles.

McGinnis v. C.R. Bard: $68 million jury verdict. This was a first bellwether case to proceed to verdict against Bard in the New Jersey MCL.

Alin v. American Honda Motor Co., Inc.: $40 million recovery on behalf of Honda and Acura vehicle owners regarding air conditioning system defects.

Sutter v. Horizon Blue Cross Blue Shield of New Jersey: $36 million to $55 million class action settlement on behalf of more than 20,000 New Jersey Physicians relating to improper claims handling practices by Horizon.

Confidential: $33.9 million product liability settlement on behalf of worker injured by a defective product in the workplace. This is the largest product liability settlement in New Jersey history.

Henderson v. Elizabethtown Gas: $19.2 million settlement resulting from a natural gas explosion in a home that caused severe burn injuries to several of our clients, three of whom died from their burn injuries.

Morgan v. Newark Beth Israel Hospital: $18.5 million verdict for birth injuries.

Confidential: $15.75 million audit malpractice settlement. This case involved allegations that malpractice by an accounting firm resulted in erroneous financial statements, which allegedly allowed an insolvent company to continue in business. The case settled for $15.75 million, which brought the total recovery by our law firm in litigation relating to the insolvent company to $25 million.

New Jersey Eye Center Coverage Litigation: $15.3 million verdict against insurance company. This was a case in which an insurance carrier declined to pay multiple settlements against a single eye surgeon. Following a two week trial, the trial judge ruled that the insurance carrier, Princeton Insurance Company, had to pay the settlements.

Hrymoc v. Ethicon, Inc.: $15 million jury verdict. The verdict, for $5 million in compensatory damages to and $10 million in punitives, was awarded after a three-week trial. The jury found that the pelvic mesh products sued were defectively designed and failed to contain adequate warnings.

Cohen v. Benzel-Busch Motor Car Corp.: $14.7 million settlement in a case where the plaintiff suffered Complex Regional Pain Syndrome (sometimes referred to as RSD).

Confidential: $13 million settlement where our client suffered a birth injury which caused cerebral palsy.

Gillespie v. NJ Transit: $12.75 million settlement a man in his 40's who was hit by a New Jersey Transit bus while crossing the street.

Hammons v. Ethicon, Inc.: $12.5 million jury verdict. This case is one of more than 40,000 pending against Johnson & Johnson and Ethicon around the country, for injuries suffered by victims of the Prolift and the other similar pelvic mesh devices sold by Johnson & Johnson and Ethicon. After a three week trial the jury awarded $12.5 million, consisting of $5.5 million in compensatory and $7 million in punitive damages.

Confidential: $12.5 million settlement for a young child was hospitalized after complications from a tonsillectomy.

Keller v. Flugrad: $12 million jury verdict for dental malpractice and wrongful death. This case involved medical malpractice committed by an oral surgeon whose negligence

resulted in the death of a 21-year old man within 12 hours after having his wisdom teeth removed. It is believed that this is the largest oral surgery malpractice verdict in New Jersey and one of the largest in the U.S. history.

Confidential: $11.24 million settlement for a client that suffered quadriplegia in an accident involving the product.

Gross v. Ethicon, Inc.: $11.1 million jury verdict against Johnson & Johnson in the first pelvic mesh trial in the United States. On February 25, 2013, a New Jersey jury awarded our client, a 47-year old nurse, $3.35 million in damages against Johnson & Johnson in the first of 1800 mesh lawsuits to go to trial in New Jersey. On February 27, 2013, the jury awarded an additional $7.75 million in punitive damages, bringing the total verdict to $11.1 million.

Blake v. City of New York: $10 million jury verdict for failure to provide police protection. Action brought on behalf of a young child who was severely burned by a Molotov Cocktail explosive device that was thrown into the bedroom of his family's apartment by an unapprehended perpetrator. The jury awarded $10 million in compensatory and punitive damages, which award was reduced by the trial judge to $2.4 million and affirmed on appeal.

Zhong v. NJ Transit: $10 million settlement for a passenger on a New Jersey Transit bus, was injured while retrieving her luggage from the bus. As our client was in the luggage compartment, the bus drove away causing severe injuries which required partial amputation of our client's leg.

Ingram v. Canden County Police Dept.: $10 million settlement for Xavier Ingram who was left a paralyzed, quadriplegic after he was beaten by Camden County Police. This is the largest police brutality settlement in New Jersey history, and one of the largest police brutality settlements in the nation's history.

In 2023 and 2021 The National Law Journal named Mazie Slater an **"Elite Trial Lawyers"** in the medical malpractice category and the Medical Malpractice Law Firm of the Year in 2023. Likewise, in 2018 The National Law Journal named Mazie Slater as **"Elite Trial Lawyers"** in the categories of medical malpractice and product liability. In 2018 Mazie Slater was also named **"Product Liability Litigation Department of the Year"** by the New Jersey Law Journal. In 2014 Mazie Slater Katz & Freeman, LLC was one of twelve firms in the nation named to the "**Plaintiffs' Hot List**" by The National Law Journal, one of fifty firms recognized as "**America's**

Elite Trial Lawyers" by The National Law Journal, and in 2013 Mazie Slater was named "**Litigation Department of the Year**" by the New Jersey Law Journal. Our lawyers have also been listed in "Best Lawyers in America," "New Jersey Superlawyers," and "Lawdragon 500."

In addition, Mazie Slater and/or its attorneys have been appointed Class Counsel, Lead Counsel and Liaison Counsel in various matters, including, but not limited to: In re Allergan Biocell Textured Breast Implant Products Liability Litigation, (Sup. Ct. N.J. MCL No. 634)(appointed Liaison Counsel in ongoing "mass tort" involving injuries to women that have had certain Allergan breast implants implanted); In re Valsartan Products Liability Litigation, (D.N.J. 1:19-md-02875)(appointed Co-Lead Counsel, Co-Liaison Counsel, and Executive Committee member in ongoing MDL involving drugs contaminated with cancer-causing agents); In re Benicar (Olmesarten) Products Liability Litigation, (D.N.J. 15-cv-2606-RBK-JS)(appointed Co-Lead Counsel in ongoing MDL involving gastrointestinal injuries due to hypertension medication, resulting in $380+ million settlement); In re Pelvic Mesh Litigation (Gynercare & Bard) (Sup. Ct. N.J. MCL No. 291) (appointed Co-Liaison Counsel in ongoing "mass tort" involving injuries to women that have had pelvic mesh medical devices surgically implanted); Dewey v. Volkswagen, (D.N.J. 2:07-CV-2249-FSH-PS); (Co-Class Counsel in $69 million nationwide class action settlement involving 3 million vehicles owned or leased by approximately 5.5 million Class Members over the course of 12 years, providing a unique set of monetary and non-monetary benefits); Alin v. American Honda Motor Co., Inc., (D.N.J. 2:08-cv-04825)(Co-Class Counsel in $40 million nationwide class action settlement on behalf of hundreds of thousands of Honda vehicle owners alleging defects in their vehicles air-conditioning systems); In re Nissan Radiator/Transmission Cooler Litigation, (S.D.N.Y. 10-cv-7493-VLB) (Co-Class Counsel in $20+ million nationwide class action settlement on behalf of more than 800,000 class members relating to defects in the radiator which caused catastrophic transmission failure); Aarons v. BMW of North America, LLC, (C.D. Cal. 2:11-cv-7667-PSG-CW)(Co-Class Counsel

in nationwide class action settlement involving transmission failure in certain Mini Cooper vehicles); Keegan v. American Honda Motor Co., (C.D. Cal. 2:10-cv-09508-MMM-AJW)(Co-Class Counsel in nationwide class action settlement involving suspension defect in certain Honda Vehicles); Zakskorn v. American Honda Motor Co., Inc., (E.D. Cal. 2:11-cv-2610-KJM-KJN)(appointed Co-Lead class counsel in nationwide class action settlement on behalf of 1.68 million class members involving alleged brake defects in certain Honda Civic vehicles); Kirsch, D.D.S. v. Horizon, (Docket No. ESX-L-4216-05) (16,000 dental provider class); Jungels v. Delta Dental of New Jersey (District of New Jersey Civil Action No. 07-186) (160,000 dental provider national class); Sutter, M.D. v. Oxford Health Plans (American Arbitration Association Case No. 18 193 20593 02) (20,000 physician class).

MSKF ATTORNEYS

PARTNERS

David A. Mazie graduated from Rutgers University in 1983, and George Washington University School of Law in 1986. He was admitted to the bars of State of New Jersey and District of New Jersey in 1986. Mr. Mazie focuses his practice on complex civil litigation, including personal injury, medical malpractice, product liability, commercial litigation, and class actions. He has been a certified civil trial attorney since 1996, and has obtained approximately 40 jury verdicts and settlements exceeding $1 million, including the landmark $166 million verdict against the NJDYFS, which is the largest personal injury verdict in New Jersey history. The Appellate Division reversed this verdict. Mr. Mazie also obtained a $135 million liquor liability verdict against Aramark, the second largest personal injury verdict in New Jersey history. The Appellate Division subsequently reversed the jury's verdict and the case was thereafter settled for $26 million. In 2020 Mr. Mazie secured a $125 million settlement for a woman crushed by utility pole which is the largest personal injury settlement in New Jersey history. In recent years, Mr. Mazie has obtained an $33.9 million product liability settlement, a $18.5 million wrongful birth jury verdict, a $15.75 million audit malpractice settlement, a $12 million wrongful death jury verdict, a $11.1 million "mass tort" verdict, a $7.25 million actuarial malpractice settlement, and a multi-million dollar Lasik malpractice settlement which is believed to be the largest Lasik malpractice recovery in New Jersey history. He also tried -- and successfully settled -- the case of Ravin Sarasohn v. Lowenstein Sandler involving unfair competition between competing law firms. In addition to the representation of private clients, over the past twenty-four years he has represented the New Jersey Commissioner of Banking and Insurance as liquidator of several failed insurance companies, handling numerous multi-million dollar commercial litigations on the Commissioner's

behalf. He also has numerous reported decisions, many of which have changed the law: Ravin, Sarasohn v. Lowenstein Sandler, 365 N.J. Super. 241 (App. Div. 2003); Taglieri v. Moss, 367 N.J. Super. 184 (App. Div. 2004); Reynolds v. Guard Dogs Unlimited, Inc. 325 N.J. Super. 298 (App. Div. 1999); Nubenco Enterprises, Inc. v. Inversiones Barberena, S.A., 963 F.Supp. 353 (D.N.J. 1997); Integrity Insurance Co. v. Teitelbaum, 245 N.J. Super. 133 (Law Div. 1990); In re Integrity Insurance Company, 193 N.J. 86 (2007); Resolution Trust Corp. v. Edie, 1994 WL 744672 (D.N.J. Oct. 4, 1994); Ladner v. Mercedes-Benz of North America, Inc. 266 N.J. Super. 481 (App. Div. 1993); Home State Insurance Co. v. Continental Insurance Co., 313 N.J. Super. 584 (App. Div. 1998); Home State Insurance Co. v. Continental Insurance Co., 158 N.J. 104 (1999); In re Phenylpropanolamine (PPA), 2003 WL 22417238 (N.J. Super., July. 21, 2003); Fillebrown v. Steelcase, Inc., 63 Fed Appx. 54, 2003 WL 1191162 (3d Cir. 2003); Verni v. Harry M. Stevens, et al, 387 N.J. Super. 160 (App. Div. 2006); Liss v. Federal Insurance Co., 2006 WL 2844468 (App. Div. 2006); Clark v. University Hospital/UMDNJ 390 N.J. Super 108 (App. Div. 2006); New Jersey Eye Center v. Princeton Ins. Co., 394 N.J. Super. 557 (App. Div. 2007); Verni v. Lanzaro, 404 N.J. Super. 16 (App. Div. 2008); Liss v. Federal Ins. Co., 2009 WL 231992 (App. Div. 2009); Beye v. Horizon Blue Cross Blue Shield, 2008 WL 3064757 (D.N.J. 2008); Beye v. Horizon Blue Cross Blue Shield, 558 F. Supp. 2d 556 (D.N.J. 2008); Alin v. American Honda Motor Co., Inc., 2010 WL 1372308 (D.N.J. March 31, 2010). Mr. Mazie has been named to the Best Lawyers in America numerous times, and one of the top 500 lawyers in America by Law Dragon. Mr. Mazie has personally received the most votes of any New Jersey trial attorney in the 2005, 2006 and 2007 Super Lawyers rankings, and has been ranked in the top ten every year since 2009. In 2005, the New Jersey Law Journal named Mr. Mazie "Lawyer of the Year," and in 2014 he was inducted into the "Personal Injury Hall of Fame."

Adam M. Slater is a partner and senior trial lawyer at Mazie Slater. Mr. Slater's practice is focused on complex civil litigation, product liability, medical malpractice, personal injury, consumer litigation, and class action law. Mr. Slater is a 1989 graduate of Tulane University and a 1993 graduate of Boston University School of Law. Mr. Slater was admitted to the bars of the State of New Jersey and District of New Jersey in 1994. He is also admitted in the State of New York, the District of Columbia, the State of Colorado, and the Third Circuit Court of Appeals. Mr. Slater was certified as a civil trial attorney by the New Jersey Supreme Court in 2000, only six years after admission to the bar, and has been recertified. Mr. Slater lectures frequently on trial practice for New Jersey ICLE including seminars titled: Trying Cases: Proven Tactics & New Strategies for Success, Trying the Breast Cancer Case, Winning the Big Verdict, Trying Your Case the Right Way, and Not Just Another Discovery Seminar. He has been named to the Best Lawyers in America and as a Top 100 "Super Lawyer" in the State of New Jersey. He also has numerous published opinions, including but not limited to Liguori v. Elmann, 191 N.J. 527 (2007); New Jersey Eye Center, P.A. v. Princeton Ins. Co., 394 N.J. Super. 557 (App. Div. 2007); Baldassano v. High Point Insurance Company, 396 N.J. Super. 448 (App. Div. 2007); La v. Hayducka, 269 F.Supp. 2d 566 (D.N.J. 2003); In re Glatstian, 215 B.R. 495 (Bankr. D.N.J. 1997); Meth v. Gorfine, 34 A.D. 3d 267 (N.Y.A.D. 1st Dept. 2006), Dewey v. Volkswagen, AG., 558 F.Supp. 2d 505 (D.N.J. 2008); Dewey v. Volkswagen, AG., --- F.Supp. 2d --- (D.N.J. 2010). Over his career, Mr. Slater has obtained numerous verdicts and settlements in excess of one million dollars, with many in the multi-millions, including a $69 Million class action settlement in Dewey v. Volkswagen. In addition, Mr. Slater has also appointed as Liaison Counsel in In re Allergan Biocell Textured Breast Implant Products Liability Litigation, (Sup. Ct. N.J. MCL No. 634); Co-Liaison Counsel in In re Pelvic Mesh Litigation – J&J/Bard; Co-Lead Counsel in In re: Benicar (Olmesartan) Products

Liability Litigation; and Co-Lead Counsel in In re Valsartan Products Liability Litigation, (D.N.J. 1:19-md-02875).

Eric D. Katz is a partner at Mazie Slater. Mr. Katz is a 1988 graduate of Polytechnic University of New York (now Polytechnic Institute of NYU) and a 1991 graduate of Pace Law School, where he was an editor on the law review, and was admitted to the bar of the State of New Jersey and the District of New Jersey in 1991. Mr. Katz is a certified civil trial attorney, and concentrates his practice in managed care, class action, product liability, ERISA, and medical provider law. In 2013, Mr. Katz successfully argued on behalf of the Respondent, John Ivan Sutter, M.D. in the Supreme Court of the United States in the matter of Oxford Health Plans v. Sutter, 133 S. Ct. 2064 (2013), in which the Supreme Court in an unanimous decision affirmed the Third Circuit upholding an arbitrator's award that 20,000 New Jersey physicians may arbitrate their claims payment disputes on a class-wide basis against Oxford Health Plans. Mr. Katz has been appointed class counsel in several class actions, and has been selected a New Jersey Super Lawyer annually since 2007 in the area of class action law, as well as selected to The Best Lawyers in America annually since 2012. In addition to his complex litigation and class action experience, Mr. Katz is a recognized published authority in this state on the subjects of product liability and toxic tort law, having co-written with Hon. William A. Dreier, P.J.A.D. (Ret.) and Hon. John E. Keefe, P.J.A.D. (Ret.), the most-widely cited treatise on these areas of the law entitled New Jersey Products Liability and Toxic Tort Law (published annually by Gann Law Books). Since its initial printing, the treatise was adopted by the Administrative Office of the Courts as a bench book on product liability and, for a number of years, was distributed to the entire state judiciary on an annual basis. To date, the treatise has been cited on twenty (20) or more occasions in published opinions. In addition to his Supreme Court decision, Mr. Katz has several other reported decisions, for example Sutter v. Oxford Health Plans, 675 F.3d 215 (3d Cir. 2013, aff'd 133 S. Ct. 2064

(2013); Kaufman v. Allstate Ins. Co., 561 F.3d 144 (3d Cir. 2009); Sutter v. Horizon Blue Cross Blue Shield, 406 N.J. Super. 86 (App. Div. 2009); and Kirsch v. Delta Dental of New Jersey, 2008 WL 441860 (D.N.J. 2008). Mr. Katz has multiple seven-figure settlements, including the landmark $39 million Sutter v. Horizon class action settlement.

David M. Freeman is a partner at Mazie Slater and a 1985 graduate of Lehigh University and a 1988 graduate of University of Pennsylvania Law School. Mr. Freeman was admitted to the bar of the State of New Jersey and the District of New Jersey in 1988. Mr. Freeman concentrates his practice in the area of complex litigation, including commercial litigation, product liability, professional malpractice, insurance insolvency, and personal injury. Mr. Freeman has several reported and unreported decisions, for example Liss v. Federal Ins. Co., 2009 WL 231992 (App. Div. 2009); In re Integrity Insurance Company, 193 N.J. 86 (2007); Liss v. Federal Insurance Co., 2006 WL 2844468 (App. Div. 2006); Klein v. Autek, 147 Fed.Appx. 270 (3d. Cir 2005); Ravin Sarasohn v. Lowenstein Sandler, 365 N.J.Super. 241, (App. Div. 2003); Lascurain v. City of Newark, 349 N.J.Super. 251, 793 A.2d 731, (App. Div. 2002); RFE Industries v. SPM Corp., 103 F.3d 923 (4th Cir. 1997); National Property Investors VIII v. Shell Oil Co., 950 F.Supp 710 (E.D.N.C. 1996); National Property Investors VIII v. Shell Oil Co., 917 F.Supp 324 (D.N.J. 1995); and S&R Associates v. Shell Oil Co., 725 A.2d 431 (Del. Supr. 1998); Matter of Integrity Ins. Co., 1991 WL 213899 (D.N.J. 1991).

Matthew R. Mendelsohn is a partner with Mazie Slater and concentrates his practice in complex civil litigation, specializing in class action and personal injury litigation. Mr. Mendelsohn is a 2002 graduate of Rutgers University and a 2005 graduate of Seton Hall School of Law. He has been admitted to practice in New Jersey, New York, U.S. District Court, District of New Jersey, Southern District of New York, and the Third and Ninth Circuit Court of Appeals. Mr. Mendelsohn has been Certified by the Supreme Court of New Jersey as a Civil Trial Attorney,

a distinction held by less than 3% of practicing attorneys in NJ. Mr. Mendelsohn has litigated numerous cases resulting in multi-million dollar verdicts and settlements including, but not limited to, the $69 Million class action settlement in Dewey v. Volkswagen, a $40 million class action settlement in Alin v. Honda, a $30+ million class action settlement in In re Subaru Battery Drain Litigation; a $20+ million class action settlement in In re Nissan Radiator/Oil Cooler Litigation; a $19.2 million settlement for injuries sustained as a result of a gas explosion; a $7 million settlement on behalf of an injured construction worker; a $6 million settlement in a bus accident case, $5 million settlement in a truck accident case, $4.7 million settlement in product liability case, and a $4.5 million settlement in a medical malpractice action. In recognition of his accomplishments, Mr. Mendelsohn has been listed as one of the "500 Leading Consumer Plaintiff Lawyers" by Lawdragon every year since 2023, selected as a "New Leader of the Bar" (formerly known as "40 under 40") by the New Jersey Law Journal in 2012, selected as a member of "The Top 40 under 40" by The National Trial Lawyers in 2012, selected as a "Top 100 Trial Lawyer" by The National Trial Lawyers and selected as a New Jersey "Super Lawyer" every year since 2015. Mr. Mendelsohn has also personally been appointed Class Counsel in 18 nationwide consumer class actions. Mr. Mendelsohn has several reported decisions to his credit, including; Cummings v. FCA US LLC, 401 F.Supp.3d 288 (S.D.N.Y. 2019); Haghayeghi v. Guess?, Inc., 168 F. Supp. 3d 1277 (S.D. Cal. 2016); Neale v. Volvo Cars Of North America, LLC; 794 F.3d 353 (3d Cir. 2015); Gray v. BMW of North America, LLC, 22 F.Supp.3d 373, (D.N.J. 2014); Dewey v. Volkswagen Aktiengesellschaft, 558 Fed.Appx. 191 (3d Cir. 2014); Dewey v. Volkswagen of America, 909 F.Supp.2d 373 (D.N.J. 2012); Keegan v. American Honda, 284 F.R.D. 504 (C.D. Cal 2012); Keegan v. American Honda, 838 F.Supp.2d 929 (C.D. Cal. 2012); Sutter v. Horizon Blue Cross Blue Shield, 406 N.J. Super. 86 (App. Div. 2009); and Dewey v. Volkswagen, AG, 558 F.Supp. 2d 505 (D.N.J. 2008).

Beth G. Baldinger is an experienced trial attorney for over 25 years and has extensive experience in complex civil litigation. Nationally recognized in the field of crime victims' rights, Ms. Baldinger has championed the rights of children injured in state foster care and daycare settings; survivors of sexual assaults and domestic violence; estates of those lost to homicides; citizen's whose civil rights were violated by police misconduct; and those injured due to inadequate security. In both state and federal courts Ms. Baldinger has pressed forward with cutting-edge claims and novel issues in individual cases, class actions, mass tort matters and multi district litigation. She has a proven track record in cases of child abuse, medical, legal and professional malpractice, products liability, health care and health insurance rights, traumatic brain injuries, sports injuries and wrongful death claims against government entities, multi-national corporations, individuals, as well as non-profit entities.

In 2022, Ms. Baldinger won a $10 million settlement in the Xavier Ingram police brutality case. This the largest police brutality settlement in New Jersey history, and one of the largest in the nation's history. In 2023, Ms. Baldinger was named the New Jersey Law Journal's Attorney of the Year for her many successes. Ms. Baldinger was also awarded the American Association for Justice Leonard Weinglass award for Defense of Civil Liberties. In 2024, Ms. Baldinger was named to the Forbes America's Top 200 Lawyers List. She has also been selected in New Jersey multiple times to Super Lawyers list, listed in the Best Lawyers in America, and selected to the 500 leading plaintiff consumer lawyers in the country as listed by Lawdragon. Her cases have been publicized in the national and local media.

Ms. Baldinger lectures nationally on victims' rights and has volunteered for national and local organizations. Ms. Baldinger has the following reported opinions to her credit: Beye v. Horizon, 568 F.Supp. 566 (D.N.J. 2008); Brennan v. Orban, 145 N.J. 282 (1996); Aldrich v.

Schwartz, 258 N.J. Super. 300 (App. Div. 1992); Blake v. City of New York, 157 A.D.2d 482 (1st Dep't 1990).

David M. Estes is a partner at Mazie Slater. Mr. Estes graduated Nyack College in 2000, and Rutgers University School of Law in 2011. While in law school Mr. Estes served as the Lead Editor of the Rutgers Journal of Law and Religion, and was a Finalist of the Willem C. Vis International Commercial Arbitration Moot. Mr. Estes concentrates his practice in class action, product liability, and personal injury litigation. Prior to joining the firm, Mr. Estes served as law clerk to the Honorable Victor Ashrafi of the New Jersey Superior Court, Appellate Division. He also served as summer clerk to the Honorable Jerome Simandle of the U.S. District Court of New Jersey, and judicial intern to the Honorable Theodore McKee of the U.S. Court of Appeals for the Third Circuit. Mr. Estes is admitted to practice law in New Jersey.

Adam M. Epstein is a partner at Mazie Slater. Mr. Epstein graduated from Pennsylvania State University in 2006 and Brooklyn Law School in 2010. Mr. Epstein concentrates his practice in personal injury, medical malpractice and class action litigation. He is known for his aggressive yet tactical pursuit of justice on behalf of his clients who have been harmed as a result of the negligence of others. He has helped recover millions of dollars for his clients in numerous complex and high-profile matters. Some examples of the cases he has worked on include: $125 Million Settlement for Woman Crushed by Utility Pole, $12.75 Million Settlement For A Man Hit By A Bus Which Caused A Brain Injury, $4.5 Million Settlement For Failure To Diagnose Malaria and $4 Million Settlement For Medical Malpractice Death. Because of his many successes, Mr. Epstein has been named a Super Lawyers Rising Star every year since 2018 (2018 – 2022). His clients have written extensive positive reviews regarding his work ethic, guidance, empathy and results. Prior to joining the firm, Mr. Epstein worked at a prominent defense litigation firm,

defending the very type of cases that he now pursues. Mr. Epstein is admitted to law in both New and New York.

Cory J. Rothbort is an associate at Mazie Slater. Mr. Rothbort is admitted to practice in New Jersey and New York, and before the United States District Court for the District of New Jersey. He is an active member of the Essex County and New Jersey State Bar Associations and Brennan-Vanderbilt American Inn of Court. Mr. Rothbort presently serves as Secretary of the Executive Committee of the NJ State Bar Young Lawyers Division. In 2019, Mr. Rothbort was recognized as the Outstanding Young Lawyer of the Year by the Essex County Bar Association. Mr. Rothbort is an active speaker, participating on various panels discussing issues related to his practice such as Practical Evidence, Ethical Considerations for the Young Lawyer & Small Practitioner and Using Depositions & Discovery for Killer Cross-Examinations. Prior to entering private practice, Mr. Rothbort completed a judicial clerkship with The Honorable Heidi Willis Currier, J.S.C. in Middlesex Vicinage in New Brunswick, NJ. Before his clerkship, Mr. Rothbort attended the Boston University School of Law, graduating with a Concentration in Litigation and Dispute Resolution. Prior to attending Law School, Mr. Rothbort graduated cum laude from Rutgers University. He was also a four-year member of the Rutgers University Mock Trial Association.

ASSOCIATES

Karen G. Kelsen is an associate at Mazie Slater. Ms. Kelsen graduated from Queens College in 2005 and Hofstra University School of Law in 2008. Ms. Kelsen concentrates her practice in complex civil litigation, including class action, products liability, personal injury, and medical malpractice. She has been admitted to practice in the State of New Jersey and the U.S. District Court, District of New Jersey since 2008. Ms. Kelsen is also admitted in the State of New

York. Ms. Kelsen was heavily involved in the discovery phase in Dewey v. Volkswagen, and currently is a member of the team handling In re Gynecare/Ethicon Pelvic Mesh Litigation.

Michael R. Griffith is an associate at Mazie Slater. Mr. Griffith graduated from The College of New Jersey in 2013 and Rutgers University School of Law in 2016. Mr. Griffith concentrates his practice in mass torts, products liability, personal injury and commercial litigation. Prior to joining the firm, Mr. Griffith was a Law Clerk to the Honorable Robert P. Contillo, P.J.Ch. and the Honorable Menelaos W. Toskos, J.S.C. Mr. Griffith is admitted to practice in New Jersey.

Samuel D. Wildman is an associate at Mazie Slater. He is admitted to practice in New Jersey. Before joining the firm, he served as a law clerk to the Honorable Robert J. Gilson, J.A.D. of the Appellate Division of the Superior Court of New Jersey. Mr. Wildman attended Cornell Law School, where he graduated with honors and a concentration in general practice. Mr. Wildman was an acquisitions editor on Journal of Law and Public Policy and a member of the Cornell Law School Securities Law Clinic. Mr. Wildman also completed an externship and internship with the U.S. Department of Justice, where he gained valuable experience in administrative and constitutional law and multibillion-dollar affirmative False Claims Act litigation. During his 1L summer, he also worked as a judicial intern for the Honorable John M. Leventhal of the Appellate Division, Second Department of New York. Mr. Wildman graduated magna cum laude from Boston University with a B.A. in philosophy and psychology and minors in both history and political science. Mr. Wildman concentrated his studies on applied and medical ethics, statistics, and experimental design. Mr. Wildman continues to pursue these interests as a volunteer with the Center for Mind and Culture. During his junior year, he served as an intern for Ian Lucas, M.P., the Brittish Labour Party's shadow secretary for Africa and the Middle East.

Julia S. Slater is an associate at Mazie Slater. Prior to joining Mazie Slater Katz & Freeman, Ms. Slater was an associate at a personal injury law firm in Manhattan, where she focused on representing and advocating for her clients who had been injured due to another's fault. Ms. Slater received her Juris Doctor from Benjamin N. Cardozo School of Law in 2019. Prior to that, she graduated from Syracuse University in 2016 with a Bachelor of Arts in Political Science. While in law school, Ms. Slater participated in the Trial Advocacy Program, served as a mediator in the Divorce Mediation Clinic, helping people to resolve difficult familial issues, and she was also a member of the Cardozo Arts & Entertainment Law Journal.

Trevor Dickson is an associate at Mazie Slater. Before joining the firm, he served as a law clerk to the Honorable Stephanie A. Mitterhoff of the Appellate Division of the Superior Court of New Jersey. Mr. Dickson is admitted to practice in the State of New Jersey, the United States District Court for the District of New Jersey, and the United States Court of Appeals for the Third Circuit. Prior to his clerkship, Mr. Dickson attended Rutgers Law School – Newark, where he graduated magna cum laude and was elected to the Order of the Coif. During an internship with the Honorable Joseph A. Dickson, U.S.M.J., he gained valuable experience involving federal trial practice. Before law school, Mr. Dickson graduated from the University of Miami with both a Bachelor of Arts in Political Science and History, and a Master's degree in public administration.

Nina C. Santacesaria is an associate at Mazie Slater. Before joining the firm, she served as an Assistant United States Attorney with the U.S. Attorney's Office for the District of Columbia. In that role, she gained substantial courtroom advocacy and trial experience prosecuting cases involving domestic violence, firearms, narcotics, property crimes, and violent offenses resulting in significant bodily harm. Ms. Santacesaria graduated from American University Washington College of Law in 2024 where she was a member of the Mock Trial Honor Society and served as a Note and Comment Editor of the American University International Law Review. Before law

school Ms. Santacesaria graduated *cum laude* from the State University of New York College at Geneseo with a Bachelor of Arts in Sociology.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated, Plaintiffs, v. JOHNSON & JOHNSON CONSUMER INC., Defendant.	Case No. 3:22-cv-03149-MAS-RLS **DECLARATION OF ALLEN SCHWARTZ IN SUPPORT OF MOTIONS FOR (1) FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND (2) ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

Pursuant to 28 U.S.C. § 1746, I, Allen Schwartz, hereby declare, and state as follows:

1. I am over the age of eighteen and reside in the State of New York. I am fully competent to make this Declaration, and I have personal knowledge of all matters set forth herein unless otherwise indicated.

2. I am a member of the law firm Schwartz Law PLLC located in New York, New York. I am a member in good standing of the Bar of the State of New York, and I am admitted *pro hac vice* in this proceeding. I am one of the attorneys for Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald ("Plaintiffs") and putative Settlement Class Members in this matter.

3. I submit this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards. (the "Motion").

4. To avoid redundancy, I incorporate the statement regarding the history and settlement of this litigation contained in the Declaration of Grace Parasmo, Esq., which contains a more detailed recitation of the background of this action and the Settlement.

I. THE ACTION

5. Briefly stated, on May 26, 2022, Plaintiff Helene Melzer filed this action against Johnson and Johnson Consumer Inc ("JJCI"). ECF No. 1. Plaintiff alleged that JJCI, through its artificial intelligence tool, Neutrogena Skin360 ("Skin360"), captured and collected users' biometric identifers and improperly used such data violating the Illinois Biometric Privacy Act, 740 ILCS 14/1 *et seq.* ("BIPA"), which, among other things, prohibits private entities from capturing and collecting scans of facial geometry without prior informed written consent or from disclosing or redisclosing it without prior consent or from profiting from it.

6. JJCI moved to dismiss on July 22, 2022. ECF No. 17. Plaintiff amended her complaint on August 11, 2022 ("First Amended Complaint" or "FAC"), and the Court denied JJCI's motion as moot. ECF Nos. 21, 24. JJCI moved to dismiss the FAC on September 14, 2022 ("First MTD"). ECF No. 25.

7. The First MTD raised novel issues of statutory interpretation as to what qualifies as a "biometric identifier" within the meaning of BIPA, including whether a defendant only violates BIPA if they use the "biometric identifier" to identify an individual. The First MTD also challenged Melzer's claims that JJCI profited from and disseminated her biometric data in violation of Sections 15(c) and (d) of BIPA, and required Class Counsel to engage in a complex analysis of BIPA's statutory language, including the meaning of the term "otherwise profit" in Section 15(c). Class Counsel researched and drafted Plaintiff's opposition, which it filed on October 27, 2022. ECF No. 30. Class Counsel drafted and submitted supplemental authority on November 16, 2022. ECF No. 34.

8. JJCI filed its reply on December 1, 2022. ECF No. 37. On December 12, 2022, JJCI filed a notice of supplemental authority (ECF No. 39) informing the Court of a Memorandum Opinion & Order from the Northern District of Illinois in *Daichendt v. CVS*

Pharmacy, Inc., No. 22 CV 3318, 2022 WL 17404488 (N.D. Ill. Dec. 2, 2022). In *Daichendt*, the court had dismissed a BIPA complaint that failed to allege that the defendant could determine the consumer's identity or that the consumer had "provided defendant with any information, such as their names or physical or email addresses, that could connect the voluntary scans of face geometry with their identities." *Id.* at *3. Class Counsel responded to the notice on December 15, 2022, both attempting to distinguish *Daichendt* and to argue that it was wrongly decided. ECF No. 40.

9. The Court denied JJCI's motion to dismiss Plaintiff's BIPA claims on April 26, 2023, allowing all four BIPA claims to proceed. ECF No. 42.

10. After engaging in written and third-party discovery, Class Counsel prepared and filed an amended complaint on July 1, 2024. ECF No. 62. On August 12, 2024, JJCI moved to dismiss the BIPA claims on the grounds that Skin360 was subject to BIPA's "healthcare exemption" (the "Second MTD"). ECF No. 66. In the Second MTD, JJCI principally relied on three federal cases from the Northern District of Illinois that interpreted the "healthcare exemption" to extend to virtual try-on services for eyeglasses. *Id.* Relying on these cases, JJCI argued that the healthcare exemption similarly applied to Skin360's skincare recommendation service.

11. Class Counsel drafted an opposition that engaged in an extensive analysis of the "healthcare exemption," including its statutory language and purpose. Class Counsel was set to argue that the three federal district court cases extending the healthcare exemption to the sale of such products were wrongly decided and contrary to the plain meaning and legislative purpose and intent of BIPA'a healthcare exemption. At that time, the three cited federal cases were the leading authorities on BIPA's healthcare exemption.

12. Then on August 30, 2024, the Illinois Appellate Court issued an opinion in

Marino v. Gunnar Optiks LLC, 2024 IL App (1st) 231826, which rejected the three federal decisions relied upon by JJCI. In light of the *Marino* decision, Class Counsel redrafted the opposition and explained why the Court should follow *Marino*. Class Counsel filed this opposition to the Second MTD on October 15, 2024. ECF No. 72.

13. The Court denied the Second MTD on March 7, 2025. ECF Nos. 74-75.

II. THE SETTLEMENT

14. After the Court denied the Second MTD, the parties agreed to engage in private mediation. On August 5, 2025 the parties participated in a mediation before Honorable Wayne Anderson (Ret.) from JAMS in Chicago, Illinois. As part of the mediation, Plaintiffs prepared a detailed mediation statement that put forth their respective positions on the facts, with the assistance of technical experts. Both parties prepared mediation statements that assessed the law and the merits of the action. With the guidance of Honorable Wayne Anderson, the parties reached an agreement in principle to settle this action.

15. On October 23, 2025, the Parties reached agreement regarding the material terms of the proposed settlement and executed a Settlement Term Sheet. Over the following months, the parties negotiated the long form settlement agreement and the form of class notice, and on February 16, 2026, the parties executed the class action settlement agreement (the "Settlement Agreement").

16. All the terms of the Settlement Agreement are the result of arm's-length negotiations between experienced counsel for both sides. The Settlement was achieved through arms-length negotations with the assistance of Judge Anderson after Class Counsel undertook a thorough evaluation of the merits of the case, the risks of litigation, JJCI's asserted defenses, and ultimately the costs and benefits of the Settlement.

17. The excellent reception that the Settlement has received from Class Members

only confirms Class Counsel's conclusion that the Settlement is in the best interests of Plaintiffs and the putative class members, and indeed represents an excellent outcome for them.

III. MY EXPERIENCE

18. I am a 2008 graduate of New York University School of Law. I have been admitted to practice law in the State of New York since 2009, and before forming Schwartz Law PLLC, my experience has included working as an associate at the law firm of O'Melveny & Myers LLP and the class-action firm of Levi Korsinsky LLP.

19. I have substantial class action experience and have worked on class actions leading to substantial recoveries, including *In re E-Trade Financial Corp. Sec. Litig.*, No. 07-cv-8538 (S.D.N.Y. 2007)($79 million recovery), *In re Force Protection, Inc. S'holder Litig.*, Case No. A-11-651336 (Clark Co. Nev. 2015) ($11 million recovery), and *In re Cogent, Inc. S'holder Litig.*, C.A. No. 5780-VCP (Del. Ch. 2010) ($1.9 million recovery).

20. I and my firm were recently appointed class counsel in a BIPA class action involving a virtual try-on tool in an action captioned *Halim v. Charlotte Tilbury Beauty Inc., et al.*, Case No. 2022-CH-11832 (Cir. Ct. Cook Cnty., Illinois). Class counsel there recovered a settlement fund of $2,925,000.00 for class members.

21. In addition to my class action experience, I have worked on shareholder derivative actions that have yielded substantial benefits for shareholders, including *Pfeiffer v. Alpert* (Beazer Homes Derivative Litigation), Case No. 10-cv-1063-PD (D. Del.), and *Lorber v. Barton* (On Semiconductor Derivative Litigation) Case No. 10-cv-01101-MPT (D. Del.), where shareholders were able to successfully challenge executive compensation structures leading to improved compensation practices.

22. I also have substantial experience litigating complex commercial disputes, including in pending actions in the Commercial Division of the New York State Supreme Court.

Additionally, I have substantial appellate experience, including in multiple published appellate decisions such as *Gordon v Vladislav Tsirkin CPA & Co., LLC*, 229 A.D.3d 450 (N.Y. App. Div. 2d Dep't July 3, 2024) and *214 Knickerbocker LLC v Shou Pan*, 217 A.D.3d 431 (N.Y. App. Div. 1st Dep't 2023).

23. I have also written numerous articles on complex litigation and other legal topics, including the following:

- Allen Schwartz and Hon. John M. Leventhal (Ret.), Lenders Beware of the Heter Iska When Loaning Money, New York Law Journal (May 19, 2025);
- Allen Schwartz, SDNY Rejects SEC-Citigroup Settlement, ABA Securities Litigation Newsletter, Winter 2012 Vol. 22, No. 2 at 31-34;
- Ed Korsinsky & Allen Schwartz, Delaware Court Dismisses Compensation Case Against Goldman Sachs, ABA Securities Litigation Newsletter, Fall 2011 Vol. 22, No. 1 at 32-33;
- Ed Korsinsky & Allen Schwartz, SDNY Questions SEC Settlement Practices in Citigroup Settlement, ABA Securities Litigation Newsletter, Fall 2011 Vol. 22, No. 1 at 3;
- Ed Korsinsky & Allen Schwartz, New York Court Dismisses Shareholder Suit Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Oct. 31, 2011);
- Tancred V. Schiavoni, Gary Svirsky & Allen Schwartz, Victory for Insurers in Skinner Engine May Change Landscape for Asbestos Bankruptcies, Bloomberg LawReports: Bankruptcy Law, at 1 (June 29, 2009).

IV. LODESTAR AND EXPENSES

24. In working on this case, Schwartz Law spent 403.3 hours for a total lodestar of $342,805.00. These hours were reasonable and necessary given the complex nature of the case and the results achieved. The hours are also reasonable under the factors used by the federal and state courts in New Jersey. Schwartz Law worked cooperatively with co-counsel to allocate tasks appropriately and without duplication of effort. Schwartz Law's time, by phase of the litigation, is as follows:

Phase	Allen Schwartz
Pre-suit investigation and complaint (through 5/26/2022)	59.8
Motions to dismiss and amended pleading (5/27/2022 – 6/9/2023)	187.5
Discovery, Second Amended Complaint, and second motion to dismiss (6/10/2023 – 3/7/2025)	95.2
Mediation and settlement (3/8/2025 – 2/16/2026)	52
Preliminary approval and notice, Final approval and Fee Motion (2/17/2026 – 10/26/2026)	8.8
TOTAL	403.3

25. My hourly billable rate for non-contingency clients in litigation matters is $850 per hour. The market testing of this hourly rate via non contingency clients who pay $850 per hour for my legal services supports this rate as reasonable. The total lodestar at my hourly rate is as follows:

Name	Position	Hours	Current Hourly Rate	Lodestar
Allen Schwartz	Partner	403.3	$850	$342,805.00
TOTALS		403.3		$342,805.00

26. My time entries can be provided to the Court for an *in camera* review upon request. The lodestar figure does not include litigation expenses, which are recorded separately. To date, Schwartz Law has incurred a total of unreimbursed expenses in the amount of $3,258.90. The expenses incurred by Schwartz Law are as follows:

Expense Category	Amount
Court & *Pro Hac* Fees	$1,608.43
Attorney Travel & Meals	$1,650.47
TOTAL	**$3,258.90**

27. Each of the above-mentioned expenses were incurred in connection with this litigation, were necessary for the advancement of the litigation, and are reflected in the books and records of the firm. These books and records are prepared from invoices and payment records prepared in the normal course of business, and are an accurate record of the expenses incurred.

V. CONCLUSION

28. For these reasons and the reasons stated in Plaintiffs' other moving papers, Plaintiffs respectfully request that the Court grant the Motion in its entirety.

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

Executed on October 27, 2026 in New York, New York.

/s/ Allen Schwartz
Allen Schwartz

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated,

Plaintiffs,

v.

JOHNSON & JOHNSON CONSUMER INC.,

Defendant.

No. 3:22−CV−03149 −MAS−RLS

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, EXPENSES AND SERVICE AWARDS

WHEREAS, the Court has granted Plaintiffs' Motion for Final Approval of the Class Action Settlement; and

WHEREAS, Plaintiffs have filed a Motion for an award of Attorneys' Fees, Expenses and Service Awards ("Motion"); and

WHEREAS, the Court has read and considered the Motion;

IT IS HEREBY ORDERED as follows:

1. Plaintiffs' Motion is GRANTED. Pursuant to Federal Rules of Civil Procedure 23(h), the Court hereby approves Class Counsel's request for attorney fees, costs, and expenses, and awards Class Counsel $_____ as reasonable attorneys' fees, $_____ _____ as reasonable costs and expenses incurred in this Action. The Court finds that the requested fees are reasonable under both the percentage of the fund and the lodestar cross-check for the reasons set forth in Plaintiffs' Motion. The award of attorneys' fees and costs to Class Counsel shall be paid from the Settlement Fund within the time period and manner set forth in the

Settlement Agreement.

2. In making this award, the Court has considered and finds that: (a) Class Counsel achieved a favorable result for the Class; (b) Class Counsel devoted substantial effort to pre- and post-filing investigation, legal analysis, and litigation; (c) Class Counsel prosecuted the Settlement Class's claims on a contingent fee basis, investing significant time and accumulating costs with no guarantee that they would receive compensation for their services or recover their expenses; (d) Class Counsel employed their knowledge of and experience with class action litigation in achieving a valuable settlement for the Settlement Class, in spite of Defendant's possible legal defenses and its experienced and capable counsel; (e) the Notice informed Settlement Class Members of the amount and nature of Class Counsel's fee and cost request under the Settlement Agreement; (f) Class Counsel filed and posted their Motion in time for Settlement Class Members to make a meaningful decision whether to object to the Class Counsel's fee request; and (g) ___ Settlement Class Member(s) objected to said Motion.

3. The Court awards a Service Payment of $5,000 each to Plaintiffs Helene Melzer, Christine Borovoy, Andy Sajnani, and Patricia Biewald, which the Court finds reasonable in light of the time and effort the Class Representatives devoted to this litigation on behalf of the Settlement Class. The Service Payments shall be paid from the Settlement Fund within the time period and manner set forth in the Settlement Agreement.

4. This Order is separate from the Court's Final Approval Order. The Court's ruling on Class Counsel's motion for attorneys' fees, costs, expenses, and Service Payments is not part of the Settlement Agreement and shall not affect the finality of the Final Approval Order or the occurrence of the Effective Date. (Settlement Agreement §§ XIII.B.4, XIII.B.7.)

5. Without affecting the finality of the Final Approval Order or this Order, the Court

retains jurisdiction over the implementation of this Order, including the payment of the attorneys' fees, costs, expenses, and Service Payments awarded herein.

IT IS SO ORDERED on this ____ day of _____, 2026.

_____

HONORABLE MICHAEL A. SHIPP, U.S.D.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE MELZER, CHRISTINE BOROVOY, ANDY SAJNANI, and PATRICIA BIEWALD, individually and on behalf of all those similarly situated, Plaintiffs, v. JOHNSON & JOHNSON CONSUMER INC., Defendant	No. 3:22−CV−03149−MAS−TJB **CERTIFICATE OF SERVICE**

I, Matthew R. Mendelsohn, certify that on the below date, copies of the foregoing Notice of Motion, Brief, Declaration of Grace E. Parasmo, Declaration of Matthew R. Mendelsohn, Declaration of Allen Schwartz, Proposed Order and this Certificate of Service were filed with the United States District Court for the District of New Jersey and served on all counsel of record through the electronic filing service system. A courtesy copy was also sent via Lawyers Service to:

Honorable Michael A. Shipp, U.S.D.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Courtroom 5W
Trenton, NJ 08608

Dated: October 27, 2026

By: */s/ Matthew R. Mendelsohn*

Matthew R. Mendelsohn
MAZIE SLATER KATZ & FREEMAN, LLC
103 Eisenhower Parkway
Roseland, NJ 07068
Telephone: (973) 228-9898
mrm@mazieslater.com