

LAW OFFICES OF RONALD A. MARRON

RONALD A. MARRON (SBN 175650)

ron@consumersadvocates.com

MICHAEL T. HOUCHIN (SBN 305541)

mike@consumersadvocates.com

LILACH HALPERIN (SBN 323202)

lilach@consumersadvocates.com

651 Arroyo Drive

San Diego, California 92103

Telephone: (619) 696-9006

Facsimile: (619) 564-6665

Class Counsel

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RENEE YOUNG and JOYCETTE GOODWIN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

NEUROBRANDS, LLC, a Delaware limited
liability company;

Defendant.

Case No. 4:18-cv-05907-JSW

CLASS ACTION

**DECLARATION OF RONALD A.
MARRON IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: October 8, 2021

Time: 9:00 a.m.

Ctrm: 5

Judge: Hon. Jeffrey S. White

1 I, Ronald A. Marron, hereby declare as follows:

2 1. I am a member in good standing of the State Bar of California and of the United
3 States District Courts for the Northern, Central, Eastern, and Southern Districts of California as
4 well as the Ninth Circuit Court of Appeals and the United States Supreme Court. I submit this
5 Declaration in Support of Plaintiffs' Unopposed Motion for Final Approval of Class Action
6 Settlement. I make this Declaration based on my personal knowledge and if called to testify, I
7 could and would competently testify to the matters contained herein.

8 **The Parties Have Engaged in Substantial Discovery**

9 2. During the course of the litigation, the Parties engaged in substantial and extensive
10 discovery, including written discovery, depositions, third-party discovery, and expert discovery.
11 Specifically, on February 22, 2019, Plaintiffs served requests for production of documents and
12 interrogatories on Defendant. Plaintiffs also propounded requests for admission on October 8,
13 2019, and a second set of requests for production of documents on February 11, 2020. Defendant
14 produced, and Plaintiffs reviewed, several hundreds of documents in response to Plaintiffs'
15 document requests.

16 3. On August 29, 2019, Plaintiffs' counsel took the deposition of Defendant's Chief
17 Science & Regulatory Officer and 30(b)(6) witness, Christopher Noonan. On November 19, 2019,
18 Plaintiffs' counsel took the deposition of Defendant's Director of Operations, Reza Mazloumi.
19 And on October 22, 2019, Plaintiffs' counsel took the deposition of Adirondack Beverages Co.'s
20 person most knowledgeable, Erina Jess.

21 4. On July 26, 2019, Defendant served requests for production of documents and
22 interrogatories on each Plaintiff. Defendant took the deposition of Plaintiff Joycette Goodwin on
23 September 24, 2019 and the deposition of Renee Young on September 27, 2019.

24 5. Plaintiffs' counsel also subpoenaed, received, and reviewed several hundred
25 documents from Defendant's co-packers Adirondack Beverages Co. and Unix Packaging, Inc.
26 Plaintiffs also served requests for admissions to authenticate documents produced by Defendant
27 during discovery on March 2, 2021 in preparation for summary judgment motions and trial.

28 6. The Parties each consulted with and retained experts regarding dl-malic acid and

1 the function of this ingredient in the Products. Plaintiffs disclosed the expert report of Dr. Laszlo
2 D. Somogyi on January 17, 2020 and Defendant disclosed the rebuttal expert report of Dr.
3 Lawrence Hawley on March 5, 2020. Both Parties served deposition subpoenas on the other party's
4 expert, though neither deposition ultimately took place in light of the Settlement.

5 **Motion Practice**

6 7. On January 14, 2019, Defendant filed a Motion to Dismiss Plaintiffs' First
7 Amended Complaint. Dkt. No. 29. Plaintiffs opposed the motion on January 28, 2019 and
8 Defendant filed a reply brief on February 4, 2019. Dkt. Nos. 33-34. On February 19, 2019, the
9 Court denied Defendant's Motion to Dismiss in its entirety. *See* Dkt. No. 37.

10 8. On October 4, 2019, Plaintiffs filed a motion for class certification seeking Rule
11 23(b)(2) certification of a Nationwide class and California sub-class. Dkt. No. 43. On October 15,
12 2020, the Court granted in part and denied in part Plaintiffs' Motion for Class Certification and
13 certified, pursuant to Fed. R. Civ. P. 23(b)(2), a class of California consumers defined as:

14 All California citizens who made retail purchases of one of the following Products labeled
15 as containing "natural flavors" and "no artificial colors or flavors" in California on or after
16 January 1, 2012 through October 15, 2020, for personal use and not for resale, excluding
17 Defendant and Defendant's officers, directors, employees, agents and affiliates, and the
18 Court and its staff:

- 18 • NeuroSONIC Superfruit Infusion
- 19 • NeuroSONIC Orange Passion;
- 20 • NeuroBLISS White Raspberry;
- 21 • NeuroBLISS Citrus Berry;
- 22 • NeuroBLISS Tropical Lychee;
- 23 • Neuro[PROTEIN] Watermelon Min[t];
- 24 • NeuroPROTEIN Cherry Vanilla;
- 25 • NeuroDAILY Tangerine Citrus; and
- 26 • NeuroGASM Passion Fruit.

27 *See* Dkt. No. 72. Additionally, the Court appointed Plaintiffs Renee Young and Joycette Goodwin
28 as class representatives and appointed the Law Offices of Ronald A. Marron as class counsel. *Id.*

29 **The Parties' Settlement Negotiations and Preliminary Approval**

30 9. Following the Court's Order regarding Class Certification, the Parties scheduled a
31 full day mediation session before the Honorable Judge Jay C. Gandhi (Ret.) of JAMS. Before the

1 mediation, the Parties exchanged detailed mediation briefs setting forth their respective positions.
2 Because of this mutual exchange of arguments and information and due to the extensive discovery
3 already performed in the case, the Parties were fully prepared and informed to participate in the
4 mediation.

5 10. On February 2, 2021, the Parties attended their full-day mediation session before
6 Judge Gandhi, where they agreed in principle to certain terms of an injunctive relief class action
7 settlement. Following the first mediation session, the Parties participated in further telephonic
8 sessions with Judge Gandhi and engaged in extensive negotiations to finalize the text of the
9 Settlement Agreement themselves, as well as a notice plan and proposed order for the Court. The
10 Parties invested substantial time and effort to work through initially incompatible settlement
11 postures and overcome vigorous disagreements. The proposed resolution embodied in the
12 Settlement was the product of heavily contested arm's length negotiation.

13 11. On March 12, 2021, the Parties filed a Notice of Settlement with the Court. (Dkt.
14 No. 82). No agreements were made in connection with the settlement aside from the Settlement
15 Agreement itself. On May 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class
16 Action Settlement. (Dkt. No. 88). On June 17, 2021, the Court entered an Order granting
17 preliminary approval of the proposed settlement finding that the settlement is "fair, reasonable,
18 adequate, and in the best interests of the Settlement Class." (Dkt. No. 90 at ¶ 5). This Court also
19 approved the Parties' proposed notice plan and set the Final Approval Hearing for October 8, 2021
20 at 9:00 a.m. (Dkt. No. 88).

21 **Class Counsel Believes that the Settlement Is an Excellent Result for the Class**

22 12. Through the discovery process, Class Counsel obtained sufficient information and
23 documents to evaluate the strengths and weaknesses of the case. Plaintiffs possessed a wealth of
24 information before engaging in settlement negotiations and both Parties and their counsel were
25 thoroughly familiar with the applicable facts, legal theories, and defenses on both sides.

26 13. In the eyes of Class Counsel, the proposed Settlement provides the Class with an
27 outstanding opportunity to obtain significant relief in the form of Product reformulations or
28 labeling changes. Specifically, the Defendant will use its best efforts to reformulate all Products

1 that contain DL-malic acid by removing DL-malic acid as an ingredient. Agreement § 4.1.1. After
2 the Court issued its Order granting Preliminary Approval of Class Action Settlement on June 17,
3 2021, Plaintiffs were informed that Defendant began to conduct reformulation research and
4 development and testing to determine the feasibility of removing DL-malic acid as an ingredient
5 in the Products. Plaintiffs' counsel have been in regular communication with Defendant regarding
6 the status of reformulation testing, which is currently being assessed to determine the shelf life and
7 taste of the potentially reformulated Products.

8 14. If after using best efforts Defendant determines that one or more of the reformulated
9 Products are not scientifically or commercially feasible, Defendant has agreed to modify its
10 packaging, labeling and advertising for all such Products containing dl-malic acid. Agreement §§
11 4.2 – 4.3. By removing the allegedly misleading labeling, any further alleged economic injury to
12 consumers is prevented. The injunctive relief provided by this settlement provides significant value
13 to consumers, continuing long into the future.

14 15. Based on my experience, I conclude that the Settlement is fair, reasonable, and
15 adequate, and provides exceptional results for the Class while sparing the Class from the
16 uncertainties of continued and protracted litigation.

17 **Class Members' Positive Reaction to the Settlement**

18 16. The reaction from class members to the settlement has also been positive. It is my
19 understanding that no objections have been filed with the Court or received by counsel for the
20 Parties or by the notice administrator.

21 17. It is my understanding that there have been no inquiries made from any Attorney
22 General regarding this Settlement and no state or federal official has raised any objection to the
23 settlement to date.

24 **Ronald A. Marron Firm's Qualifications and Experience Prosecuting**

25 **Consumer Class Action Lawsuits**

26 18. My work experience and education began in 1984 when I enlisted in the United
27 States Marine Corps (Active Duty 1984-1988, Reserves 1988-1990) and thereafter received my
28 Bachelor of Science in Finance from the University of Southern California (1991). While attending

1 Southwestern University School of Law (1992-1994), I also studied Biology and Chemistry at the
2 University of Southern California and interned at the California Department of Corporations with
3 emphasis in consumer complaints and fraud investigations. I was admitted to the State Bar of
4 California in January of 1995 and have been a member in good standing since that time. In 1996,
5 I started my own law firm with an emphasis in consumer fraud. My firm currently employs six
6 full-time attorneys and support staff. Attached hereto as **Exhibit 1** is a true and correct copy of my
7 firm's current resume.

8 19. Over the years I have acquired extensive experience in class actions and other
9 complex litigation, and have obtained large settlements as lead counsel. In recent years, I devoted
10 almost all of my practice to the area of false and misleading labeling of food, nutrition or over-the-
11 counter products, cases involving violations of the Telephone Consumer Protection Act, and other
12 privacy cases.

13 20. On July 4, 2021, the Honorable Keri Katz granted final approval of a class action
14 settlement in the matter of *Randolph v. Amazon.com LLC*, Case No. 37-2017-00011078-CU-OE-
15 CTL in the California Superior Court for the County of San Diego to which the Law Offices of
16 Ronald A. Marron served as co-lead class counsel. *See* Dkt. No. 210.

17 21. On March 4, 2021, the Honorable James D. Pederson granted final approval to a
18 class action settlement regarding two data breaches of a healthcare system's patient and employees
19 personal and private information in the matter styled *Fox v. Iowa Health System*, No. 3:18-cv-
20 00327-JDP (W.D. Wiscon.). Dkt. No. 115.

21 22. On November 25, 2020, the Honorable Judge Joel Wohfeil granted final approval
22 of a class action settlement concerning Defendant Axos' Bank's failure to pay 2% simple interest
23 on homeowners' impound escrow accounts. *Daniel McSwain v. Axos Bank*, Case No. 37-2019-
24 00015784-CU-BC-CTL (S.D. Sup. Ct.).

25 23. On November 19, 2020, the Honorable Jeffrey Miller granted final approval to a
26 certified class action regarding the illegal recording of inmates and their counsel. *Romero v.*
27 *Securus Technologies, Inc.* No. 3:16-cv-01283 (JM) (S.D. Cal.). Dkt. No. 184.

28 24. On August 3, 2020, the Honorable Judge Gonzalo P. Curiel of the United States

1 District Court for the Southern District of California granted final approval of a settlement in the
2 certified class action styled *Hilsley v. Ocean Spray Cranberries, Inc.*, No. 3:17-cv-02335-GPC-
3 MDD (S.D. Cal.), Dkt. No. 259.

4 25. On February 24, 2020, the Honorable Christina A. Snyder of the United States
5 District Court for the Central District of California granted final approval of a \$2,500,000.00 class
6 action settlement in *Graves v. United Industries Corp.*, No. 2:17-cv-06983-CAS-SK (C.D. Cal.)
7 and appointed the Marron Firm as class counsel. Judge Snyder noted that the Law Offices of
8 Ronald A. Marron had “vigorously represented the Class” and has “extensive experience in
9 consumer class action litigation.” Judgment & Order at 9, *Graves v. United Indus. Corp.*, No. 2:17-
10 cv-06983-CAS-SK (C.D. Cal. Feb. 24, 2020), Dkt. No. 87.

11 26. On January 28, 2020, the Honorable William Alsup granted final approval of a
12 settlement of a nationwide certified class in *Esparza v. Smartpay Leasing, Inc.*, No. 3:17-cv-
13 03421-WHA (N.D. Cal.), Dkt. No. 110. The court also appointed Ronald A. Marron, Alexis M.
14 Wood, and Kas L. Gallucci of the Law Offices of Ronald A. Marron as class counsel.

15 27. On October 11, 2019, the Honorable Judge Wilhelmina M. Wright granted final
16 approval of a nationwide TCPA settlement class in *Busch v. Bluestem Brands, Inc.*, No. 0:16-cv-
17 00644-WMW-HB (D. Minn.), Dkt. No. 106, and appointed the Law Offices of Ronald A. Marron
18 as co-lead class counsel. The settlement created a \$5.25 million non-reversionary Settlement Fund
19 for the benefit of the class.

20 28. On September 12, 2019, the Honorable Judge Jose E. Martinez granted final
21 approval of a nationwide TCPA settlement class in *Medina v. Enhanced Recovery Co., LLC*, No.
22 2:15-cv-14342-JEM (S.D. Fla.), Dkt. No. 131, and appointed the Law Offices of Ronald A. Marron
23 as co-lead class counsel. The settlement created a \$1.45 million common fund.

24 29. On June 17, 2019, the Honorable Anthony J. Battaglia granted final approval of a
25 nationwide CLRA settlement case in *Littlejohn v. Ferrara Candy Co.*, No. 18-cv-0658-AJB-WVG
26 (S.D. Cal.), stating “Class Counsel has fully and competently prosecuted all causes of action,
27 claims, theories of liability, and remedies reasonably available to the Class Members.” Final
28 Judgment & Order at 5, *Littlejohn v. Ferrara Candy Co.*, No. 3:18-cv-00658-AJB-WVG (S.D.

1 Cal. June 17, 2019), Dkt. No. 47.

2 30. On October 19, 2018, the Honorable William T. Lawrence granted final approval
3 of a nationwide TCPA settlement case in *Simms v. ExactTarget, LLC*, No. 1-14-cv-00737-WTL-
4 DLP (S.D. Ind.), Dkt. No. 178, where the Law Offices of Ronald A. Marron served as class
5 counsel. The settlement created a \$6.25 million common fund.

6 31. On April 3, 2018, the Honorable Robert N. Scola, Jr. granted preliminary approval
7 of class action settlement regarding false advertising claims in *Mollicone v. Universal Handicraft*,
8 No. 1:17-cv-21468-RNS (S.D. Fla.), in which the Law Offices of Ronald A. Marron served as
9 class counsel. In his preliminary approval order, Judge Scola stated that the Marron Firm is
10 “experienced and competent in the prosecution of complex class action litigation.” Order Prelim.
11 Certifying Settlement Class, Granting Prelim. Approval of Settlement, & Setting Final Fairness
12 H’rg at 2, *Mollicone v. Universal Handicraft*, No. 1:17-cv-21468-RNS (S.D. Fla. Apr. 3, 2018),
13 Dkt. No. 120.

14 32. On June 29, 2018, in *Mason v. M3 Financial Services, Inc.*, No. 1:15-cv-04194
15 (N.D. Ill.), the Honorable Andrea R. Wood granted final approval of a nationwide TCPA
16 settlement which provided a common fund in the amount of \$600,000. The Law Offices of Ronald
17 A. Marron served as co-lead class counsel.

18 33. On May 4, 2018, the Honorable Analisa Torres granted final approval of a false
19 advertising class settlement in *In re Tommie Copper Products Consumer Litigation*, No. 7:15-cv-
20 03183-AT-LMS (S.D.N.Y.), Dkt. No. 129. On January 4, 2016, the Honorable Analisa Torres
21 appointed the Marron firm as Interim Lead Class Counsel over the opposition and challenge of
22 other plaintiffs’ counsel, noting that the Marron firm’s “detailed” complaint was “more specifically
23 pleaded, . . . assert[ing] a more comprehensive set of theories . . . and [was] more factually
24 developed.” *Potzner v. Tommie Copper Inc.*, Nos. 15 CIV. 3183 (AT), 15 Civ. 6055 (AT), 2016
25 WL 304746, at *1 (S.D.N.Y. Jan. 4, 2016). Judge Torres also noted that Mr. Marron and his firm’s
26 attorneys had “substantial experience litigating complex consumer class actions, are familiar with
27 the applicable law, and have the resources necessary to represent the class.” *Id.*

28 34. On March 26, 2018, the Honorable Marilyn Huff granted final approval of a

1 nationwide TCPA class action settlement in *Gutierrez-Rodriguez v. R.M. Galicia, Inc.*, No. 16-
2 CV-00182-H-BLM, 2018 WL 1470198, at *2 (S.D. Cal. Mar. 26, 2018). The Law Offices of
3 Ronald A. Marron was appointed to serve as class counsel.

4 35. On January 27, 2017, my firm obtained final approval of a TCPA class action
5 against RBS Citizens, N.A. *Sanders v. RBS Citizens, N.A.*, No. 13-cv-3136-BAS-RBB, 2017 WL
6 406165 (S.D. Cal. Jan. 27, 2017). In granting final approval, the Honorable Cynthia Bashant found
7 that “Class Counsel [had] fairly and adequately represented the Class for purposes of entering into
8 and implementing the Settlement, and, thus, continues to appoint . . . Ronald A. Marron, Alexis
9 M. Wood and Kas L. Gallucci of the Law Offices of Ronald A. Marron as Class Counsel for the
10 Settlement Class.” *Id.* at *4.

11 36. In addition to the above cases and the present action, my firm has an in-depth
12 knowledge of other consumer cases including litigating over-the-counter (“OTC”) product cases,
13 including the FDCA’s history, principles, and regulations, and courts have recognized my firm’s
14 ability to litigate complex class actions. This action involved extensive motion practice, and my
15 firm’s opposition brief was so persuasive that defendants decided to withdraw their motion. My
16 firm’s well-drafted briefing, knowledge, and experience resulted in a \$5 million common fund and
17 injunctive relief settlement in favor of Gallucci against French homeopathic giant, Boiron, Inc. On
18 April 25, 2012, the Honorable John A. Houston granted preliminary approval, noting that:

19 37. During the pendency of the Litigation, Class Counsel conducted a extensive
20 examination and evaluation of the relevant facts and law to assess the merits of the named
21 plaintiffs’ and class claims to determine how best to serve the interests of Plaintiffs and the Class.
22 . . . Class Counsel conducted thorough review of the Food, Drug and Cosmetic Act, its numerous
23 changes over the years, and the Act’s implementing regulations. Class Counsel have carefully
24 considered the merits of Plaintiffs’ claims, and the defenses raised by defendants.

25 38. Order Granting Prelim. Approval of Class Action Settlement at i, *Gallucci v.*
26 *Boiron, Inc.*, No. 3:11-cv-02039- JAH-NLS (S.D. Cal. Apr. 25, 2012), Dkt. No. 89.

27 39. Accordingly, Judge Houston appointed my firm as class counsel, finding that class
28 counsel “will fairly and adequately protect the interests of the Class . . . [and] are experienced and

1 competent to prosecute this matter on behalf of the Class.” *Id.* at iii-iv. The fairness hearing was
2 held on October 1, 2012, and, on October 31, 2012, the court granted final approval. *See Gallucci*
3 *v. Boiron, Inc.*, No. 11cv2039 JAH(NLS), 2012 WL 5359485 (S.D. Cal. Oct. 31, 2012).

4 40. Further, on June 26, 2015, the Honorable Maxine M. Chesney of the United States
5 District Court for the Northern District of California granted preliminary approval to a class action
6 settlement with injunctive relief for class wide claims of false representations regarding the
7 defendant’s weight loss teas. *See Order Prelim. Approving Class Action Settlement, Johnson v.*
8 *Triple Leaf Tea Inc.*, No. 3:14-cv-01570-MMC (N.D. Cal. June 26, 2015), Dkt. No. 53 (“Having
9 considered the factors set forth in Rule 23(g)(1) of the Federal Rules of Civil Procedures, the Court
10 appoints Plaintiff’s counsel, the Law offices of Ronald A. Marron APLC, to serve as Class
11 Counsel.”).

12 41. On October 31, 2013, the Honorable Gonzalo P. Curiel of the United States District
13 Court for the Southern District of California granted preliminary approval to a class action
14 settlement of \$1 million and injunctive relief for class-wide claims of false and deceptive
15 advertising of OTC drugs, which was negotiated by my firm in *Mason v. Heel, Inc.*, No. 3:12-cv-
16 03056-GPC-KSC (S.D. Cal.), and, “[h]aving considered the factors set forth in Rule 23(g)(1) of
17 the Federal Rules of Civil Procedure,” appointed my firm as class counsel. Order Prelim.
18 Approving Class Action Settlement at 5, *Mason v. Heel, Inc.*, No. 3:12-cv-03056-GPC-KSC (S.D.
19 Cal. Oct. 31, 2015), Dkt. No. 27.

20 42. On October 23, 2013, the Honorable Michael M. Anello of the United States
21 District Court for the Southern District of California granted final approval to a \$1.2 million and
22 injunctive relief class action settlement concerning false and deceptive advertising of OTC drugs,
23 which was negotiated by my firm, in *Nigh v. Humphreys Pharmacal, Inc.*, No. 3:12-cv-02714-
24 MMA-DHB (S.D. Cal.), finding that “the Class was adequately represented by competent
25 counsel.” Order Affirming Tentative Ruling & Granting Mot. for Final Approval of Settlement at
26 14, *Nigh v. Humphreys Pharmacal, Inc.*, No. 3:12-cv-02714-MMA-DHB (S.D. Cal. Oct. 23,
27 2013), Dkt. No. 30.

28 43. On March 13, 2012, my firm settled a case against manufacturers of OTC dietary

1 supplement products for \$900,000 in a common fund and injunctive relief settlement, styled
2 *Burton v. Ganeden Biotech, Inc.*, No. 3:11-cv-01471-W-NLS (S.D. Cal.). Burton alleged that
3 defendants falsely advertised their products as containing “clinically proven” proprietary bacteria
4 that improved and benefitted the digestive and immune health of individuals when, in fact, no
5 clinical proof existed. Before this settlement was finalized, my firm rejected defendants’ coupon
6 settlement offer, because we did not believe it constituted the best relief for the class members.
7 Instead, we continued extensive and lengthy rounds of negotiations with the defendants to obtain
8 the best result for the class. These months-long negotiations included back and forth exchange of
9 approximately twenty versions of the settlement agreement, multiple conference calls and e-mails.
10 On March 14, 2012, the parties filed a Joint Motion for Preliminary Approval of Class Action
11 Settlement, Dkt. No. 38, which the court granted on April 16, 2012, Dkt. No. 42. After the fairness
12 hearing in this case on August 21, 2012, Dkt. No. 48, Judge Thomas J. Whelan granted final
13 approval on October 4, 2012, Dkt. No. 52.

14 44. On March 1, 2012, the Honorable Janis L. Sammartino appointed my firm interim
15 class counsel in an action styled *Margolis v. Dial Corp.*, No. 3:12-cv-00288-JLS-WVG (S.D. Cal.).
16 Order Granting Joint Mot. for Consolidation & Appointment of Interim Co-Lead Counsel at 2,
17 *Margolis v. Dial Corp.*, No. 3:12-cv-00288-JLS-WVG (S.D. Cal. Mar. 1, 2012), Dkt. No. 14. This
18 case involved an OTC pheromone soap product that its manufacturer advertised as enhancing a
19 man’s sexual attraction to women.

20 45. When my firm was appointed interim lead class counsel for a class of consumers
21 in a deceptive food labeling case in March of 2011, the Honorable Marilyn Huff recognized class
22 counsel “appears to be well qualified to represent the interest of the purported class and to manage
23 this litigation.” *Hohenberg v. Ferrero U.S.A., Inc.*, Nos. 11-CV-205 H (CAB), 11-CV-249 H
24 (CAB), 2011 WL 13134161, at *2 (S.D. Cal. Mar. 22, 2011). Subsequently, when my firm
25 obtained certification of the proposed class, the court reaffirmed its finding that my firm is
26 adequate to serve as class counsel. *See In re Ferrero Litig.*, 278 F.R.D. 552, 559 (S.D. Cal. 2011).
27 Judge Huff gave final approval of a settlement on July 9, 2012. Final Judgment & Order Approving
28 Settlement, *In re Ferrero Litig.*, No. 3:11-cv-00205-H-KSC (S.D. Cal. July 9, 2012), Dkt. No. 127.

1 46. On November 14, 2011 my firm obtained the certification of a nationwide class of
2 consumers who purchased Qunol CoQ10, a dietary supplement making misleading efficacy
3 claims. *See Bruno v. Quten Research Inst., LLC*, 280 F.R.D. 524 (C.D. Cal. 2011). My firm then
4 successfully defeated the defendants’ motion to decertify the class following the Ninth Circuit’s
5 decision in *Mazza v. American Honda Motor Co.*, 666 F.3d 581 (9th Cir. 2012). *See Bruno v.*
6 *Eckhart Corp.*, 280 F.R.D. 540 (C.D. Cal. 2012). The case then settled on the eve of trial, which
7 was scheduled for October 2, 2012.

8 47. On June 14, 2011, the Honorable Richard Seeborg appointed my firm interim class
9 counsel, over a competing application from a former partner at the New York law firm Milberg
10 Weiss regarding a deceptive food labeling case. *See Chacanaca v. Quaker Oats Co.*, No. 10-0502
11 RS, 2011 WL 13141425, at *3 (N.D. Cal. June 14, 2011) (since restyled as *In re Quaker Oats*
12 *Labeling Litig.*) (“There is no question here that both the Weston/Marron counsel . . . have ample
13 experience handling class actions and complex litigation. It is also clear that both have particular
14 familiarity with suits involving issues of mislabeling in the food industry.”).

15 48. I was appointed class counsel in *Peterman v. North American Co. for Life & Health*
16 *Ins.*, No. BC357194 (L.A. Cty. Super. Ct.), which was litigated for more than 4 years and achieved
17 a settlement of approximately \$60 million for consumers. In granting preliminary approval of the
18 settlement, the Honorable Carolyn B. Kuhl noted that “the excellent work that the plaintiffs’ side
19 has done in this case has absolutely followed through to the settlement . . . The thought and detail
20 that went into the preparation of every aspect was very impressive to me.”

21 49. I also served as class counsel in *Clark v. National Western Life Insurance Co.*, No.
22 BC321681 (L.A. Cty. Super. Ct.), a class action that, after being litigated for more than 6 years,
23 resulted in a settlement of approximately \$25 million for consumers.

24 50. In *Iorio v. Asset Marketing*, No. 3:05-cv-00633-JLS-CAB (S.D. Cal.), I was
25 appointed class counsel on August 29, 2006, Dkt. No. 121, following class certification, which
26 was granted on July 27, 2006 by the Honorable Irma E. Gonzalez, Order Granting Pls.’ Class
27 Certification, Dkt. No. 113. After nearly 6 years of intensive litigation, a settlement valued at \$110
28 million was reached in *Iorio* and approved on March 3, 2011, by the Honorable Janis Sammartino.

1 Final Order Approving Class Action Settlement, Dkt. No. 480. Co-counsel and I successfully
2 defended multiple motions brought by defendant in the Southern District of California, including
3 “challenges to the pleadings, class certification, class decertification, summary judgment, . . .
4 motion to modify the class definition, motion to strike various remedies in the prayer for relief,
5 and motion to decertify the Class’ punitive damages claim,” plus three petitions to the Ninth
6 Circuit, attempting to challenge the Rule 23(f) class certification. *Id.* at 6:9-15, 7:18-22
7 (commenting that class counsel were “highly experienced trial lawyers with specialized knowledge
8 in insurance and annuity litigation, and complex class action litigation generally” and “capable of
9 properly assessing the risks, expenses, and duration of continued litigation, including at trial and
10 on appeal”). Judge Sammartino also noted “the complexity and subject matter of this litigation,
11 and the skill and diligence with which it has been prosecuted and defended, and the quality of the
12 result obtained for the Class.” *Id.* at 17:25-27.

13 51. Besides these cases, I have also represented plaintiffs victimized in other complex
14 cases such as Ponzi schemes, shareholder derivative suits, and securities fraud cases. I have
15 litigated hundreds of lawsuits and arbitrations against major corporations; of these, approximately
16 30 cases against the likes of such corporate titans as Shell Oil, Citigroup, Wells Fargo, Morgan
17 Stanley and Merrill Lynch have gone through trial or arbitration. Many more have settled on the
18 eve of trial although I was fully prepared to proceed to trial.

19
20 I declare under penalty of perjury of the laws of the United States that the foregoing is true
21 and correct.

22
23 Executed on this 17th day of September, 2021 at San Diego, California.

24
25 /s/ Ronald A. Marron

26 Ronald A. Marron
27
28

EXHIBIT 1

LAW OFFICES OF RONALD A. MARRON, APLC

651 Arroyo Drive
San Diego • CA • 92103
Tel.: (619) 696-9006
Fax: (619) 564-6665

Firm Resume

FIRM OVERVIEW

The Law Offices of Ronald A. Marron is a recognized class action and complex litigation firm based out of San Diego, California, representing clients across the nation. Founded in 1996 with an emphasis in consumer and securities fraud, the firm has expanded its practice to include complex cases such as electronic privacy, banking regulations, antitrust, automatic renewals, Telephone Consumer Protection Act and Government Environmental Law Litigation. The firm has skillfully litigated hundreds of lawsuits and arbitrations against investment advisors and stockbrokers, such as Morgan Stanley, LPL Financial, Merrill Lynch, Banc of America Securities, and Citigroup, who placed clients into unsuitable investments, failed to diversify, and who violated the Securities Act of 1933 and/or 1934. Aptly and competently prepared to represent its clients, the firm has taken on cases against the likes of Shell Oil, Citigroup, Wells Fargo, Union Bank of California, American Express Advisors, Morgan Stanley and Merrill Lynch. Since 2004, the firm has devoted most of its practice to the area of false and misleading labeling of Consumer Products and food, drug and over-the-counter products, as well as seeking to protect consumers from unauthorized and unsolicited telephone calls, SMS or text messages to cellular phones from corporations under the Telephone Consumer Protection Act. The firm employs six attorneys, whose qualifications are discussed in brief below.

THE MARRON FIRM'S ATTORNEYS:

Ronald A. Marron, Founder

As the founder of the Law Offices of Ronald A. Marron, APLC, Mr. Marron has been practicing law for 26 years. He was a member of the United States Marine Corps from 1984 to 1990 (Active Duty 1984-1988, Reserves 1988-1990) and thereafter received a B.S. in Finance from the University of Southern California (USC) in 1991. While attending Southwestern University School of Law (1992-1994), he interned at the California Department of Corporations with emphasis in consumer complaints and fraud investigations; and studied Bio-Chemistry at the University of Southern California and was a member of the Trojan Chemistry Club. Mr. Marron has extensive experience in class actions and other complex litigation and has obtained hundreds of millions of dollars on behalf of consumers as lead counsel. Mr. Marron has represented plaintiffs victimized in TCPA cases, Consumer Fraud, Antitrust, Broker-Dealer Liability, Ponzi schemes, shareholder derivative suits, and securities fraud cases.

Mr. Marron has assisted two United States Senate Subcommittees and their staff in investigations of financial fraud, plus the Senate Subcommittee on Aging relating to annuity sales practices by agents using proceeds from reverse mortgages. Mr. Marron's clients have testified before the United States Senate Subcommittee on Investigations relating to abusive sales practices alleged in a complaint he filed against All-Tech Investment Group. The hearings resulted in federal legislation that: (a) raised

the minimum capital requirements, and (b) required written risk disclosure signed by consumer. The civil action resulted in return of client funds and attorneys' fees pursuant to the private attorney general statute and/or Consumers Legal Remedies Act. Mr. Marron conducted the legal research and co-wrote the brief that resulted in the largest punitive damages award (500%) in NASD history for aggrieved investors against Dean Witter Reynolds in securities arbitration. Mr. Marron's opinion on deferred annuity sales practices targeting the elderly has often been sought by major financial news organizations and publications such as Forbes, the Wall Street Journal, the Kiplinger's Retirement Report, CNN, and FOX News affiliates. In addition, he has devoted significant energy and time educating seniors and senior citizen service providers, legislators, and various non-profits (including Elder Law & Advocacy) about deferred annuity sales practices targeting the elderly. Mr. Marron had numerous speaking engagements at FAST (Fiduciary Abuse Specialist Team), which is an organization devoted to the detection of, prevention, and prosecution of elder financial abuse; Adult Protective Services; and Elder Law & Advocacy, a non-profit dedicated to assisting seniors who have been the victims of financial fraud. He has litigated hundreds of lawsuits and arbitrations against major corporations, such as Shell Oil, Citigroup, Wells Fargo, Morgan Stanley, and Merrill Lynch. In recent years, Mr. Marron has devoted almost all of his practice to the area of TCPA and Privacy Violations, false and misleading labeling of food, dietary supplements, and over-the-counter products. He is a member in good standing of the State Bar of California; the United States District Courts for the Eastern, Southern and Northern Districts of New York; the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the United States District Court for the Eastern District of Michigan; the United States District Court for the Eastern and Western Districts of Wisconsin; the United States District Court of Colorado; the United States District Court for the Eastern District of Arkansas; the United States Court of Appeals for the Ninth Circuit; and the Supreme Court of the United States.

Alexis M. Wood, Senior Associate

Ms. Wood graduated *cum laude* from California Western School of Law in 2009, where she was the recipient of the Dean's Merit Scholarship for Ethnic & Cultural Diversity and also Creative Problem Solving Scholarships. In addition, during law school, Ms. Wood was the President of the Elder, Child, and Family Law Society, and participated in the study abroad program on international and comparative human rights law in Galway, Ireland. Ms. Wood interned for the Alternate Public Defender during law school, and also held a judicial externship with the San Diego Superior Court. Upon graduation, Ms. Wood obtained her Nevada Bar license and worked at the law firm Alverson Taylor Mortensen & Sanders in Las Vegas, Nevada where she specialized in medical malpractice. Ms. Wood then obtained her license to practice law in California in 2010 and worked at the bankruptcy firm Pite Duncan, LLP in San Diego, California, in which she represented financial institutions in bankruptcy proceedings. She additionally worked for the national law firm Gordon & Rees, LLP as an associate attorney in the professional liability defense and tort & product liability practice groups. Ms. Wood was also selected to the 2015 and 2016 California Super Lawyers Rising Star list (general category)—a research-driven, peer influenced rating service of outstanding lawyers who have attained a high degree of peer recognition and professional achievement. No more than 2.5% of the lawyers in the state were selected for the Rising Stars list. Ms. Wood joined the Law Office of Ronald Marron in September of 2012 and has dedicated her practice to consumer advocacy. Ms. Wood is also a foster youth advocate with Voices for Children. She is a member in good standing of the State Bar of California; the State Bar of Nevada; the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the United States District Court of Nevada; the United States District Court for the Eastern and Western Districts of Wisconsin; the

United States District Court of Colorado; the United States Court for the Eastern District of Arkansas; and the United States Court of Appeals for the Ninth Circuit.

Kas L. Gallucci, Senior Associate

Ms. Gallucci graduated *cum laude* from California Western School of Law in 2012, where she ranked in the top 12% of her graduating class and was listed on the Dean's Honor List for four terms. During law school, Ms. Gallucci received the highest grade in her Legal Skills and Advanced Legal Research classes. She also participated in the Capitals of Europe Summer Study Abroad Program, where the Honorable Samuel A. Alito, Jr. was a Distinguished Guest Jurist. Ms. Gallucci has worked for the firm since 2009 and has a number of years' experience in consumer fraud cases and is currently prosecuting violations of the Telephone Consumer Protection Act. Ms. Gallucci also regularly assists with the firm's food, drug, and cosmetic cases. She is a member in good standing of the State Bar of California; the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the United States District Court for the Eastern District of Michigan; the United States District Court for the Eastern and Western Districts of Wisconsin; the United States District Court for New Mexico; the United States District Court of Colorado; the United States Court for the Eastern District of Arkansas; and the United States Court of Appeals for the Ninth Circuit.

Michael Houchin, Senior Associate

Mr. Houchin has been with the Law Offices of Ronald A. Marron since 2011. Prior to passing the California bar exam, Mr. Houchin worked as a law clerk for the firm while he attended law school courses in the evenings at the Thomas Jefferson School of Law. During law school, Mr. Houchin received four Witkin Awards for the highest grade achieved in his Legal Writing, Constitutional Law, American Indian Law, and California Civil Procedure courses. He also served as an editor on the *Thomas Jefferson Law Review* and was a member of an editing team that prepared a student Note for compliance with publishable quality standards. See I. Suruelo, *Harmonizing Section 14(B) with The Policy Goals of the NLRA on the Heels of Michigan's Enactment of Right-To-Work Laws*, 36 T. JEFFERSON L. REV. 427 (2014). Mr. Houchin graduated *magna cum laude* in May of 2015 and ranked in the top 5% of his graduating class. Through his work at the Law Offices of Ronald A. Marron, APLC, Mr. Houchin has gained substantial familiarity with multi-district litigation proceedings, solutions for e-discovery management, and false advertising investigations. He is a member in good standing of the State Bar of California; and the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the Western District of Wisconsin; the United States Court of Appeals for the Ninth Circuit; and the Supreme Court of the United States.

Lilach Halperin, Associate

Ms. Halperin graduated *cum laude* from the University of San Diego School of Law in 2018. During law school, Ms. Halperin held a judicial externship with the San Diego Superior Court and volunteered for numerous pro bono clinics, including the USD Entrepreneurship Clinic, the USD State Sales and Use Tax Clinic, and the San Diego Clean Slate Clinic. In addition, Ms. Halperin was the Chair of the USD Pro Bono Legal Advocates Consumer Affairs Clinic, where she worked with the Legal Aid Society of San Diego to assist indigent clients with lawsuits in consumer protection law. In her third year of law school, Ms. Halperin was hired as a law clerk for the Law Offices of Ronald A. Marron and assisted in consumer fraud cases for the firm, including the areas of false and misleading labeling of consumer products. She is a member of good standing of the State Bar of California; the United States District Courts for the Central, Eastern, Northern and Southern Districts of California; and the Western District of Wisconsin.

Elisa Pineda, Associate

Ms. Pineda graduated *magna cum laude* from California Western School of Law in 2019, where she was the recipient of the Dean's Merit Scholarship for Ethnic & Cultural Diversity and ranked in the top 3% of her graduating class. During law school, Ms. Pineda received an award for obtaining the highest grade in the following classes: Property I, Torts I, Trusts & Estates, Professional Ethics, and the Mediation Clinic. Ms. Pineda was listed on the Dean's Honor List for three terms. In addition, during law school, Ms. Pineda received an Outstanding Editor Award for her efforts as Senior Editor for her law school's International Law Journal. Ms. Pineda interned for both the San Diego District Attorney's Office and the San Diego Public Defender's Office. She also held a judicial externship with the Honorable United States Magistrate Judge Jill Burkhardt at the United States District Court for the Southern District of California. Ms. Pineda recently passed the California Bar and is now working as an Associate Attorney at the Law Offices of Ronald A. Marron. She is a member in good standing of the State Bar of California and the United States District Court for the Central, Eastern, Northern and Southern Districts of California.

Support Staff

The Marron Firm also employs a number of knowledgeable and experienced support staff, including paralegals and legal assistants.

EXAMPLES OF MARRON FIRM'S SUCCESSES ON BEHALF OF CONSUMERS

Randolph v. Amazon.com LLC, No. 37-2017-00011078-CU-OE-CTL (San Diego Sup. Ct.)

Plaintiffs alleged that Defendants Amazon Logistics, Inc. and Amazon.com failed to comply with wage and hour laws with respect to persons who delivered packages to Amazon customers in California. On October 5, 2020, the Honorable Ronald L. Styn preliminarily approved the settlement to which the Law Offices of Ronald A. Marron served as co-lead class counsel. On July 4, 2021, the Honorable Keri Katz granted final approval of class action and PAGA representative action settlement which settled for \$3,200,000.00 (ROA # 210).

Fox v. Iowa Health System, No. 3:18-cv-00327-JDP (W.D. Wiscon.)

On March 4, 2021, the Honorable James D. Pederson granted final approval to a class action settlement regarding two data breaches of a healthcare system's patient and employees personal and private information. The Settlement provided for substantial monetary and injunctive relief. Dkt. No. 115.

McSwain v. Axos Bank, No. 37-2019-00015784-CU-BC-CTL (San Diego Sup. Ct.)

Plaintiff alleged that Axos Bank failed to pay a minimum of 2% simple interest on homeowners' impound escrow accounts as required by California law. Axos filed a demurrer arguing that Plaintiff's state law claims are preempted under the federal Homeowners' Loan Act, 12 U.S.C. §§ 1461, *et seq.* and the Law Offices of Ronald A. Marron successfully opposed the demurrer. (ROA # 36). On July 22, 2020, a class action settlement was preliminarily approved by the Court (ROA # 58), and on November 25, 2020 the court granted final approval of the Settlement (ROA # 81).

Romero v. Securus Technologies, Inc. No. 3:16-cv-01283 (JM) (S.D. Cal.)

Plaintiffs allege that Securus Technologies illegally recorded telephone conversations between inmates and their counsel. On November 21, 2018, the Honorable Jeffrey Miller granted class

certification in part, appointing the Law Offices of Ronald A. Marron as co-lead class counsel. On June 16, 2020, the class action settlement was preliminary approved by the Court, and on November 19, 2020, the Court granted final approval of the Settlement. Dkt. No. 184.

Hilsley v. Ocean Spray Cranberries, Inc., No. 3:17-cv-02335(GPC) (S.D. Cal.)

A nationwide class of consumers brought this suit against Ocean Spray Cranberries, Inc. and Arnold Worldwide LLC for violations of California’s Consumer Legal Remedies Act. Plaintiff alleges that certain Ocean Spray products falsely state “no artificial flavors” when they in fact contain the artificial flavoring agent, malic acid. On November 29, 2018, the Honorable Gonzalo P. Curiel granted class certification, appointing Ronald A. Marron, Michael Houchin, and Lilach Halperin of the Marron Firm as class counsel. On July 3, 2019, Judge Curiel denied Defendant’s Motion for Summary Judgment and on July 10, 2019 denied Defendant’s Motion to Decertify the Class. On January 31, 2020, the Honorable Judge Gonzalo P. Curiel granted Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, and on August 3, 2020 the Court granting final approval of the settlement. Dkt. No. 259.

Graves v. United Industries Corp., No. 2:17-cv-06983-CAS-SK (C.D. Cal.)

On February 24, 2020, the Honorable Christiana A. Snyder granted final approval a nation-wide class action settlement concerning United Industries Corporation’s Spectracide® Weed and Grass Killer Concentrate Products. The Plaintiffs alleged that the Spectracide® Concentrate Products were labeled as making more solution than the products were capable of making when mixed for certain weed control purposes. The Law Offices of Ronald A. Marron served as Class Counsel. The settlement created a \$2.5 million dollar common fund in addition to injunctive relief in the form of labeling changes. Judge Snyder noted that the Law Offices of Ronald A. Marron had “vigorously represented the Class” and has “extensive experience in consumer class action litigation.”

Esparza v. Smartpay Leasing, Inc., No. 3:17-cv-03421-WHA (N.D. Cal.)

On January 28, 2020, the Honorable William Alsup granted final approval a nation-wide certified class action settlement. The class included individuals who were texted on behalf of the defendant, using its vendor Twilio, Inc.’s platform after texting the word “STOP”, between September 29, 2015 to June 13, 2017. Ronald A. Marron, Alexis M. Wood and Kas L. Gallucci of the Law Offices of Ronald A. Marron served as class counsel. The settlement created a \$8.67 million dollar common fund. *See Esparza v. Smartpay Leasing, Inc.*, No. 3:17-cv-03421-WHA, 2020 WL 465865, at *2 (N.D. Cal. Jan. 28, 2020), judgment entered, 2020 WL 465863 (N.D. Cal.).

Busch v. Bluestem Brands, Inc., No. 16-cv-0644(WMW/HB) (D. Minn.)

On October 11, 2019, the Honorable Judge Wilhelmina M. Wright granted final approval of a nationwide TCPA class action settlement where Ronald A. Marron, Alexis M. Wood and Kas L. Gallucci served as co-lead class counsel. The settlement created a \$5.25 million common fund. *See Busch v. Bluestem Brands, Inc.*, No. 0:16-cv-00644-WMW-HB, 2019 WL 5092952, at *1 (D. Minn. Oct. 11, 2019).

Woodard, et al. v. Labrada, et al., Case No. 5:16-cv-00189-JGB-SP (C.D. Cal.)

On October 7, 2019, the Honorable Jesus G. Bernal granted final approval of a settlement between Plaintiffs and Defendant Naturex, Inc. for monetary and injunctive relief and the Law Offices of Ronald A. Marron served as co-lead class counsel. *See* Dkt. No. 321.

Medina v. Enhanced Recovery Company, LLC, No. 15-CV-14342-MARTINEZ-MAYNARD (S.D. Fla.)

On September 12, 2019, the Honorable Judge Jose E. Martinez granted final approval of a nationwide TCPA class action settlement and the Law Offices of Ronald A. Marron served as co-lead class counsel. The settlement created a \$1.45 million common fund.

Littlejohn v. Ferrara Candy Company, No. 18-cv-0658-AJB-WVG (S.D. Cal.)

On June 17, 2019, the Honorable Anthony J. Battaglia granted final approval of a nationwide CLRA class action settlement stating “Class Counsel has fully and competently prosecuted all causes of action, claims, theories of liability, and remedies reasonably available to the Class Members.” *Littlejohn v. Ferrara Candy Co.*, No. 318CV00658AJBWVG, 2019 WL 2514720, at *3 (S.D. Cal. June 17, 2019).

Rwomwijhu v. SMX, LLC, No. BC634518 (L.A. Supr. Ct.)

On January 11, 2019, the Honorable Carolyn B. Kuhl granted final approval of case brought pursuant to under California’s Private Attorneys General Act where the Law Offices of Ronald A. Marron served as co-lead class counsel.

Jackson v. Lang Pharma Nutrition, Inc., No. 37-2017-00028196-CU-BC-CTL (S.D. Supr. Ct.)

On December 20, 2018, the Honorable Joel R. Wohlfeil of the California Superior Court granted final approval to a nationwide labeling case settlement involving Co-q10 dietary supplements where the Law Offices of Ronald A. Marron served as class counsel. The settlement created a fund in the amount of \$1,306,000 for which class members could elect to obtain cash or product vouchers.

Simms v. ExactTarget, LLC, No. 1-14-cv-00737-WTL-DKL (S.D. Ind.)

On October 19, 2018, the Honorable William T. Lawrence granted final approval of a nationwide TCPA class action settlement where the Law Offices of Ronald A. Marron served as class counsel. The settlement created a \$6.25 million common fund.

Mancini v. The Western and Southern Life Insurance Company, et al., No. 16-cv-2830-LAB (WVG) (S.D. Cal)

On September 18, 2018, the Honorable Larry Alan Burns granted final approval of settlement in the amount of \$477,500 to resolve claims under California’s Private Attorneys General Act.

Gonzales v. Starside Security & Investigation, No. 37-2015-00036423-CU-OE-CTL (S.D. Supr. Ct.)

On September 7, 2018, the Honorable Gregory W. Pollack granted final approval of a wage and hour class action settlement and where the Law Offices of Ronald A. Marron served as class counsel.

Mollicone v. Universal Handicraft, No. 17-21464-Civ-Scola (S.D. Fla.)

On August 10, 2018, the Honorable Robert N. Scola, Jr. granted final approval of class action settlement regarding false advertising claims of Adore cosmetics products marketed as containing a plant stem cell formula where in which the Law Offices of Ronald A. Marron served as class counsel. In his Preliminary Approval Order, Judge Scola stated that the Marron Firm is “experienced and competent in the prosecution of complex class action litigation.” (Dkt. No. 120).

Mason v. M3 Financial Services, Inc., No. 15-cv-4194 (N.D. Ill.)

On June 29, 2018, the Honorable Andrea R. Wood granted final approval of a nationwide TCPA class action settlement in the amount of \$600,000 in which the Law Offices of Ronald A. Marron served as co-lead class counsel.

Lucero v. Tommie Copper, Inc., No. 15 Civ. 3183 (AT) (S.D. N.Y.)

On May 4, 2018, the Honorable Analisa Torres granted final approval of a false advertising class settlement in the amount \$700,000. This case involves allegations of false and deceptive advertising and endorser liability for copper fabric compression clothing. On January 4, 2016, the Honorable Analisa Torres appointed the Marron firm as Interim Lead Class Counsel over the opposition and challenge of other plaintiffs' counsel, noting that the Marron firm's "detailed" complaint was "more specifically pleaded, . . . assert[ing] a more comprehensive set of theories . . . [and was] more factually developed." *Potzner v. Tommie Copper Inc.*, No. 15 CIV. 3183 (AT), 2016 WL 304746, at *1 (S.D.N.Y. Jan. 4, 2016). Judge Torres also noted that Mr. Marron and his firm's attorneys had "substantial experience litigating complex consumer class actions, are familiar with the applicable law, and have the resources necessary to represent the class." *Id.*

Gutierrez-Rodriguez v. R.M. Galicia, Inc., No. 16-cv-00182-H-BLM (S.D. Cal.)

On March 26, 2018, the Honorable Marilyn Huff granted final approval of a nationwide TCPA class action settlement which provided monetary relief in the amount of \$1,500,000, in addition to significant injunctive relief. The Law Offices of Ronald A. Marron served as class counsel. *Gutierrez-Rodriguez v. R.M. Galicia, Inc.*, No. 16-CV-00182-H-BLM, 2018 WL 1470198, at *2 (S.D. Cal. Mar. 26, 2018).

Thornton v. NCO Financial Systems, No. 16-CH-5780 (Cook County, Ill)

On October 31, 2017, the Honorable Tomas R. Allen of the Circuit Court of Cook County, Illinois, granted final approval to a nationwide TCPA class which created a common fund in the amount of \$8,000,000 and also provided for injunctive relief. The Law Offices of Ronald A. Marron served as co-lead class counsel.

Elkind v. Revlon Consumer Products Corporation, No. 14-cv-2484(JS)(AKT) (E.D.N.Y.)

On September 5, 2017, the Honorable A. Kathleen Tomlinson granted final approval of a nationwide false advertising class action settlement which challenged Revlon's advertising of its "Age Defying with DNA Advantage" line of cosmetics in the amount of \$900,000, and significant injunctive relief. The Law Offices of Ronald A. Marron served as co-lead class counsel.

Sanders v. R.B.S. Citizen, N.A., No. 13-CV-03136-BAS (RBB) (S.D. Cal.)

On January 27, 2017 the Honorable Cynthia A. Bashant granted final approval of a nationwide TCPA class action settlement in the amount of \$4,551,267.50. *Sanders v. R.B.S. Citizen, N.A.*, No. 13-CV-03136-BAS (RBB), 2017 WL 406165 (S.D. Cal. Jan. 25, 2017). On July 1, 2016, the Honorable Cynthia A. Bashant certified a nationwide class, for settlement purposes, of over one million persons receiving cell phone calls from Citizens made with an alleged automatic telephone dialing system. Dkt. 107. The Court appointed the Law Offices of Ronald A. Marron as class counsel, noting they have "significant experience in handling class actions." *Id.*

In re Leaf123 (Augustine v. Natrol), No. 14-114466 (U.S. Bankruptcy Court for the District of Delaware)

This action involved allegations of false and deceptive advertising of Senna Leaf tea products as dietary aids. Plaintiff alleged Senna Leaf is nothing more than a stimulant laxative which does not aid diets but hinders them. After a strong showing in the district court, and pursuant to other actions against the defendant manufacturer, the defendant filed for bankruptcy. The Marron Firm followed defendant to the federal bankruptcy court and retained bankruptcy counsel to assist. After a full day mediation before a retired federal jurist, and months of follow up negotiations, a settlement was reached. On August 7, 2015, in *In re Leaf123* (adversary proceeding of *Augustine v. Natrol*), the Honorable Brendan L. Shannon approved an injunctive relief-only settlement, finding it “fair, reasonable and adequate.”

Johnson v. Triple Leaf Tea, Inc., No. 3:14-cv-01570-MMC (N.D. Cal.)

An injunctive relief class action settlement, requiring manufacturer of senna leaf diet teas to re-label their products and remove ingredients based on alleged consumer confusion and harm, was filed in April 2014. The Marron firm served as class counsel and the Honorable Maxine M. Chesney, Senior U.S. District Court Judge granted final approval to a classwide settlement on November 16, 2015. *Johnson v. Triple Leaf Tea Inc.*, No. 3:14-CV-01570-MMC, 2015 WL 8943150, at *3, *5 (N.D. Cal. Nov. 16, 2015) (“Class Counsel has fully and competently prosecuted all causes of action, claims, theories of liability, and remedies reasonably available to the Class Members. The Court hereby affirms its appointment of the Law Offices of Ronald A. Marron, APLC as Class Counsel Class Counsel and Defendant's counsel are highly experienced civil litigation attorneys with specialized knowledge in food and drug labeling issues, and complex class action litigation generally.”).

Perry v. Truong Giang Corp., Case No. BC58568 (L.A. Supr. Ct.)

Plaintiff alleged defendant’s Senna Leaf teas, advertised as diet aids, were falsely or misleadingly advertised to consumers. After an all-day mediation, a class wide settlement was reached. In granting final approval to the settlement on August 5, 2015, the Honorable Kenneth Freeman noted that class counsel’s hourly rates were “reasonable” and stated the Marron Firm’s lawyers used skill in securing the positive results achieved on behalf of the class. The court also noted “this case involved difficult legal issues because federal and state laws governing dietary supplements are a gray area, . . . the attorneys displayed skill in researching and settling this case, which provides a benefit not only to Class Members but to the public at large”

Carr v. Tadin, Inc., No. 3:12-cv-03040-JLS-JMA (S.D. Cal.)

An injunctive relief class action settlement, requiring manufacturer of diet teas and other health supplements to re-label their products to avoid alleged consumer confusion, was filed in January 2014 before the Honorable Janis L. Sammartino. The Marron Firm was appointed as class counsel and the classwide settlement was granted final approval on December 5, 2014.

Gallucci v. Boiron, Inc., No. 3:11-cv-2039-JAH (S.D. Cal.)

The firm was class counsel for consumers of homeopathic drug products in an action against Boiron, Inc., the largest foreign manufacturer of homeopathic products in the United States, involving allegations that Boiron’s labeling and advertising were false and misleading. We obtained a nationwide settlement for the class which provided injunctive relief and restitution from a common fund of \$5 million. The settlement was upheld by the Ninth Circuit on February 21, 2015. The case also set an industry standard for homeopathic drug labeling. See www.homeopathicpharmacy.org/pdf/press/AAHP_Advertising_Guidelines.pdf.

Red v. Kraft Foods Global, Inc., No. 2:10-1028-GW (C.D. Cal)

The firm represented consumers in a class action against one of the world's largest food companies and was appointed lead counsel in a consolidated putative class action. The action has resulted in a permanent injunction barring the use of deceptive health claims on Nabisco packaged foods containing artificial trans fat. The Court has also granted an interim award of attorneys' fees.

Mason v. Heel, Inc., No. 3:12-cv-3056-GPC-KSC (S.D. Cal.)

Plaintiff alleged false and deceptive advertising of over-the-counter homeopathic drugs. On October 31, 2013, the Honorable Gonzalo P. Curiel granted preliminary approval to a nationwide class settlement of \$1 million in monetary relief for the class plus four significant forms of injunctive relief. Final approval was granted on March 13, 2014. *See Mason v. Heel, Inc.*, 3:12-CV-03056-GPC, 2014 WL 1664271 (S.D. Cal. Mar. 13, 2014).

Clark v. National Western Life Insurance Co., No. BC321681 (L.A. Co. Super. Ct.)

Class action involving allegations of elder financial abuse and fraud. After litigating the case for well over six years, including Mr. Marron being appointed co-lead class counsel, the case resulted in a settlement of approximately \$25 million for consumers.

In re Quaker Oats Labeling Litig., No. 5:10-cv-00502-RS (N.D. Cal.)

False and deceptive advertising case concerning Instant Oats, Chewy Granola Bars and Oatmeal To Go products, including use of partially hydrogenated vegetable oil while also representing the products as healthy snacks. An injunctive relief class action settlement was granted preliminary approval on February 2, 2014, with my firm being appointed Class Counsel. On July 29, 2014, the court granted the final approval of the settlement.

Nigh v. Humphreys Pharmacal, Inc., No. 3:12-cv-02714-MMA-DHB (S.D. Cal.)

Case involving allegations of false and deceptive advertising of homeopathic over-the-counter drugs as effective when they allegedly were not. On October 23, 2013, a global settlement was granted final approved by the Honorable Michael M. Anello, involving a common fund of \$1.4 million plus five significant forms of injunctive relief for consumers.

Burton v. Ganeden Biotech, Inc., No. 3:11-cv-01471-W-NLS (S.D. Cal.)

Action alleging false and deceptive advertising of a dietary probiotic supplement. On March 13, 2012, the Marron Firm settled the case for \$900,000 in a common fund plus injunctive relief in the form of labeling changes. Final approval was granted on October 5, 2012.

Hohenberg v. Ferrero U.S.A., Inc., No. 3:11-CV-00205-H-CAB (S.D. Cal.)

This case involved false and deceptive advertising of sugary food product as a healthy breakfast food for children. After successfully defeating a motion to dismiss, *Hohenberg*, 2011 U.S. Dist. LEXIS 38471, at *6 (S.D. Cal. Mar. 22, 2011), the Honorable Marilyn Huff certified a class on November 15, 2011, resulting in a published decision, *In re Ferrero Litig.*, 278 F.R.D. 552 (S.D. Cal. 2011). A final settlement consisting of injunctive relief labeling and marketing changes, plus a \$550,000 common fund for monetary relief to the class was finally approved on July 9, 2012.

In re Qunol CoQ10 Liquid Labeling Litigation, No. 8:11-cv-173-DOC (C.D. Cal.)

This case involved false and deceptive consumer advertising of a dietary supplement. The Marron

Firm was appointed class counsel and successfully defeated defendants' motion to decertify the class following the Ninth Circuit's decision in *Mazza v. Am. Honda Motor Co.*, 666 F.3d 581 (9th Cir. 2012). See *Bruno v. Eckhart Corp.*, 280 F.R.D. 540 (C.D. Cal. 2012); see also *Bruno v. Quten Research Inst., LLC*, 280 F.R.D. 524 (C.D. Cal. 2011). The case settled on the eve of trial (originally scheduled for October 2, 2012) for cash payments to the class and injunctive relief.

Iorio v. Asset Marketing Systems, Inc., No. 05cv00633-IEG-CAB (S.D. Cal.)

This action involved allegations of elder financial abuse and fraud. Mr. Marron was appointed class counsel on August 24, 2006 and the Court certified a class on July 25, 2006. After nearly six years of intensive litigation, including "challenges to the pleadings, class certification, class decertification, summary judgment, ... motion to modify the class definition, motion to strike various remedies in the prayer for relief, and motion to decertify the Class' punitive damages claim," plus three petitions to the Ninth Circuit, attempting to challenge the Rule 23(f) class certification, a settlement valued at \$110 million was reached and approved on March 3, 2011. *Iorio*, Dkt. No. 480. In granting final approval to the settlement, the Court noted that class counsel were "highly experienced trial lawyers with specialized knowledge in insurance and annuity litigation, and complex class action litigation generally" and "capable of properly assessing the risks, expenses, and duration of continued litigation, including at trial and on appeal." *Id.* at 7:18-22.

Martinez v. Toll Brothers, No. 09-cv-00937-CDJ (E.D. Penn.)

Shareholder derivative case alleging breach of fiduciary duty, corporate waste, unjust enrichment and insider trading, filed derivatively on behalf of Toll Brothers and against individual corporate officers. Under a joint prosecution agreement, this action was litigated along with other consolidated and related actions against Toll Brothers in a case styled *Pfeiffer v. Toll Brothers*, No. 4140-VCL in the Delaware Chancery Court. After extensive litigation, the case settled in September 2012 for \$16.25 million in reimbursement to the corporation.

Peterman v. North American Co. for Life & Health Insurance, No. BC357194, (L.A. Co. Super. Ct.), involved allegations of elder financial abuse. This case was litigated for over four years and achieved a settlement of approximately \$60 million for consumers.

Vaccarino v. Midland Nat'l Life Ins. Co., No. 2:11-cv-05858-CAS (MANx) (C.D. Cal.)

This action involved allegations of elder financial abuse and fraud. On June 17, 2013, the Honorable Christina A. Snyder appointed the Marron Firm as Class Counsel, and on February 3, 2014, the Court certified a class of annuities purchasers under various theories of relief, including breach of contract and the UCL. On September 22, 2014, the court granted final approval to a class action settlement that achieved a settlement of approximately \$5.55 million for consumers, including *cy pres* relief to the Congress of California Seniors.

CURRENT AND NOTABLE APPOINTMENTS AS CLASS COUNSEL

O'Shea v. American Solar Solutions, Inc., No. 3:14-cv-00894-L-RBB (S.D. Cal.)

On March 3, 2017, the Honorable M. James Lorenz certified a TCPA class of all individuals in the United States who were called on behalf of the defendant, using the ViciDial predictive dialers, on a cellular telephone number, between November 22, 2012 and August 22, 2015, and appointed Ronald A. Marron, Alexis Wood and Kas Gallucci as class counsel.

Robbins v. Gencor Nutrients, Inc., No. 16AC-CC00366 (Circuit Court, Cole Cty. Mo.).

On May 14, 2018, the Honorable Jon E. Beetem granted preliminary approval of a nationwide false advertising class action settlement concerning testosterone boosting supplements and appointed the Law Offices of Ronald A. Marron as co-lead class counsel.

Allen v. Hyland's, Inc., No. 12-CV-1150 DMG (MANx) (C.D. Cal.)

Nationwide class of consumers certified for false and deceptive advertising against largest U.S.-based manufacturer of homeopathic drugs, involving ten over-the-counter homeopathic drug products. A nationwide class was certified after two years of vigorous litigation, including Marron firm counsel surviving against two motions to dismiss, a motion for judgment on the pleadings, and a motion to strike punitive damages. *See* 300 F.R.D. 643 (C.D. Cal. 2014). Following a thirteen-day jury trial before the Honorable Judge Dolly M. Gee, a verdict was returned in favor of Hyland's. The Marron Firm timely appealed. On May 15, 2019, the Ninth Circuit reversed the judgment in part holding that "the jury's narrow findings as to deceptive advertising do not resolve [Plaintiffs'] broader unfair practices theory" and that "the district court must engage in fact-finding to resolve [the UCL claim], and erred in granting judgment to Hyland's without doing so." *Allen v. Hylands, Inc.*, 773 F. App'x 870, 874 (9th Cir. 2019).

Allen v. Similasan Corp., No. 12-cv-376 BAS (JLB) (S.D. Cal.)

A California class of consumers alleging false and deceptive advertising of six homeopathic drugs was certified by the Honorable Cynthia A. Bashant on March 30, 2015, with the Court noting that the firm was experienced and competent to prosecute the matter on behalf of the Class. Judge Bashant denied summary judgment on the class' claims that the drug products were not effective, as advertised, and certified claims under California's Consumers Legal Remedies Act, Unfair Competition Law, False Advertising Law, breach of express and implied warranty, and violation of the federal Magnuson-Moss Warranty Act.

OTHER NOTABLE CASES

In re Santa Fe Natural Tobacco Company Marketing & Sales Practices Litig., No. 1:16-md-02695-JB-LF (D.N.M.)

On May 24, 2016, Ronald A. Marron was appointed to the Executive Committee in a multidistrict litigation labeling case. (Dkt. 24.)

Henderson v. The J.M. Smucker Company, No. 2:10-cv-4524-GHK (C.D. Cal.)

This action was the catalyst forcing the defendant to reformulate a children's frozen food production to remove trans-fat. On June 19, 2013, the Honorable George H. King held the firm's client was a prevailing Private Attorney General and entitled to her costs and attorneys' fees.

APPELLATE CASES

Littlejohn v. Ferrara Candy Company, Inc., Case No. 19-55805 (9th Cir.)

The Marron Firm was appointed by the district court as class counsel for a settlement class involving purchasers of SweeTARTS candy products that are labeling as containing "No Artificial Flavors" The plaintiff alleged that the "No Artificial Flavors" claim is false and misleading because the SweeTARTS products are made with an artificial flavoring ingredient. The district court approved a nationwide class action settlement that provided valuable injunctive relief by requiring the

defendant to remove the “No Artificial Flavors” labeling claim. An objector appealed the district court’s approval of the settlement. On June 30, 2020, the Ninth Circuit fully affirmed the district court’s approval of the settlement holding that the “SweeTARTS purchasers tend to be repeat buyers who would derive value from the Settlement’s injunctive relief upon each future purchase of SweeTARTS.” *Littlejohn v. Ferrara Candy Company, Inc.*, ---Fed. Appx.---, 2020 WL 3536531, at *2 (9th Cir. June 30, 2020).

Shyriaa Henderson v. United States Aid Funds, Inc., Case No. 17-55373 (9th Cir.)

On March 22, 2019, the Ninth Circuit reversed the District Court’s order granting summary judgment in favor of Defendant, and remanded for further proceedings in a class action where debt collectors acting on behalf of defendant were in violation of the TCPA. The Ninth Circuit found that a reasonable jury could hold Defendant vicariously liable for the alleged TCPA violations by debt collectors. *Henderson v. United Student Aid Funds, Inc.*, 918 F.3d 1068 (9th Cir. 2019).

John Sandoval v. Pharmicare US, Inc., Case No. 16-56301 (9th Cir.)

On April 5, 2016, the Ninth Circuit reversed, in part, the District Court’s order granting summary judgment in a false advertising class action concerning an aphrodisiac dietary supplement called “IntenseX” The Marron Firm successfully argued that statements on the intensex.com website showed that the defendant failed to obtain approval of IntenseX as an OTC aphrodisiac drug, thus creating a basis for liability under California’s Unfair Competition Law. *Sandoval v. PharmaCare US, Inc.*, 730 Fed.Appx. 417 (9th Cir. 2018).

Reid v. Johnson & Johnson, Case No. 12-56726 (9th Cir.)

On March 13, 2015, the Ninth Circuit reversed, in part, the District Court’s order granting the defendant’s motion to dismiss in a false advertising class action concerning Benecol spread that was allegedly falsely advertised as containing “No Trans Fat.” The Marron Firm successfully argued that the plaintiff’s claims are not preempted by the Federal Food, Drug, and Cosmetics Act. *Reid v. Johnson & Johnson*, 780 F.3d 952, 964 (9th Cir. 2015).