

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Tommie Copper Products Consumer
Litigation

Lead Case No.: 7:15-cv-03183-AT

Judge: Hon. Analisa Torres

**DECLARATION OF RONALD A. MARRON IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, AWARD OF ATTORNEYS' FEES, COSTS AND EXPENSES,
AND APPROVAL OF INCENTIVE AWARDS**

I, Ronald A. Marron, declare as follows:

1. I am counsel of record for Plaintiffs and the putative class in this action. I am a member in good standing of the State Bar of California; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California; and the United States Court of Appeals for the Ninth Circuit. I am admitted *pro hac vice* to this Court for purposes of this action. My firm was one of the Co-Lead Settlement Class Counsel appointed by this Court in its December 19, 2017 Order preliminarily approving the proposed settlement of this litigation.

2. I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, Award of Attorneys' Fees, Costs and Expenses, and Approval of Incentive Awards to the Proposed Class Representatives.

3. The Law Offices of Ronald A. Marron has extensive experience prosecuting consumer class actions. The firm specializes in complex class action litigation, representing

consumers, employees, and investors in class actions pending in state and federal courts throughout the United States.

Ronald A. Marron Firm's Qualifications and Experience

4. My work experience and education began in 1984 when I enlisted in the United States Marine Corps (Active Duty 1984-1988, Reserves 1988-1990) and thereafter received my Bachelor of Science in Finance from the University of Southern California (1991). While attending Southwestern University School of Law (1992-1994), I also studied Biology and Chemistry at the University of Southern California and interned at the California Department of Corporations with emphasis in consumer complaints and fraud investigations. I was admitted to the State Bar of California in January of 1995 and have been a member in good standing since that time. In 1996, I started my own law firm with an emphasis in consumer fraud. My firm currently employs four full-time attorneys, two paralegals, and support staff. Attached hereto as **Exhibit 1** is a true and correct copy of my firm's current resume.

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

6. Most recently, on September 20, 2017, the Honorable Cynthia A. Bashant of the United States District Court for the Southern District of California granted Plaintiff's Motion for Class Certification and appointed my law firm as class counsel in a class action titled *Reyes v. Educational Credit Management Corporation*, Case No. 15-cv-00628-BAS-AGS (S.D. Cal.) that

involves violations of California's Invasion of Privacy Act ("CIPA"), Cal. Penal Code § 630 et seq.

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

8. 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.*

9. In addition to the above cases and the present action, my firm has an in-depth knowledge of other consumer cases including litigating over-the-counter ("OTC") product cases, including the FDCA's history, principles and regulation and Courts have recognized my firms' ability to litigate complex class actions. For example, in *Gallucci v. Boiron, Inc.*, Case No. 3:11-CV-2039 JAH NLS (S. D. Cal.), we drafted a Complaint with five potential causes of action, and claims under the CLRA, UCL and FAL with respect to OTC homeopathic drugs which

“concern[ed] novel legal theories in a specialized area of law.” *See Delarosa v. Boiron, Inc.*, 275 F.R.D. 582, 590 n. 4 (C.D. Cal. 2011). This action involved extensive motion practice and my firm’s opposition brief was so persuasive that defendants decided to withdraw their motion. My firm’s well-drafted briefing, knowledge and experience resulted in a \$5 million common fund plus injunctive relief settlement of *Gallucci* against French homeopathic giant, Boiron, Inc. On April 25, 2012, the Honorable John A. Houston granted preliminary approval, noting that:

During the pendency of the Litigation, Class Counsel conducted an extensive examination and evaluation of the relevant facts and law to assess the merits of the named plaintiffs’ and class claims to determine how best to serve the interests of Plaintiffs and the Class. . . . Class Counsel conducted thorough review of the Food, Drug and Cosmetic Act, its numerous changes over the years, and the Act’s implementing regulations. Class Counsel have carefully considered the merits of Plaintiffs’ claims, and the defenses raised by defendants. *Gallucci* Dkt. No. 89 at i.

10. Accordingly, Judge Houston appointed my firm as Class Counsel, finding that Class Counsel “will fairly and adequately protect the interests of the Class . . . [and] are experienced and competent to prosecute this matter on behalf of the Class.” *Id.* at iii-iv. The Fairness Hearing was held on October 1, 2012 and on October 31, 2012, the court granted final approval. *See Gallucci v. Boiron, Inc.*, 2012 U.S. Dist. LEXIS 157039 (S.D. Cal. Oct. 31, 2012).

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

12. On October 31, 2013, the Honorable Gonzalo P. Curiel of the United States District Court for the Southern District of California granted preliminary approval to a class action settlement of \$1 million and injunctive relief for class wide claims of false and deceptive advertising of OTC drugs negotiated by my firm in *Mason v. Heel, Inc.*, Case No. 3:12-cv-3056 (GPC)(KSC) (Dkt. No. 27), also finding there was “sufficient basis . . . under the factors set forth in Rule 23(g)(1) of the Federal Rules of Civil Procedure” to appoint my firm as Class Counsel. *Id.* at p. 5.

13. On October 23, 2013, the Honorable Michael M. Anello of the United States District Court for the Southern District of California granted final approval to a \$1.2 million and injunctive relief class action settlement concerning false and deceptive advertising of OTC drugs negotiated by my firm in *Nigh v. Humphreys Pharmacal, Inc.*, Case No. 3:12-cv-02714-MMA-DHB (Dkt. No. 30), finding that “the Class was adequately represented by competent counsel.” *Id.* at p. 14.

14. On March 13, 2012, my firm settled a case against manufacturers of OTC dietary supplement products for \$900,000 in a common fund plus injunctive relief, styled *Burton v. Ganeden Biotech, Inc. et al.*, Case No. 3:11-cv-01471 (W)(NLS) (S.D. Cal.). *Burton* alleged that defendants falsely advertised their products as containing “clinically proven” proprietary bacteria that improved and benefitted the digestive and immune health of individuals when, in fact, no clinical proof existed. Before this settlement was finalized, my firm rejected defendants’ coupon settlement offer, because we did not believe it constituted the best relief for the class members. Instead, we continued extensive and lengthy rounds of negotiations with the defendants to obtain the best result for the class. These months-long negotiations included back and forth exchange of approximately twenty editions of the Settlement Agreement, multiple conference calls (including

on the weekends) and e-mails. On March 14, 2012, the parties filed a Joint Motion for Preliminary Approval of Settlement, (Dkt. No. 38) which the court granted on April 16, 2012 (*Id.* at 42). After the Fairness Hearing in this case on August 21, 2012, Judge Whelan granted final approval on October 5, 2012. Dkt. Nos. 48, 52.

15. On March 1, 2012, the Honorable Janis L. Sammartino appointed my firm Interim Class Counsel in an action styled *Margolis v. The Dial Corporation*, Case No. 3:12-cv-288 (JLS)(WVG) (Dkt. No. 14). This case involved an OTC pheromone soap product that its manufacturer alleges enhances a man's sexual attraction to women.

16. When my firm was appointed Interim Lead Class Counsel for a class of consumers in a deceptive food labeling case back in March of 2011, the Honorable Marilyn Huff recognized Class Counsel "appears to be well qualified to represent the interest of the purported class and to manage this litigation." *Hohenberg v. Ferrero U.S.A., Inc.*, 2011 U.S. Dist. LEXIS 38471, at *6 (S.D. Cal. Mar. 22, 2011). Subsequently, when my firm obtained certification of the proposed class, the court reaffirmed its finding that my firm is adequate Class Counsel. *See In re Ferrero Litig.*, 278 F.R.D. 552, 559 (S.D. Cal. 2011). Judge Huff gave Final Approval of a settlement on July 9, 2012. (Ferrero Dkt. No. 127).

17. On November 14, 2011 my firm obtained the certification of a nationwide class of consumers who purchased Qunol CoQ10, a dietary supplement making misleading efficacy claims. *See Bruno v. Quten Research Inst., LLC*, 2011 U.S. Dist. LEXIS 132323 (C.D. Cal. Nov. 14, 2011). My firm then successfully defeated the 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.*, 2012 U.S. Dist. LEXIS 30873 (C.D. Cal. Mar. 6, 2012). The case then settled on the eve of trial (originally scheduled for October 2, 2012).

18. On June 14, 2011, the Honorable Richard Seeborg appointed my firm Interim Class Counsel, over a competing application from a former partner at the New York law firm Milberg Weiss regarding a deceptive food labeling case. *See Chacanaca v. Quaker Oats Co.*, 2011 U.S. Dist. LEXIS 65023, at *8-9 (N.D. Cal. June 14, 2011) (since restyled as *In re Quaker Oats Labeling Litig.*) (“There is no question here that both the Weston/Marron counsel...have ample experience handling class actions and complex litigation. It is also clear that both have particular familiarity with suits involving issues of mislabeling in the food industry.”).

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

20. I also served as class counsel in *Clark v. National Western Life Insurance Company*, No. BC321681 (L.A. Co. Sup. Ct.), a class action that, after litigating the case for well over 6 years, resulted in a settlement of approximately \$25 million for consumers.

21. In *Iorio v. Asset Marketing*, No. 05cv00633-IEG (CAB) (S.D. Cal.), I was appointed class counsel on August 24, 2006, following class certification, which was granted on July 25, 2006 by the Honorable Irma E. Gonzalez. Dkts. Nos. 113 and 121. After nearly 6 years of intensive litigation, a settlement valued at \$110 million was reached in *Iorio*, supra, and approved on March 3, 2011, by the Honorable Janis Sammartino. Dkt. No. 480. Co-counsel and I successfully defended multiple motions brought by defendant in the Southern District of California, 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. Iorio, Final Order Approving (1) Class Action Settlement, (2) Awarding Class Counsel Fees and Expenses, (3) Awarding Class Representatives Incentives, (4) Permanently Enjoining Parallel Proceedings, and (5) Dismissing Action with Prejudice, entered on Mar. 3, 2011, at 6:9-15 (commenting 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). Judge Sammartino also noted "the complexity and subject matter of this litigation, and the skill and diligence with which it has been prosecuted and defended, and the quality of the result obtained for the Class." *Id.* at 17:25-27.

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

Tommie Copper Litigation

23. My firm was initially retained by Plaintiffs to prosecute their claims which are the subject of this litigation. From the inception of this case, my firm has aggressively prosecuted this case and vigorously represented the best interests of Plaintiffs and the Class.

24. Upon being retained by the Plaintiff, and prior to filing suit, my firm spent a considerable amount of time identifying and investigating the claims at issue, including extensive pre-litigation research of the scientific evidence and reviews, as well as consulting with experts in this area.

25. I actively participated in all aspects of this action, including negotiation of the settlement, and am fully familiar with the proceedings being resolved. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would competently testify thereto under oath.

26. Throughout my involvement in this case, I ensured that my firm did its part to litigate efficiently, without undue duplication of effort, and at minimal expense. Not being paid by the hour, and being responsible for advancing all expenses, my firm had every incentive to avoid the unnecessary expenditure of funds and other resources.

27. The total number of hours spent on this litigation by The Law Offices of Ronald A. Marron from inception to the present is 402.00. The total lodestar amount for attorney/paraprofessional time based on The Law Offices of Ronald A. Marron's current rates is \$172,135.50. Expenses are accounted for and billed separately and are not duplicated in the hourly billing rate. The hourly rates shown below are the usual and customary rates charged for each individual in similar cases. Attached hereto as **Exhibit 2** are summaries of time and/or hours spent litigating this matter and the loadstar calculation utilizing The Law Offices of Ronald A. Marron's current hourly billing rates.

28. Additionally, as of April 16, 2018, my law firm incurred a total of \$4,390.41 in expenses in connection with the prosecution of this case. These actual expenses incurred are also reflected in **Exhibit 2**.

29. The aforementioned expenses pertaining to this case are reflected in the books and records of The Law Offices of Ronald A. Marron. These books and records are prepared from expense vouchers, check records, and other documents and are an accurate record of the expenses. All of the expenses listed in Exhibit 2, were reasonable uncured in the normal courts of business. It is the practice of The Law Offices of Ronald A. Marron to charge for these categories of expense and not to include them in firm overhead.

30. The Law Offices of Ronald A. Marron's compensation for the services rendered to the class is wholly contingent. Any fees and reimbursement of expenses will be limited to the amount approved by the Court.

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

Executed on this 16th day of April 2018 in San Diego County, California.

/s/ Ronald A. Marron
RONALD A. MARRON

EXHIBIT 1

LAW OFFICE OF RONALD A. MARRON, APLC

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Firm Resume

FIRM OVERVIEW

The Law Offices of Ronald A. Marron, APLC is a recognized class action and complex litigation firm based out of San Diego, California, representing clients across the nation. Founded in 1998 with an emphasis in consumer protection and securities fraud, the firm has expanded its practice to include complex cases such as Ponzi schemes and shareholder derivative suits. In the last ten years, however, the firm has devoted part of its practice to the area of false and misleading labeling of 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 has also 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. The firm currently employs five attorneys, whose qualifications are discussed in brief below.

THE MARRON FIRM'S ATTORNEYS:

Ronald A. Marron

Mr. Marron is a member in good standing of the State Bar of California and the United States District Courts for the Northern, Central, Eastern and Southern Districts of California; and of the United States Court of Appeals for the Ninth Circuit, and has been practicing law for more than 19 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 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. 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 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 both 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 false and misleading labeling of food, dietary supplements and over-the-counter products.

Skye Resendes

Ms. Resendes has been working in the legal field for over 20 years. Prior to attending law school, she worked as a judicial secretary in the San Diego Superior Court for approximately 6 years, and as a legal assistant at large and mid-sized San Diego firms (such as DLA Piper f/k/a Gray Cary Ware & Freidenrich, and Best, Best & Krieger) for over 15 years. Ms. Resendes is a recipient of the prestigious, national Burton Award for Excellence in Legal Writing, for her published student note on the federal Food, Drug and Cosmetic Act, 32 T. Jefferson L. Rev. 95 (Fall 2009), and graduated from law school *summa cum laude* in May 2011. Ms. Resendes clerked for the Honorable Jeffrey B. Barton of the San Diego Superior Court and was a Jefferson Fellow Research Assistant during law school. She has received twelve Witkin Awards for Legal Excellence, a national Inns of Court Outstanding Program Award and was editor of Thomas Jefferson Law Review for three years. Her recent briefing in another homeopathic drug false advertising case led to a favorable decision on behalf of the firm's clients in the face of the recent 9th Circuit decision in *Mazza v. American Honda*. See *Allen v. Hyland's, Inc.*, No. CV 12-01150 DMG (MANx), 2012 WL 1656750 (C.D. Cal. May 2, 2012). To our

knowledge, the *Allen* decision is one of only two post-*Mazza* decisions interpreting that case favorably to plaintiffs. *See id.* The second favorable decision was in another case in which my firm was co-counsel: *Bruno v. Eckhart Corp. (Quten)*, 2012 U.S. Dist. LEXIS 30873 (C.D. Cal. Mar. 6, 2012), which settled favorably on the eve of trial and was granted final approval on March 14, 2013. Ms. Resendes has lectured on the Food, Drug, and Cosmetic Act and false advertising on behalf of Harris Martin in a CLE-approved course. Since joining my firm in November of 2011, Ms. Resendes has dedicated her practice to the prosecution of plaintiff-side consumer cases. She is a member of the State Bar of California, the Southern, Central and Northern Districts of California, and the Ninth Circuit Court of Appeals.

Alexis Wood

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 as well as 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. Ms. Wood 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 joined the Law Office of Ronald Marron in September of 2012 and has dedicated her practice to consumer advocacy. She is additionally a foster youth advocate with Voices for Children.

Kas L. Gallucci

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 Honorable Samuel A. Alito, Jr. was a Distinguished Guest Jurist. Ms. Gallucci has worked for my firm with a number of years' experience in consumer fraud cases and is currently prosecuting violations of the Telephone Consumer Protection Act and regularly assists with the firm's food, drug and cosmetic cases.

William B. Richards Jr.

Mr. Richards has a track record of distinguished academic excellence and legal experience, acquired through working for a number of small San Diego law firms and recognized

“Super Lawyers,” including Lisa Damiani of Damiani Law Group, APC and Matthew Butler of The Butler Firm, APC. While employed with Damiani Law Group, APC, Mr. Richards assisted with various employment and criminal law related matters. Subsequent positions with The McMillan Law Firm, APC, followed by The Butler Firm, APC further enhanced his proficiency in employment/labor law and business litigation at both the state and federal levels, including individual and class actions. After earning his B.S. in Business Administration (Management) from San Diego State University, Mr. Richards graduated *magna cum laude* from Thomas Jefferson School of Law, ranking in the top 9% of his graduating class and making either the Honor Roll or Distinguished Honor Roll list every semester. While attending law school, Mr. Richards was named a Jefferson Fellow and received the highest grade in his Civil Procedure II and Jurisprudence courses, earning him the Witkin Award for Academic Excellence, CALI Excellence for the Future Award, and Jefferson Medal for both courses. To further hone his complex legal research and writing skills, Mr. Richards served as an editor for the *Thomas Jefferson Law Review* after writing a Student Note titled: *Fool Me Once: The Inherent Unconstitutionality of Compelling DNA Abandonment Through Deceit*, exploring the Fourth Amendment implications of state-sanctioned warrantless DNA collection and analysis by employing deceit to induce DNA “abandonment.” Mr. Richards was also elected to the Student Bar Association and its Community Events Committee; served as a Teaching Assistant for a Federal Rules of Evidence course for three consecutive semesters; interned for the San Diego Office of the Primary Public Defender; and attended Pepperdine University School of Law for a winter intersession program. After graduating law school, Mr. Richards obtained his California Bar license, California Real Estate Salesperson license, and worked for several plaintiff-oriented law firms specializing in employment/labor law and business litigation. Mr. Richards now dedicates his practice to consumer advocacy as an associate with The Law Offices of Ronald A. Marron, APLC.

Mike Houchin, Law Clerk

Mr. Houchin is a third-year law student at Thomas Jefferson School of Law, where he ranks in the top 6% of his class and was listed on the Honor Roll for five semesters. During law school, Mr. Houchin has received three Witkin Awards for highest grade achieved in his Legal Writing II, Constitutional Law I, and California Civil Procedure courses. He also serves as an editor on the *Thomas Jefferson Law Review* and helped prepare a student Note for publication during the spring 2014 semester. Mr. Houchin has worked for the Law Offices of Ronald A. Marron as a law clerk for close to two years and has assisted its attorneys with prosecuting class action lawsuits involving the Telephone Consumer Protection Act and the California Consumers Legal Remedies Act.

Support Staff

The Marron Firm also employs a number of support staff, including law clerks, paralegals, legal assistants, and other support staff.

EXAMPLES OF MARRON FIRM'S SUCCESSES ON BEHALF OF CONSUMERS

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

Action alleging false and deceptive advertising of dietary supplement. On March 13, 2012, my 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.

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 certified as class counsel and the classwide settlement was granted final approval on December 5, 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 class counsel, the case resulted in a settlement of approximately \$25 million for consumers.

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 nation-wide 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 214, 2015. The case also set an industry standard for homeopathic drug labeling. See www.homeopathicpharmacy.org/pdf/press/AAHP_Advertising_Guidelines.pdf.

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 Hon. 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 Quaker Oats Labeling Litigation, 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 settlement final approval.

In re Leaf123 (Augustine v. Natrol), Case 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 Hon. Brendan L. Shannon approved an injunctive relief-only settlement, finding it “fair, reasonable and adequate.”

In re Quinol 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. My 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.*, 2012 U.S. Dist. LEXIS 30873 (C.D. Cal. Mar. 6, 2012); see also *Bruno v. Quten Research Inst., LLC*, 2011 U.S. Dist. LEXIS 132323 (C.D. Cal. Nov. 14, 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 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.

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

Action alleging false and deceptive advertising of over-the-counter homeopathic drugs. On October 31, 2013, the Hon. 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).

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 Hon. Michael M. Anello, involving a common fund of \$1.4 million plus five significant forms of injunctive relief for consumers.

Perry v. Truong Giang Corp., Case No. BC58568 (Los Angeles Superior Court)

The plaintiff in this case 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 Hon. 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"

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 APPOINTMENTS AS CLASS COUNSEL

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

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 --- F.R.D. ---*, 2014 WL 3819713 (C.D. Cal. Aug. 1, 2014).

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

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. Judge Bashant also 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.

Tabares v. Equitrust Life Ins. Co., No. BC390195 (L.A. Co. Super. Ct.).

This case involves allegations of elder financial fraud. Mr. Marron obtained a class certification order and was appointed Class Counsel on July 6, 2011, and has successfully opposed numerous attempts to decertify the class, including a petition to the California Supreme Court.

OTHER ACTIONS RESULTING IN BENEFITS TO CONSUMERS

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.

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

The firm represents consumers in their action against one of the world's largest food companies and was appointed lead counsel in a consolidated putative class action. Though not fully settled, the action has resulted in a permanent injunction barring the use of deceptive health claims on Nabisco packaged foods containing artificial trans fat, and the Court has also granted an interim award of attorney fees.

EXHIBIT 2

EXHIBIT 2				
Law Offices of Ronald A. Marron				
Timekeeper	Position	Rate Requested	Total Hours	Total Amount
Ron Marron	Partner	\$ 745.00	13.8	\$ 10,281.00
Skye Resendes	Senior Associate	\$ 475.00	61.8	\$ 29,355.00
Alexis Wood	Senior Associate	\$ 475.00	0	\$ -
Kas Gallucci	Senior Associate	\$ 450.00	0.1	\$ 45.00
William Richards, Jr.	Associate	\$ 440.00	253	\$ 111,320.00
Michael Houchin	Associate	\$ 440.00	22.8	\$ 10,032.00
Law Clerk: L. Halperin, T. Pham		\$ 245.00	1	\$ 245.00
Paralegals/Legal Assistants: A. Vasquez, H. Mora, S. Ozomaro, A. Cardwell		\$ 215.00	50.5	\$ 10,857.50
TOTAL LODESTAR = \$ 172,135.50				

EXPENSES		
Description	Amount	
Filing fees	\$1,295.00	
Certificates of Good Standing	\$28.00	
Deadlines.com	\$230.00	
Postage	\$62.41	
Printer Fees	\$2,775.00	
TOTAL:	\$4,390.41	