

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
(PORTLAND DIVISION)

LISA UNSWORTH, MICHAEL RAMONE,  
CHRISTOPHER POTTER, THERESE  
COOPER, and CHARLES SANDERSON,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

LEWIS & CLARK COLLEGE

Defendant.

Case No. 3:24-cv-00614-SB

**DECLARATION OF KALEIGH N.  
BOYD IN SUPPORT OF PLAINTIFFS'  
MOTION FOR ATTORNEYS' FEES,  
COSTS, AND SERVICE AWARDS**

I, Kaleigh N. Boyd, declare as follows:

1. I am counsel for the Plaintiffs in the above-captioned case. This declaration supports Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards. I have personal knowledge of the facts in this declaration and could testify to them if called on to do so.

**LITIGATION BACKGROUND AND THE WORK OF CLASS COUNSEL**

2. Prior to filing their respective cases, Class Counsel conducted extensive pre-suit discovery to ascertain all publicly available details about the cause, scope, and results of the data breach, as well as the damages suffered by the Plaintiffs and the Class.

3. Additionally, Class Counsel spent time interviewing Plaintiffs to ascertain whether, and how, their personally identifiable information was collected or received by Lewis

1 & Clark College (“Lewis & Clark”) and to determine the specific harm suffered by Plaintiffs.

2 4. Following the filing of the First Amended Complaint in April 2024, the Parties  
3 agreed to explore early resolution and exchanged informal discovery. *See* Dkt. 12.

4 5. On September 23, 2024, the parties participated in a formal mediation moderated  
5 by Bruce A. Friedman of JAMS (“Mr. Friedman”), which ultimately resulted in a settlement  
6 due to Mr. Friedman’s extensive efforts and mediator’s proposal.

7 6. Following the mediation, the Parties spent several weeks drafting the Settlement  
8 Agreement and negotiating the details of the terms and exhibits.

9 7. The Parties executed the Settlement Agreement, and Plaintiffs filed their  
10 Unopposed Motion for Preliminary Approval on December 20, 2024. *See* Dkt. 27.

11 8. The Court granted the Plaintiffs’ Motion for Preliminary Approval on January 15,  
12 2025. *See* Dkt. 33.

13 9. Since preliminary approval was granted, Class Counsel has worked with counsel  
14 for Defendant and with the Settlement Administrator, EAG Gulf Coast, LLC (“EAG”), to finalize  
15 the notice documents and ensure that notice was sent to the Settlement Class consistent with the  
16 Preliminary Approval Order.

17 10. The Settlement has been well-received by the Class. As of the date of filing, EAG  
18 has confirmed that it has received no requests for exclusion and no objections.

19 11. Class Counsel have devoted significant time and resources to this case to date,  
20 including but not limited to:

- 21 a. Conducting an investigation into the facts regarding Plaintiffs’ claims and class  
22 members’ claims;  
23 b. Coordinating and assigning work to other firms, when appropriate;  
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- c. Researching law relevant to and preparing Plaintiffs' class action complaint;
- d. Preparing detailed and comprehensive informal discovery requests;
- e. Preparing for and attending mediation, including researching and preparing a detailed mediation statement;
- f. Negotiating and preparing the Parties' class action settlement agreement, along with the proposed class notice and claim form;
- g. Negotiating with settlement administration companies to secure the best notice plan practicable;
- h. Preparing Plaintiffs' motion for preliminary approval of the class action settlement and preparing a detailed declaration in support;
- i. Working with the Settlement Administrator to ensure the timely completion of notice and processing of claims;
- j. Closely monitoring evolving law regarding data security and its potential impacts on the case; and
- k. Conferring with Plaintiffs throughout the case.

**PLAINTIFFS' CONTRIBUTION**

12. Plaintiffs each seek a Service Award in the amount of \$2,000 in recognition of their time and effort spent pursuing this litigation on behalf of the Class.

13. Throughout the litigation, each Plaintiff served as a representative of the Settlement Class, including maintaining contact with counsel, assisting in the investigation of the case, remaining available for consultation throughout the mediation, reviewing pleadings and the Settlement Agreement, and answering counsel's many questions.

**CONTINGENT NATURE OF ACTION**

1 14. Our firms took on this case on a purely contingency basis.

2 15. This matter has required Class Counsel to spend time on this litigation that could  
3 have been spent on other matters. At various times during the litigation of this class action, this  
4 lawsuit has consumed significant amounts of time and our firms' resources.

5 16. Such time could otherwise have been spent on other fee-generating work. Because  
6 we undertook representation of this matter on a contingency fee basis, we shouldered the risk of  
7 expending substantial costs and time litigating the action without any monetary gain in the event  
8 of an adverse judgment.  
9

10 17. Further, a successful outcome could only ensue, if at all, after prolonged and  
11 arduous litigation, with the attendant risk of drawn-out appeals. Among national consumer  
12 protection class action litigation, data breach cases are some of the most complex and involve a  
13 still evolving area of law. As such, these cases are particularly risky for plaintiffs' attorneys.  
14

15 **LODESTAR, FEES, AND EXPENSES**

16 18. The regular practice at each of our firms is to maintain contemporaneous time  
17 records.

18 19. The billable rates for our firms are consistent with rates billed for similar legal  
19 services. *See* National Association of Legal Fee Analysis 2020 Class Action Hourly Rate Survey  
20 ([https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-](https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-in-2020/)  
21 [rates-in-2020/](https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-in-2020/)).

22 20. I have compiled all the time records for all attorneys who submitted common  
23 benefit time to this case. Through February 2025, Plaintiffs' Counsel have worked a total of  
24 213.20 hours on this case, incurring fees of \$134,161.00. A lodestar breakdown by firm is  
25 provided below.  
26

1 21. We estimate that we will expend an additional 50–100 hours by the close of this  
2 action in connection with drafting the final approval motion, preparing for argument at the final  
3 approval hearing, and handling miscellaneous matters, including responding to class member  
4 inquiries and claims administration.

5 22. Upon request, we can provide detailed contemporaneous records to the Court for  
6 *in-camera* review.

7 23. All books and records in this case regarding costs expended were maintained in  
8 the ordinary course of business, including expense vouchers and check records. Each firm has  
9 reviewed its records of costs expended in this matter.

10 24. Through February 2025, Class Counsel have incurred \$13,311.01 in reasonable  
11 expenses necessary for the litigation, including filing fees, research expenses, and mediation  
12 costs. Each firm’s expenses are identified below.

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14 **Cafferty Clobes Meriwether & Sprengel LLP**

15 25. Through February 25, 2025, Cafferty Clobes Meriwether & Sprengel LLP has  
16 worked a total of 83.40 hours on this case, incurring fees of \$59,255.00.

17 26. Through February 25, 2025, Cafferty Clobes Meriwether & Sprengel LLP has  
18 incurred \$5,383.89 in reasonable expenses necessary to the litigation.

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20 **Chestnut Cambronne PA**

21 27. Through February 26, 2025, Chestnut Cambronne PA has worked a total of 56.20  
22 hours on this case, incurring fees of \$29,595.00.

23 28. Chestnut Cambronne PA has not incurred any expenses.  
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**Tousley Brain Stephens PLLC**

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2 29. Through February 26, 2025, Tousley Brain Stephens PLLC has worked a total of  
3 73.60 hours on this case, incurring fees of \$45,311.00.

4 30. Through February 26, 2025, Tousley Brain Stephens PLLC has incurred  
5 \$7,927.12 in reasonable expenses necessary to the litigation.

6 31. The fee requested by Class Counsel represents a 1.24 multiplier on lodestar,  
7 calculated after deducting litigation costs and expenses that will be reimbursed from the total fee  
8 award.  
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10 I declare under penalty of perjury that the foregoing is true to the best of my personal  
11 knowledge.

12 Executed this 28th day of February, 2025.

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14 By: /s/Kaleigh N. Boyd  
15 Kaleigh N. Boyd  
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