

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HAMILTON, DANA
MCDERMOTT, MELANIE CREEL,
SHAMILA HASHIMI, QUINTARA HICKS,
KIANA HOWELL, LISA LAZZARA,
ALICIA MILLER, SUSIE SCOTT, TERRI
SEASTROM, TAYLOR SMITH, AND
SARA WOOD, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

NUWEST GROUP HOLDINGS, LLC,

Defendant.

Case No. 2:22-cv-01117-RSM

**PLAINTIFFS' UNOPPOSED MOTION
FOR ATTORNEYS' FEES, EXPENSE
REIMBURSEMENT, AND SERVICE
AWARDS**

NOTE ON MOTION CALENDAR:
July 11, 2025

PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS'
FEES, EXPENSE REIMBURSEMENT, AND SERVICE
AWARDS

Case No. 2:22-cv-01117-RSM - 1

TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

INTRODUCTION

After nearly three years of hard-fought litigation, including dispositive motion practice, conditional certification, contested discovery, work with an expert to create a class and collective damages model, and two in-person mediations, Plaintiffs and Class Counsel have achieved an excellent result: a \$4.4 million non-reversionary common fund settlement that provides substantial cash payments to thousands of travel nurses. Accordingly, Plaintiffs respectfully move this Court for an award of (1) attorneys' fees equaling one-third (33.33%) of the common fund in the amount of \$1,466,667; (2) reimbursement of litigation costs and expenses equaling \$82,809.62; and (3) service awards of \$5,000 each to the 12 named plaintiffs, totaling \$60,000, in recognition of their time, risks, and contributions to this case.¹ Each component of this request is reasonable under Ninth Circuit precedent and supported by the facts of this case.

A. Background and litigation history.

As detailed in their preliminary approval motion, Plaintiffs brought collective and class claims under the FLSA and various state wage laws based on two theories: (1) that NuWest paid purported expense reimbursement stipends to nurses that functioned as wages, and therefore the failure to include stipend pay in the nurses' regular rate resulted in underpaid overtime, and (2) that NuWest engaged in a pattern of reducing nurses' pay mid-contract, forcing them to accept lower wages or face termination. *See* ECF No. 127, 3-5.

Litigation was extensive and vigorously contested from the outset, requiring a substantial commitment of time and resources from Class Counsel to achieve successful resolution of this case. *See* Decl. of Class Counsel ("Counsel Dec.") ¶¶ 22–40. Pursuant to the Court's order conditionally certifying an FLSA collective, notice was issued to over 6,000 current and former NuWest travel nurses, with more than 2,300 individuals opting in. *Id.* ¶ 28. And throughout the case, Class Counsel invested substantial time working directly with

¹ A proposed order will be submitted along with Plaintiffs' Final Approval motion.

1 members of the proposed class and collective seeking to assert claims, including conducting
 2 detailed interviews and collecting and reviewing their documents to develop the factual record,
 3 assess the scope and impact of the alleged violations, and tailor their litigation strategy. *Id.*
 4 ¶¶ 22, 28, 55. These efforts were critical to ensuring that the claims were factually supported
 5 and that the eventual settlement would meaningfully compensate the individuals affected.

6 **B. Settlement terms.**

7 NuWest has agreed to pay \$4,400,000 into a non-reversionary settlement fund. *See* ECF
 8 No. 128-1, Sett. Agrmt. ¶¶ 1.15, 1.26. After Court-approved deductions for administration,
 9 service awards, and attorneys' fees and expenses, the net fund will be allocated 85% to FLSA
 10 Collective Members and 15% to Mid-Contract Rate Reduction Class Members. *Id.* ¶ 4.5.

11 The FLSA Collective Members' portion of the net settlement fund will be distributed
 12 *pro rata* based on each individual's estimated overtime damages. *Id.* ¶ 4.5(b). No claims
 13 process is required for these members; checks will be mailed automatically following final
 14 approval. *Id.* Mid-Contract Rate Reduction Class Members may submit one of two types of
 15 claims. *Id.* ¶ 4.5(c). Assuming a maximum award of fees, expenses, and service awards, the
 16 average estimated FLSA payment will be \$980 per collective member, with the largest payment
 17 exceeding \$9,000. Counsel Dec. ¶ 39. Those with documentation of wage losses resulting from
 18 a mid-contract rate reduction may claim a *pro rata* share of 90% of the Mid-Contract
 19 allocation. Sett. Agrmt. ¶ 4.5(c). Those without documentation, but who attest to experiencing a
 20 mid-contract rate reduction, may claim an equal share of the remaining 10%. *Id.*

21 **C. The notice process.**

22 As will be detailed more fully in Plaintiffs' motion for final approval, the notice process
 23 to date has been successful. Counsel Decl. ¶ 37. Class and collective members were given 90
 24 days from the mailing date to submit objections or, in the case of Mid-Contract Rate Reduction
 25
 26

1 Class Members only, request exclusion.² *Id.* ¶ 38. To date, 316 class members have submitted
 2 claims relating to Mid-Contract Rate Reductions, representing a significant portion of the 400
 3 individuals Class Counsel estimated to have experienced such reductions. *Id.* ¶¶ 31, 39. No
 4 objections or requests for exclusion have been received to date. *Id.* ¶ 39. This positive response
 5 confirms the strength of the Settlement and the effectiveness of the notice and claims process.

6 **ARGUMENT**

7 It is well established that where counsel’s work results in a benefit to a class, an award
 8 of reasonable attorneys’ fees and costs is appropriate. *See Boeing Co. v. Van Gemert*, 444 U.S.
 9 472, 478 (1980) (“[A] litigant or a lawyer who recovers a common fund . . . is entitled to a
 10 reasonable attorney’s fee from the fund as a whole.”). In deciding whether the requested fee is
 11 appropriate, the Court determines whether such amount is “fundamentally fair, adequate, and
 12 reasonable.” *Staton v. Boeing Co.*, 327 F.3d 938, 963 (9th Cir. 2003).

13 **A. The Court should apply the percentage-of-the-fund method.**

14 Where counsel seek fees from a common fund, courts may use one of two methods to
 15 determine whether the request is reasonable: “percentage-of-the-fund” or “lodestar/multiplier.”
 16 *In re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988, 992 (9th Cir. 2010). “Typically,
 17 however, courts apply the percentage-of-the-fund method where the settlement involves a
 18 common fund.” *Schmitt v. Kaiser Found. Health Plan of Wash.*, 2024 WL 1676754, at *4
 19 (W.D. Wash. Apr. 18, 2024); *see also In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036,
 20 1046 (N.D. Cal. 2008). The common fund doctrine rests on the understanding that attorneys
 21 should normally be paid by their clients. *See Boeing*, 444 U.S. at 478; *see also In re: Facebook*
 22 *Biometric Info. Privacy Litig.*, 2022 WL 822923, at *1 (9th Cir. Mar. 17, 2022) (quotation
 23 omitted) (common fund approach avoids “the unjust enrichment of [the class who] benefit[s]
 24 from the fund that is created, protected, or increased by the litigation and who otherwise would

25 _____
 26 ² FLSA Collective Members were not permitted to opt out, having already affirmatively joined
 the litigation. Sett. Agrmt. ¶ 5.1.

1 bear none of the litigation costs.”). It also rewards efficiency. *See Vizcaino*, 290 F.3d at 1050
 2 n.5.

3 Courts prefer the percentage method over a lodestar approach where it is possible to
 4 ascertain the value of a common fund, *see In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d
 5 935, 942 (9th Cir. 2011), and rely on the lodestar method when “there is no way to gauge the
 6 net value of the settlement or of any percentage thereof.” *Hanlon v. Chrysler Corp.*, 150 F.3d
 7 1011, 1029 (9th Cir. 1998). Because the Parties negotiated a settlement resulting in a common
 8 fund in a fixed dollar amount, the percentage-of-the-fund method is appropriate here.

9 **B. The requested fee amount is reasonable under the percentage-of-the-fund**
 10 **method.**

11 Plaintiffs’ request for 33.33% of the common fund is fair and reasonable. While the
 12 Ninth Circuit has established a 25% benchmark as the “starting point” for analysis, *In re Online*
 13 *DVD Rental Antitrust Litig.*, 779 F.3d 934, 955 (9th Cir. 2015) (quotation omitted), “[t]hat
 14 percentage amount can then be adjusted upward or downward depending on the circumstances
 15 of the case.” *De Mira v. Heartland Emp’t Serv., LLC*, 2014 WL 1026282, at *1 (N.D. Cal. Mar
 16 13, 2014). Courts have recognized that “in most common fund cases, the award exceeds th[e]
 17 benchmark.” *Id.* (quoting *Omnivision*, 559 F. Supp. 2d at 1047); *see also Larsen v. Trader*
 18 *Joe’s Co.*, 2014 WL 3404531, at *9 (N.D. Cal. July 11, 2014) (citing cases awarding fees of up
 19 to 33.33%). In fact, “courts in this circuit have commented that ‘fee awards of approximately
 20 33⅓% are typical for settlements up to \$10 million.’” *Williams v. PillPack LLC*, 2025 WL
 21 1149710, at *3 (W.D. Wash. Apr. 18, 2025) (collecting cases) (quotation omitted); *see also*
 22 *Bolding v. Banner Bank*, 2024 WL 755903, at *2 (W.D. Wash. Feb. 23, 2024) (“33% fee is
 23 standard and reasonable for this type of contingency case.”); *In re Atossa Genetics, Inc. Sec.*
 24 *Litig.*, 2018 WL 3546176, at *1 (W.D. Wash. July 20, 2018) (awarding “attorneys’ fees of 33%
 25 of the Settlement Amount”).
 26

The Ninth Circuit asks district courts to “take into account all of the circumstances of the case” and “reach[] a reasonable percentage,” *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir. 2002), including “(1) the results achieved; (2) the risk of litigation; (3) the skill required and the quality of work; (4) the contingent nature of the fee and the financial burden carried by the plaintiffs; and (5) awards made in similar cases.” *Omnivision*, 559 F. Supp. 2d at 1046. These factors support Class Counsel’s requested fee.

1. Class Counsel achieved an excellent result for the Settlement Class Members.

In determining the attorneys’ fee, a court should examine “the degree of success obtained.” *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983); *Omnivision*, 559 F. Supp. 2d at 1046 (“The overall result and benefit to the class from the litigation is the most critical factor in granting a fee award.”). Here, the size of the fund itself reflects “the measure of success and represents the benchmark from which a reasonable fee will be awarded.” Federal Judicial Center, *Manual for Complex Litigation* 4th § 14:121 (2004) (cleaned up). Indeed, Class Counsel achieved an excellent result: a \$4,400,000 non-reversionary settlement fund, the vast majority of which will be distributed to collective members without the necessity of submitting a claim form.

Even after deducting all fees and expenses, the allocation to the FLSA Collective Members represents more than what they were underpaid for overtime prior to NuWest’s “decoupling” of stipends and hours worked, with an estimated average per person settlement payment of approximately \$980, and the highest payment of just over \$9,000. ECF No. 128, ¶ 22; Counsel Dec. ¶ 39. As to class members who suffered a mid-contract rate reduction, the Settlement offers two options for recovery: based on documentation of their rate reduction or based on an attestation that they had suffered such a reduction, with pro rata distributions based on the number of claims. ECF No. 128 ¶ 27. Courts routinely award 1/3 of a settlement fund in fees where class members obtain similar recoveries. *See, e.g., Hernandez v. Dutton Ranch*

1 *Corp.*, 2021 WL 5053505, at *6 (N.D. Cal. Feb. 10, 2021) (awarding 1/3 fee where FLSA
 2 collective members would receive between 43% and 100% of unreimbursed expenses); *Moreno*
 3 *v. Cap. Bldg. Maint. & Cleaning Servs., Inc.*, 2021 WL 4133860, at *5 (N.D. Cal. Sept. 10,
 4 2021) (awarding 33% of common fund in fees where the FLSA class and collective settlement
 5 payments ranged from \$3,799.16 to \$10,785.52).

6 This Settlement provides a significant and immediate financial benefit for thousands of
 7 workers while avoiding the uncertainty and risk presented by continued litigation of claims that
 8 are both novel and untested. *See Ikuseghan v. Multicare Health Sys.*, 2016 WL 4363198, at *2
 9 (W.D. Wash. Aug. 16, 2016). This factor therefore supports the requested fee.

10 **2. Plaintiffs faced significant risks in this litigation.**

11 The risk of non-recovery in a complicated case “is a significant factor in the award of
 12 fees.” *Omnivision*, 559 F. Supp. 2d at 1046–47. From the outset, Class Counsel undertook
 13 representation of Plaintiffs and the Settlement Class entirely on a contingent basis. Counsel
 14 Dec. ¶ 41. The risk of no recovery in this case was substantial. *Id.* ¶¶ 42–45.

15 Each of Plaintiffs’ two theories of liability presented distinct legal hurdles and required
 16 the development of extensive documentary and testimonial evidence. *Id.* The mid-contract rate
 17 reduction theory was particularly risky. This claim was novel, and—so far as Plaintiffs are
 18 aware—had never been alleged, let alone adjudicated, on a classwide basis. NuWest strongly
 19 contested both the factual basis and legal viability of the theory, asserting that it had the
 20 contractual right to modify rates mid-assignment and disputing the existence of any
 21 misrepresentation or reliance by the nurses. Counsel Dec. ¶¶ 42. That Plaintiffs obtained
 22 meaningful relief on a class-wide basis for a set of claims that had never before been
 23 successfully litigated reflects the exceptional result achieved under uncertain conditions.

24 As to the FLSA claims, NuWest argued that its stipends were lawful reimbursements
 25 and that its mid-2022 changes cured any alleged deficiencies. *Id.* ¶ 43. In addition to these
 26 substantive defenses, NuWest previewed it would contest class certification and damages

1 methodologies—which, if successful, could have significantly limited or barred recovery. *Id.*
 2 ¶ 44; *see, e.g., Grimm v. Am. Eagle Airlines, Inc.*, 2014 WL 12746376, at *10 (C.D. Cal. Sept.
 3 24, 2014).

4 In short, Class Counsel faced a real and ongoing risk that they would expend thousands
 5 of hours and hundreds of thousands of dollars without any compensation, which strongly
 6 supports the requested fee award.

7 **3. Class Counsel are highly skilled attorneys experienced in wage-and-**
 8 **hour litigation.**

9 Class Counsel’s depth of experience in complex wage-and-hour and class action
 10 litigation is well-documented. *See* ECF No. 128 ¶¶ 2–7. They have served as lead or co-lead
 11 counsel in dozens of wage-and-hour class and other class and collective actions nationwide,
 12 including those involving employee misclassification, improper regular rate calculations, and
 13 unlawful pay deductions. Counsel Dec. ¶¶ 2–16. Class Counsel have secured numerous
 14 multimillion-dollar settlements for hourly workers and have successfully tried wage-and-hour
 15 class actions to jury verdict. *Id.*; *Garcia v. Tyson Foods, Inc.*, 2012 WL 5985561, at *4 (D.
 16 Kan. Nov. 29, 2012), *aff’d*, 770 F.3d 1300 (10th Cir. 2014) (following a verdict for a class of
 17 meatpackers in a donning and doffing case, Judge Marten (Ret.) of the District of Kansas said
 18 of Stueve Siegel Hanson: “plaintiffs’ counsel’s experience in wage-hour class actions has
 19 unmatched depth.”).

20 This case required not only wage-and-hour expertise and litigation skill to manage
 21 contested certification and dispositive motions, but also the resources to intake, interview, and
 22 collect documents for hundreds of collective and potential class members nationwide.
 23 Counsel Dec. ¶¶ 22, 28, 37, 55. Indeed, courts in this District have recognized the high caliber
 24 of work performed by Class Counsel. As one court recently observed in approving a one-third
 25 fee award in a case litigated by Class Counsel: “the Court does not find that the fee requested
 26 would be tantamount to a windfall but is the product of significant work undertaken by Class

Counsel on a contingent basis that resulted in a large settlement.” *Davis v. Symetra Life Ins. Co.*, 2025 WL 1434727, at *5 (W.D. Wash. May 19, 2025) (approving 1/3 fee request in \$32.5 million settlement in case litigated by attorneys from Stueve Siegel Hanson and Tousley Brain Stephens).

Courts also consider “the quality of opposing counsel as a measure of the skill required to litigate the case successfully.” *In re Am. Apparel, Inc. S’holder Litig.*, 2014 WL 10212865, at *22 (C.D. Cal. Jul. 28, 2014). NuWest was represented by attorneys from two well-regarded employment defense firms, further supporting the conclusion that Class Counsel’s success here required significant legal skill and experience.

4. Class counsel faced substantial risk of non-payment and carried significant financial burdens.

The Ninth Circuit has confirmed that a fair fee award must include consideration of the contingent nature of the fee. *See, e.g., Vizcaino*, 290 F.3d at 1050. Courts recognize that the public interest is served by rewarding attorneys who assume representation on a contingent basis with an enhanced fee to compensate them for the risk that they might be paid nothing at all for their work. *See, e.g., In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1299 (9th Cir. 1994).

Class Counsel litigated this case on a contingent basis, devoting substantial resources to prosecuting it for nearly four years and foregoing other opportunities, with no guarantee of compensation for their time or expenses. Counsel Dec. ¶¶ 41–45. Nevertheless, Class Counsel zealously advocated for Plaintiffs and the Settlement Class, committing over 2,375 hours on this case and advancing \$82,809.62 in expenses. *Id.* ¶¶ 48–49, 54. To date, Class Counsel have received no compensation for their work and have not been reimbursed for those expenses. *Id.* ¶ 45. Class Counsel’s “substantial outlay” of both time and money, and the risk of no recovery, further supports the award of their requested fees. *Omnivision*, 559 F. Supp. 2d at 1047; *In re Infospace, Inc. Sec. Litig.*, 330 F. Supp. 2d 1203, 1212 (W.D. Wash. 2004) (“preclusion of

1 other employment . . . due to acceptance of the case” is a factor to consider) (quotation
2 omitted).

3 **5. Fees awarded in comparable cases align with those requested here.**

4 Comparing the requested fees to awards in similar cases highlights the reasonableness
5 of this application. As noted above, “fee awards of approximately 33⅓% are typical for
6 settlements up to \$10 million.” *Williams*, 2025 WL 1149710, at *3 (cleaned up); *see also*
7 *Cicero v. DirecTV, Inc.*, 2010 WL 2991486, at *6 (C.D. Cal. July 27, 2010) (“a review of
8 California cases in other districts reveals that courts usually award attorneys’ fees in the 30-
9 40% range in wage and hour class actions that result in recovery of a common fund under \$10
10 million.”). Indeed, courts in this District routinely approve fee awards of one-third in
11 comparably sized common fund cases. *See Williams*, 2025 WL 1149710, at *3; *In re Atossa*,
12 2018 WL 3546176, at *1 (Martinez, J.); *Schmitt v. Kaiser Found. Health Plan of Washington*,
13 2024 WL 1676754, at *4 (W.D. Wash. Apr. 18, 2024).

14 This standard holds particularly true in FLSA and wage-and-hour cases, where courts
15 routinely approve fee awards of 1/3 of the common fund. *See, e.g., McKeen-Chaplin v.*
16 *Provident Sav. Bank*, 2018 WL 3474472, at *3 (E.D. Cal. July 19, 2018); *see also Singer v.*
17 *Becton Dickinson & Co.*, 2010 WL 2196104, at *8–9 (S.D. Cal. June 1, 2010); *Vasquez v.*
18 *Coast Valley Roofing, Inc.*, 266 F.R.D. 482, 491–92 (E.D. Cal. 2010) (collecting wage-and-
19 hour cases). Accordingly, fee awards in comparable cases support Class Counsel’s request for a
20 one-third fee award from the \$4.4 million common fund.

21 **6. There are currently no objections to the Settlement or fee request.**

22 To date, not a single class member has objected to the settlement or to the requested
23 award of attorneys’ fees. Counsel Dec. ¶ 39. This reflects widespread approval of both the
24 outcome achieved and the reasonableness of the compensation sought for the work that
25 produced it. *See Bendixen v. Sprint Commc’ns Co. L.P.*, 2013 WL 2949569, at *4 (W.D. Wash.
26 June 14, 2013) (“absence of objections by class members to Settlement Class Counsel’s fee-

and-expense request further supports finding it reasonable.”); *see also Davis*, 2025 WL 1434727, at *6. The notice period runs through around June 20, 2025,³ after which time, Class Counsel will file a status report to address any objections that are received.

C. Class Counsel’s negative lodestar supports the requested fee.

Through May 20, 2025, Class Counsel devoted over 2,375 hours to the investigation, litigation, and resolution of this complex case, resulting in a lodestar of \$1,903,480.5 based on their current hourly rates. Counsel Dec. ¶¶ 48–50. As detailed in the accompanying declaration, this time includes extensive work investigating the claims, conducting fact discovery and legal research, analyzing complex wage-and-hour issues, intaking and communicating with hundreds of class and collective members, researching and briefing an opposition to NuWest’s motion to dismiss and for conditional certification of an FLSA collective, and participating in two in-person mediation sessions and extended negotiations leading to settlement. *Id.* ¶¶ 22–39. Even after final approval, Class Counsel anticipates devoting at least an additional 100 hours to administering the settlement, monitoring distribution, and responding to class member inquiries. *Id.* ¶ 40; *see In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prod. Liab. Litig.*, 2017 WL 1047834, at *5 (N.D. Cal. Mar 17, 2017) (including hours for reasonably anticipated future work in lodestar cross check). That is time spent and invested on behalf of the Settlement Classes that could have been spent on less risky cases, where liability or damages were more certain. *Id.* ¶ 45. Class Counsel prosecuted the claims at issue efficiently and effectively, making every effort to prevent the duplication of work. *Id.* ¶ 47.

Courts in the Ninth Circuit routinely approve fee awards that reflect *positive* multipliers of 2.0 or more. *See, e.g., Vizcaino*, 290 F.3d at 1050–51 & n.6 (upholding 3.65 multiplier); *Infospace*, 330 F. Supp. 2d 1216 (3.5 multiplier); *Steiner v. Am. Broad. Co, Inc.*, 248 F. App’x. 780, 783 (9th Cir. 2007) (6.85 multiplier was “well within the range of multipliers that courts

³ Because the mailing of notice ultimately took place about eight days after the date set forth in the Court’s preliminary approval order, Class Counsel will accept objections for an additional eight days after this date.

1 have allowed”); *see also Davis*, 2025 WL 1434727, at *5 (awarding 1/3 of settlement fund with
 2 lodestar multiplier of 2.73). Given the substantial risk Class Counsel undertook, a positive
 3 multiplier would be well justified. Yet the requested fee here reflects a *discount* on the time
 4 actually expended, resulting in a .77 multiplier. This discount will only increase as Class
 5 Counsel dedicates additional time through and after final approval. Courts have consistently
 6 found that a negative multiplier “strongly supports” approval of a percentage-based fee.
 7 *Williams*, 2025 WL 1149710, at *3 (award of 1/3 of \$6.5 million fund was “strongly
 8 support[ed]” by 0.72 multiplier); *Granados v. Hyatt Corp.*, 2024 WL 3941828, at *9 (S.D. Cal.
 9 Aug. 26, 2024) (awarding 1/3 of settlement fund; noting that “[a] multiplier of 0.76 is an
 10 implied negative multiplier, and an implied negative multiplier supports the reasonableness of
 11 the percentage fee request.”) (cleaned up); *Rabin v. PricewaterhouseCoopers LLP*, 2021 WL
 12 837626, at *8 (N.D. Cal. Feb. 4, 2021) (awarding 35% of \$11.6 million settlement fund and
 13 noting that “a negative 0.6x multiplier . . . supports the request for a greater-than-average
 14 common fund percentage award”).

15 Accordingly, the lodestar cross-check not only confirms the reasonableness of the
 16 requested fee, but the presence of a negative multiplier strongly reinforces that the award is
 17 fair, modest in light of the effort expended, and well-supported under Ninth Circuit precedent.

18 **D. Class Counsel’s reported expenses are reasonable.**

19 Class Counsel are entitled to reimbursement of reasonable expenses incurred in the
 20 investigation, litigation, and resolution of this case. *See Mills v. Elec. Auto-Lite Co.*, 396 U.S.
 21 375, 391–92 (1970). Consistent with this principle, the Settlement Agreement expressly
 22 authorizes Class Counsel to seek reimbursement from the Settlement Fund for all costs and
 23 expenses actually incurred. ECF No. 128-1 ¶ 4.2.

24 Through May 20, 2025, Class Counsel have incurred \$82,809.62 in unreimbursed
 25 litigation expenses. These costs include, among other things, filing fees, legal research,
 26 document hosting, travel for mediations, and mediator fees for the two formal mediations and

1 continued communications required to resolve this case. Counsel Dec. ¶ 54. Each of these
 2 expenditures was reasonably necessary to advance the claims, intake clients, engage in
 3 meaningful settlement negotiations, and ultimately secure relief for the Class.

4 Given the nature and scope of this litigation, the expenses are modest, reasonable, and
 5 were essential to achieving the favorable result obtained. Accordingly, the Court should
 6 approve reimbursement of these costs from the Settlement Fund.

7 **E. The requested service awards are reasonable.**

8 Service awards compensate named plaintiffs for work done on behalf of the class,
 9 account for financial and reputational risks associated with litigation, and promote the public
 10 policy of encouraging plaintiffs to undertake the responsibility of representative lawsuits. *See*
 11 *Rodriguez v. West Publishing Corp.*, 563 F.3d 948, 958–59 (9th Cir. 2009). In evaluating the
 12 reasonableness of a service award, courts consider factors such as the number of recipients, the
 13 size of each award relative to the overall settlement, and the total amount awarded. *See In re*
 14 *Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 947 (9th Cir. 2015). “Such service awards
 15 are generally approved so long as they are reasonable and do not undermine the adequacy of
 16 the class representatives.” *Clarkson v. Alaska Airlines, Inc.*, 2025 WL 243024, at *9 (E.D.
 17 Wash. Jan. 15, 2025) (citations omitted). “In the Ninth Circuit, a \$5,000 service award ‘is
 18 presumptively reasonable.’” *Id.* (quoting *Tuttle v. Audiophile Music Direct, Inc.*, 2023 WL
 19 8891575, at *15 (W.D. Wash. Dec. 26, 2023)).

20 Here, the 12 named plaintiffs played an essential role in the successful prosecution and
 21 resolution of this case. Counsel Dec. ¶ 55. Their involvement ensured broad geographic and
 22 jurisdictional representation across the nationwide class and collective. *Id.* Each plaintiff
 23 contributed significant time and effort by reviewing pleadings, collecting and producing
 24 relevant documents, responding to written discovery, and participating in strategy and case
 25 update calls with counsel. *Id.* ¶¶ 55–56. In taking on these responsibilities, they also accepted
 26 reputational risks by asserting claims against a former employer in the highly competitive

1 travel nurse industry. *Id.* ¶ 57. Their commitment was instrumental to achieving the favorable
 2 result for the class. *Id.* ¶ 58.

3 The requested \$5,000 service award for each named plaintiff is modest relative to the
 4 \$4.4 million common fund, less than awards that are routinely awarded in this District, and
 5 should be approved. *See, e.g., Kater v. Churchill Downs Inc.*, 2021 WL 511203, at *2 (W.D.
 6 Wash. Feb. 11, 2021) (approving two service awards of \$10,000 and one service award of
 7 \$50,000); *Washburn v. Porsche Cars N. Am., Inc.*, 2025 WL 1017983, at *10 (W.D. Wash.
 8 Apr. 4, 2025) (collecting authorities for awards between \$5,000 and \$40,000).

9 CONCLUSION

10 Class Counsel respectfully request the Court award the requested attorneys' fees,
 11 expense reimbursement, and service awards.

12 I certify that this memorandum contains 4,200 words, in compliance with the Local
 13 Civil Rules.

14 DATED this 4th day of June, 2025.

15 **TOUSLEY BRAIN STEPHENS PLLC**

16 By: s/ Kim D. Stephens, P.S.

17 Kim D. Stephens, P.S. WSBA #11984

18 By: s/ Kaleigh N. Boyd

19 Kaleigh N. Boyd, WSBA #52684

1200 Fifth Avenue, Suite 1700

Seattle, WA 98101-3147

20 Tel: (206) 682-5600/Fax: (206) 682-2992

21 *kstephens@tousley.com*

kboyd@tousley.com

STUEVE SIEGEL HANSON LLP

J. Austin Moore (*Pro Hac Vice*)

Alexander T. Ricke (*Pro Hac Vice*)

K. Ross Merrill (*Pro Hac Vice*)

460 Nichols Road, Suite 200

Kansas City, MO 64112

Tel: (816) 714-7100

moore@stuevesiegel.com

ricke@stuevesiegel.com

merrill@stuevesiegel.com

Attorneys for Plaintiffs

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HAMILTON, DANA
MCDERMOTT, MELANIE CREEL,
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**DECLARATION OF CLASS COUNSEL
IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR
ATTORNEYS' FEES, EXPENSE
REIMBURSEMENT, AND SERVICE
AWARDS**

DECLARATION OF CLASS COUNSEL IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS'
FEES, EXPENSE REIMBURSEMENT, AND SERVICE
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TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

We, Alexander T. Ricke, J. Austin Moore, and Kaleigh N. Boyd, declare as follows:

1. We are partners with our respective law firms and serve as counsel to the Plaintiffs and as Class Counsel for the Rate Reduction Class and for the FLSA Collective Members for purposes of the Settlement. ECF No. 129 ¶ 3. We submit this Declaration in support of Plaintiffs' Unopposed Motion for Attorneys' Fees, Expense Reimbursement, and Service Awards. We have personal knowledge of all the matters addressed in this Declaration, including our work and that of our colleagues in prosecuting this action and negotiating its Settlement, and would so testify if called to do so.¹

Qualifications of Class Counsel

2. Collectively, we have significant experience in the area of representing workers in class and collective wage-and-hour litigation, including representing travel nurses in their claims against staffing agencies.

3. Stueve Siegel Hanson LLP practices almost exclusively in complex litigation in state and federal courts across the country. The firm has approximately 30 attorneys who work from our Kansas City, Missouri office handling large-scale, high-stakes litigation usually on a fully contingent basis. A copy of the firm's resume listing our firm's mission and judicial praise is attached as **Exhibit 1**.

4. Stueve Siegel Hanson began representing travel nurses in 2022 for what we refer to as the "bait-and-switch" mid-contract rate reduction (a common practice that is at issue in this case), and cancellation practice, which has been reported on by national media.² The firm has also prosecuted overtime claims on behalf of travel nurses related to the staffing companies' failure to include the value of stipends (allegedly expense reimbursement) in the regular rate of pay for overtime. For example, the firm currently represents thousands of travel nurses as part of certified collective actions across the country. *See Egan v. Fastaff, LLC*, Case

¹ All capitalized terms are defined as in the Parties' Settlement Agreement. *See* ECF No. 128-1.

No. 1:22-cv-03364, ECF No. 42 (D. Colo. Oct. 19, 2023) (granting conditional collective certification of travel nurse overtime claims).

5. **Alexander T. Ricke** is an attorney and partner at Stueve Siegel Hanson LLP based in Kansas City, Missouri. Since this case's inception, he has been one of the lead lawyers (along with co-counsel at Tousley Brian Stephens PLLC), representing the Plaintiffs in this case.

6. Mr. Ricke is a 2012 graduate of the University of Missouri School of Law and a 2009 graduate of the University of Missouri School of Journalism. He joined Stueve Siegel Hanson in 2016 as an associate after working for several years as an associate at another Kansas City firm focused on complex litigation. He joined Stueve Siegel Hanson's partnership in January 2023. He has taken lead roles in some of the firm's most challenging cases. He has been recognized as a Missouri & Kansas SuperLawyers Rising Star every year since 2016 and was recently recognized by Chambers USA Guide 2024 in Band 2: Labor & Employment: Mainly Plaintiffs.

7. Named one of Law360's Rising Stars for Employment in 2022 honoring top legal talent under the age of 40, he has served as lead counsel in scores of wage and hour class and collective actions recovering more than \$100 million for workers in various fields.

8. Since 2016, Mr. Ricke has served as lead counsel prosecuting minimum wage, tip credit, wage deduction, and overtime claims on behalf of low wage earning casino workers. Recoveries in these cases now exceed \$70 million with more matters currently pending. A selection of these results include:

- a. *Maldonado v. MGM Resorts International*, No. 1:20-cv-05599 (D.N.J.) (recovering \$12.5 million for a class of casino workers asserting tip credit violations);

² <https://www.newsweek.com/2022/09/30/travel-nurse-pay-slashed-bait-switch-1745821.html>.

- b. *Stewart v. Rush Street Gaming, LLC*, No. 1:20-cv-02566 (N.D. Ill) (recovering more than \$9.8 million for a collective of minimum wage casino workers asserting tip credit and minimum wage violations);
- c. *Lockett v. Pinnacle Entertainment, Inc.*, No. 4:19-cv-00358 (W.D. Mo.) (\$6.25 million for certified class and collective settlement for tip pooling and wage deduction violations);
- d. *Bartakovits v. Wind Creek Bethlehem, LLC*, No. 5:20-cv-01602 (E.D. Pa.) (\$6 million class settlement for tip credit and wage deduction violations);
- e. *Brown v. Rush Street Gaming, LLC*, No. 1:22-cv-00392 (N.D.N.Y.) (\$5.5 million class settlement for tip credit and wage statement claims);
- f. *Lipari-Williams v. Missouri Gaming Co.*, No. 5:20-cv-06067 (W.D. Mo.) (\$5.5 million for certified class and collective settlement for ERISA, tip pooling, and wage deduction violations);
- g. *Day v. PPE Casino Resort Maryland LLC*, No. 1:20-cv-01120 (D. Md.) (\$3.05 million class and collective settlement for casino workers asserting tip credit and wage deduction claims);
- h. *James v. Boyd Gaming Corp.*, No. 2:19-cv-02260 (D. Kan.) (total settlement value of \$2.3 million for certified collectives of casino workers asserting tip credit and tip pooling violations, including separate payment of attorneys' fees);
- i. *Prime v. JACK Cleveland Casino, LLC*, No. 1:23-cv-02216 (N.D. Ohio) (\$2.2 million settlement for a collective of casino workers asserting tip credit claims);
- j. *Adams v. Aztar Indiana Gaming Co.*, No. 3:20-cv-00143 (S.D. Ind.) (\$2.1 million settlement for certified class and collective asserting minimum wage violations);

1 k. *MacMann v. Tropicana St. Louis, LLC*, No. 4:19-cv-00404 (E.D. Mo.)

2 (recovering total settlement value of \$1.3 million for certified classes and
3 collectives of casino workers asserting tip credit, overtime, timeclock rounding,
4 and wage deduction claims, including separate payment of attorneys' fees).

5 l. *Rosa v. Tropicana Atlantic City Corp.*, No. 1:20-cv-06969-CPO (D.N.J.)

6 (recovering total settlement value of \$1,097,500 for a certified collective of
7 approximately 200 tipped casino workers, including separate payment of
8 attorneys' fees.)

9 9. In addition to his wage and hour work, Mr. Ricke has litigated complex
10 commercial, product liability, and privacy matters to successful conclusions. For example, in
11 2022, he (along with his partners) secured a settlement on the eve of trial for a certified class of
12 Missouri governmental entities valued at \$56 million that provided for the removal and
13 replacement of what the class alleged were dangerous and defective guardrail end terminals
14 throughout the State of Missouri. This case received significant media attention because it was,
15 to our knowledge, the first successful resolution of non-personal injury claims against Trinity
16 for the cost of removing and replacing these devices.³ The settlement was recognized as a top
17 three settlement in the State of Missouri in 2022.⁴

18 10. In addition, Stueve Siegel Hanson is one of the few firms to have successfully
19 tried multiple class and collective actions to a jury. In the wage and hour context, George
20 Hanson and other Stueve Siegel Hanson lawyers tried a class and collective action on behalf of
21 meat packers at a Tyson plant for unpaid time spent "donning and doffing" required clothing
22 and equipment. After winning a jury verdict in favor of the workers, Judge Marten (Ret.) of the

23 _____
24 ³ Nate Raymond, *Trinity Industries Reaches Settlement Worth \$56 Million in Missouri*
25 *Guardrail Case*, Reuters (June 1, 2022), <https://www.reuters.com/legal/government/trinity-industries-reachessettlement-worth-56-million-missouri-guardrail-case-2022-05-31/>.

26 ⁴ Staff Report, *Missouri Lawyers Media Top V&S Winners of 2022 Announced* (Jan. 10, 2023), <https://molawyersmedia.com/2023/01/10/missouri-lawyers-media-top-vs-winners-of-2022-announced/>.

1 District of Kansas observed of the wage and hour lawyers at Stueve Siegel Hanson that “it
 2 appears that plaintiffs’ counsel’s experience in wage-hour class actions has unmatched depth.”
 3 *Garcia v. Tyson Foods, Inc.*, 2012 WL 5985561, at *4 (D. Kan. Nov. 29, 2012), *aff’d*, 770 F.3d
 4 1300 (10th Cir. 2014).

5 11. In recent years, Stueve Siegel Hanson lawyers have tried other class actions
 6 resulting in 7, 8, and 9-figure verdicts for farmers and life insurance policy holders. In June
 7 2017, Stueve Siegel Hanson, as co-lead counsel in the MDL, tried a class action in *In re:*
 8 *Syngenta AG MIR162 Corn litigation*, Case No. 14-MD-2591-JWL (D. Kan.) and secured a
 9 verdict of \$217,700,000 on behalf of Kansas corn farmers, which was ultimately resolved as
 10 part of a nationwide settlement. In 2018, the firm tried and secured a \$34,000,000 verdict on
 11 behalf of a class of approximately 24,000 State Farm life insurance policy holders in *Vogt v.*
 12 *State Farm Life Insurance Co.*, Case No. 16:4170-CV-C-NKL (W.D. Mo.), which was
 13 affirmed on appeal by the Eighth Circuit. *Vogt v. State Farm Life Ins. Co.*, 963 F.3d 753 (8th
 14 Cir. 2020), *cert. denied*, 141 S. Ct. 2551 (2021). In December 2022, Stueve Siegel Hanson
 15 lawyers secured a \$28,360,000 verdict on behalf of a Missouri class of Kansas City Life
 16 Insurance policy holders in *Karr v. Kansas City Life Ins. Co.*, Case No. 1916-CV-26645, in the
 17 Circuit Court of Jackson County, Missouri, which was affirmed on appeal. *Karr v. Kansas City*
 18 *Life Ins. Co.*, 702 S.W.3d 1 (Mo. Ct. App. 2024), *reh’g and/or transfer denied* (Oct. 29, 2024),
 19 *transfer denied* (Dec. 23, 2024). In 2023, the firm tried another class action on behalf of
 20 Missouri policy holders against Kansas City Life Insurance Company and recovered a verdict
 21 over \$4,000,000 in *Sheldon v. Kansas City Life Ins. Co.*, Case No. 1916-cv-26689, in the Circuit
 22 Court of Jackson County, Missouri. Also in 2023, the firm obtained a nearly \$1 million jury
 23 verdict on behalf of a class of Kansas policy holders against Kansas City Life Insurance
 24 Company, which was also affirmed on appeal. *Meek v. Kansas City Life Ins. Co.*, 126 F.4th 577
 25 (8th Cir. 2025). The firm’s trial experience lends credibility to our ability to litigate, try, and
 26 collect class action judgments on behalf of our clients.

DECLARATION OF CLASS COUNSEL IN SUPPORT OF
 PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS'
 FEES, EXPENSE REIMBURSEMENT, AND SERVICE
 AWARDS

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TOUSLEY BRAIN STEPHENS PLLC
 1200 Fifth Avenue, Suite 1700
 Seattle, Washington 98101
 TEL. 206.682.5600 • FAX 206.682.2992

12. **J. Austin Moore** is a partner at Stueve Siegel Hanson who has significant experience in class action cases, including representation of travel nurses in several pending litigations. Over the last decade, he has recovered hundreds of millions of dollars on behalf of consumers, employees, and victims of sexual assault in jurisdictions across the country. In two recent examples, he served as lead counsel in jurisdictions across the country. Mr. Moore served as lead counsel in two cases before the U.S. District Court for the Central District of California that resulted in settlements totaling \$29 million against credit reporting agency Experian arising out of the agency's reporting of delinquent loan accounts, resulting in one of the largest recoveries in history under the Fair Credit Reporting Act. He also recently served as co-lead counsel in a case against Kimberly-Clark Corp. relating to the sale of contaminated products. After more than four years of litigation, the U.S. District Court for the Northern District of Texas recently granted final approval to a settlement valued at more than \$17.5 million. Mr. Moore has also represented individuals and employees in sexual assault cases, obtaining more than \$25 million in verdicts and settlements on their behalf.

13. In recognition for his work, Mr. Moore was recently named by the National Law Journal as one of the 2023 "Rising Stars of the Plaintiff Bar" in its Elite Trial Lawyers Award. He was also honored by Law360 as one of the "Top Attorneys Under 40" in the country, which recognizes attorneys under 40 "whose legal accomplishments transcend their age."

14. **Kaleigh Boyd** is a member of Tousley Brain Stephens PLLC in Seattle and represents plaintiffs in consumer protection and securities class actions around the country. A copy of TBS's firm resume is attached as **Exhibit 2**.

15. Unlike many of her peers, Ms. Boyd has successfully tried a class action to a jury verdict in federal court. Specifically, Ms. Boyd acted as co-lead trial counsel in *Larsen v. PTT, LLC*, Case No. 3:18-cv-05275 (W.D. Wash.) (Cartwright, J.), in which a federal jury awarded \$17.7 million in actual damages and over \$7 million in enhanced damages under Washington's Consumer Protection Act for a certified class of individuals who had spent

1 money on the defendant's illegal gambling games. Ms. Boyd conducted the cross examinations
2 and gave the closing argument in that trial.

3 16. Among her largest consumer cases, Ms. Boyd was appointed to and serves on
4 the Plaintiffs' Executive Committee in *In re T-Mobile Customer Data Security Breach*
5 *Litigation*, MDL No. 3019 (W.D. Mo.), in which the Court finally approved a \$350 million
6 settlement for claims against T-Mobile related to its August 2021 data breach, and she was
7 appointed to and serves on the Plaintiffs' Executive Committee in *In re T-Mobile 2022*
8 *Customer Security Data Breach Litigation*, MDL No. 3073 (W.D. Mo.) related to T-Mobile's
9 2022 data breach impacting another 37 million T-Mobile customers. Ms. Boyd was also
10 appointed sole lead counsel in *Brim v. Prestige Care Inc.*, Case No. 3:24-cv-05133-BHS (W.D.
11 Wash.) (data breach involving employee and patient data) and co-lead counsel in *In re*
12 *Proliance Surgeons Data Breach Litig.*, Case No. 23-2-23579-7-SEA (King Cnty. Super.) (data
13 breach involving employee and patient data). She has also been appointed to several co-lead,
14 executive committee, or liaison positions (some after contested leadership motions), including
15 *Mitra v. Sequoia Benefits & Ins. Servs.*, Case No. 3:22-cv-08217-WHO (N.D. Cal.) (appointed
16 to Plaintiffs' Executive Committee in consolidated class action involving a data breach at an
17 employee benefits and human resources management firm); *Smith v. Apria Health Care LLC*,
18 Case No. 23-cv-01003 (S.D. Ind.) (appointed to Plaintiffs' Executive Committee consolidated
19 class action involving a data breach at a health care supply company); *Garcia v. Washington*
20 *State Department of Licensing*, Case No. 22-2-05635-5 (King Cty. Super.) (appointed class
21 counsel; court finally approved a \$3.6 million data breach class action settlement for
22 individuals impacted by the Washington State Department of Licensing's February 2022 data
23 breach); *McAuley v. Pierce College District*, Case No. 23-2-11064-7 (Pierce Cnty. Super.)
24 (appointed class counsel; court finally approved a \$1.2 million data breach class action
25 settlement for individuals impacted by Pierce College's 2023 data breach); *Loschen v.*
26 *Shoreline Comm. College*, Case No. 24-2-00597-8 SEA (King Cnty. Super.) (appointed class

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1200 Fifth Avenue, Suite 1700
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

counsel; court finally approved a \$2.3 million data breach class action settlement for individuals impacted by Shoreline Community College’s 2023 data breach); *Hightower v. Receivables Performance Mgmt.*, Case No. 2:22-cv-01683-RSM (W.D. Wash.) (Martinez, J.) (appointed class counsel in data breach action involving over 3 million class members); *In re ABC Legal Servs. Data Sec. Litig.*, Case No. 2:24-cv-02092-JNW (W.D. Wash.) (appointed co-lead counsel).

17. Ms. Boyd is an active member in the William L. Dwyer American Inn of Court, an organization aimed at promoting professionalism and ethics in the practice of law, and serves on the Steering Committee for the Sedona Conference Working Group 1 on E-Discovery. In addition to her class action practice, Ms. Boyd serves on the Western District of Washington’s Pro Bono Panel, and she has represented plaintiffs in four federal pro bono matters. She was recently awarded the M3 Bar Association (formerly known as the Western District of Washington’s Federal Bar Association) Pro Bono Service Award for her work on that panel. Ms. Boyd has also been selected as a Washington Rising Star in Consumer Protection and Class Action work from 2022–2024.

18. Class Counsel’s collective experiences in litigating and resolving complex class actions, including in other wage-and-hour cases brought on behalf of travel nurses, were brought to bear on the approach to prosecuting and settling the claims presented in this case.

Summary of Class Counsel’s Work

19. Plaintiffs are travel nurses who worked for NuWest doing short-term assignments at hospitals around the country. Each of the causes of action in the operative Second Amended Complaint is premised on one of two theories of liability.

20. The first set of claims are the overtime claims. Plaintiffs assert that NuWest categorizes significant portions of its travel employees’ compensation as “stipends” (*i.e.*, expense reimbursement) and then excludes the value of those stipends from their “regular rate” of pay when compensating their overtime hours.

21. The second set of claims are tied to mid-contract rate reductions implemented by NuWest. Plaintiffs assert that NuWest engaged in a pattern and practice of offering travel nurses fixed-term contracts at a set rate of pay and, once the nurse traveled across the country for the assignment, NuWest offered the nurse a take-it-or-leave-it demand to accept less pay or be terminated. *See* Compl., ECF No. 123, ¶¶ 23–88 (alleging each Plaintiff’s experience with NuWest’s mid-contract rate reduction practice). Plaintiffs assert this theory of liability under various state wage statutes and state common law. *See generally* Compl., ECF No. 123. A key allegation in the mid-contract rate reduction claims was that NuWest concealed from these workers that it had engaged in a pattern and practice of reducing rates and that it was likely to occur to these nurses. *Id.* In or around mid-2022, NuWest added language to its employment contracts with travel nurses advising that these types of rate reductions could occur during an assignment.

22. Class Counsel began investigating these claims in 2022, including by holding extensive interviews with travel nurses who worked for NuWest and had worked overtime hours or experienced a mid-contract rate reduction, or both; collecting and reviewing their employment documents with NuWest, including contracts, emails, and paystubs; and researching legal claims, including potential state law statutory claims depending on where each plaintiff worked.

23. Further, because Plaintiff Hamilton had worked for NuWest in California and intended to allege a claim under the California Private Attorneys General Act of 2004, Class Counsel drafted and submitted a letter to the California Labor and Workforce Development Agency on July 21, 2022. ECF No. 1, ¶ 142. Ultimately, the LWDA did not provide notice that it intended to investigate the alleged violations. *Id.*

24. Following Class Counsel’s investigation of the case and notification to the California LWDA, NuWest and the Plaintiffs (collectively, the “Parties”) actively and

1 vigorously litigated their claims and defenses arising out of the two types of claims for close to
2 three years.

3 25. On August 10, 2022, Class Counsel filed an initial Class and Collective Action
4 Complaint on behalf of Plaintiffs Angela Hamilton and Matthew Hogan, raising twelve
5 common law and federal and state statutory causes of action arising out of their overtime and
6 bait-and-switch allegations. ECF No. 1.

7 26. NuWest initially moved to dismiss the action, challenging both the legal
8 sufficiency of Plaintiffs' claims and their standing to assert them. ECF No. 11. Plaintiffs
9 responded by amending their complaint to add an additional Plaintiff, Dana McDermott, as
10 well as claims for direct violations of the California Labor Code. ECF No. 21 ¶¶ 33–43, 158–
11 98. NuWest renewed its motion to dismiss this amended complaint, ECF No. 25, including on
12 the ground that the named plaintiffs had standing to bring claims only under the law of the state
13 in which they worked, and thus could not bring claims on behalf of employees who had worked
14 in other states. Plaintiffs opposed, arguing that under the Ninth Circuit's relatively recent
15 decision in *Melendres v. Arpaio*, 784 F.3d 1254 (9th Cir. 2015), the court should consider the
16 named plaintiffs' standing to bring claims on behalf of others who worked in other states at the
17 class certification stage of the case, not at its outset. ECF No. 33 at 14–22. Noting that “courts
18 in this circuit have not agreed on how *Melendres* alters the analysis,” the court ultimately
19 declined to “defer the standing analysis,” found that the named plaintiffs did not have
20 individual standing in any state other than that in which they worked, and dismissing without
21 prejudice “all claims based on any other state law.” ECF No. 37 at 4–7. The Court also found
22 that Plaintiffs had adequately pled their fraud claims, which were based on their bait-and-
23 switch allegations. *Id.* at 7–9.

24 27. Following the order on NuWest's Motion to Dismiss, Class Counsel moved for
25 conditional certification of a nationwide FLSA collective on the Plaintiffs' behalf. ECF No. 42.
26 The contested motion involved detailed factual development, including declarations from five

1 plaintiffs and review of NuWest's contractual stipend language, which changed in the midst of
 2 the relevant time period; detailed legal development, including as to how NuWest's revised
 3 contractual stipend language and a settlement in a different case, *Knebel v. NuWest*, affected
 4 the proposed collective; and drafting a compliant and informative notice form and plan that was
 5 reasonably designed to reach a group of employees who are often away from their residential
 6 address. *See generally id*; *see also* ECF No. 45. This Court ultimately conditionally certified
 7 the proposed collective and approved the notice plan with certain modifications. ECF No. 52.

8 28. Class Counsel then worked with the Settlement Administrator to promptly issue
 9 notice to the over 6,000 collective members identified by NuWest. As the collective members
 10 submitted opt-in forms to the Administrator, Class Counsel promptly filed them with this
 11 Court. *See* ECF Nos. 57–119. By the end of the opt-in period, 2,321 plaintiffs had filed a
 12 consent to join the Plaintiffs' FLSA claim. *See* ECF No. 119. The issuance of Notice and daily
 13 filing of Consent to Join forms during the opt-in period, in particular, required a significant
 14 time commitment by three paralegals at Stueve Siegel Hanson, who spoke with hundreds of
 15 nurses during this time period.

16 29. In addition, during the opt-in period, Class Counsel met and conferred with
 17 NuWest's counsel on the schedule, discovery, and other items required by Rule 26(f). In May
 18 2023, Class Counsel served Plaintiffs' first sets of written discovery on NuWest. These
 19 discovery requests and subsequent responses and objections resulted in a significant meet and
 20 confer process between Class Counsel and NuWest's counsel that lasted several months.
 21 During this period, NuWest also served written discovery requests on the Plaintiffs, to which
 22 Class Counsel worked with Plaintiffs to respond, and which were ultimately folded into the
 23 meet and confer process.

24 30. During the meet and confer process and at the conclusion of the opt-in period,
 25 the parties determined that settlement discussions would be appropriate prior to engaging in
 26 Phase II of discovery. Class Counsel then filed a stipulated Second Amended Complaint that

1 added new Plaintiffs who worked in additional states so that the parties could have a full view
2 of potential exposure in advance of mediation. ECF Nos. 121–23.

3 **Class Counsel Invested Substantial Resources into this Complex Case**

4 31. For purposes of mediation, Class Counsel sent NuWest a comprehensive data
5 and document request. This exchange of information took months. The parties ultimately
6 agreed to mediate with Lynn P. Cohn of Northwestern Pritzker School of Law on February 6,
7 2024 in Chicago. To assess the range of damages in advance of mediation, Class Counsel
8 engaged in a comprehensive and multi-step analysis of NuWest’s data, a process which was
9 especially complicated due to the novel nature of the bait-and-switch claims. As to those
10 claims, NuWest provided documentary and wage information on a ten percent sample of the
11 FLSA opt-ins to help assess the frequency of mid-contract rate reductions. Based on an analysis
12 of this sample, Class Counsel determined a mid-contract rate reduction occurrence rate, which
13 Counsel then extrapolated to estimate that approximately 400 individuals experienced a mid-
14 contract rate reduction.

15 32. Class Counsel then cross-referenced each nurse’s assignment agreement with
16 their pay data to identify and calculate the potential damages for all apparent mid-contract rate
17 reductions. NuWest then provided a contract overlay for each nurse identified in the sample as
18 having potentially experienced a mid-contract rate reduction, and Class Counsel manually
19 reviewed the contracts to assess the reasons for the rate reductions. After conducting this
20 involved multi-step analysis of potential bait-and-switch damages, and a separate analysis of
21 the exposure on the overtime claims,⁵ Class Counsel provided the mediator with a thorough
22 analysis of the law, facts, and estimated damages exposure in advance of the mediation.

23 33. Although progress was made at the mediation, the case did not settle. The
24 parties agreed to further exchange of information and ultimately set a second in-person

25 _____
26 ⁵ Class Counsel hired and worked with a damages expert on assessing the overtime damages
for purposes of mediation.

1 mediation in Chicago with Ms. Cohn on July 9, 2024. Again, although substantial progress was
 2 made, the case did not settle at mediation. Finally, after countless calls and communications
 3 among counsel and with the mediator, the parties signed a term sheet to resolve this case on a
 4 class and collective basis on August 27, 2024.

5 34. The Settlement Agreement provided that NuWest would create a \$4,400,000
 6 non-reversionary fund that would be used to pay (1) settlement payments to all FLSA
 7 Collective Members and payments to Mid-Contract Rate Reduction Class Members who
 8 submit claims; (2) a service award of up to \$5,000 to each of the 12 Named Plaintiffs (totaling
 9 no more than \$60,000); (3) Plaintiffs' counsel's attorney's fees, which will not exceed one-
 10 third of the fund; (4) Plaintiffs' counsel's actual litigation costs and expenses (which Class
 11 Counsel previously estimated would not exceed \$100,000); (5) the cost of notice and settlement
 12 administration (which Class Counsel previously estimated would not exceed \$100,000).⁶

13 35. The net settlement fund is allocated 85% to the FLSA Collective and 15% to the
 14 Mid-Contract Rate Reduction Class. This allocation is based on Class Counsel's extensive
 15 damages analysis—created using complete wage data for the overtime claims and a sampling
 16 and exhaustive manual review of wage documents for the mid-contract rate reduction claims.

17 36. Class Counsel filed for preliminary approval of the Parties' settlement
 18 agreement on January 3, 2025. ECF No. 127. On January 6, 2025, this Court found that it
 19 would likely approve the settlement as "fair, reasonable, and adequate," and that it would likely
 20 certify the Settlement Class for purposes of entering judgment on the Settlement. ECF No. 129.

21 37. Class Counsel then worked with the Settlement Administrator to ensure that
 22 Class Notice was distributed according to the approved plan. The Parties provided the
 23 Settlement Administrator with the necessary data to identify FLSA Collective Members and
 24 Mid-Contract Rate Reduction Class Members. The Administrator thereafter mailed notices to

25 ⁶ A more detailed description of its terms is set forth in the Memorandum of Law in Support of
 26 Plaintiffs' Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement
 Pursuant to Rule 23(e). ECF No. 127 at 7–10.

1 each group at their last known addresses. Here, that required the distribution of two different
2 notices: one specifically tailored to FLSA Collective Members and another to Mid-Contract
3 Rate Reduction Class Members. This distinction was necessary to ensure clarity and avoid
4 confusion, as only the FLSA Collective Members who had previously submitted Consent to
5 Join forms were eligible to receive a *pro rata* share of the overtime portion of the settlement
6 fund. By contrast, Mid-Contract Rate Reduction Class Members who had not opted into the
7 FLSA claims were eligible only to receive compensation for documented or attested losses
8 related to mid-contract rate reductions. This stage of the case also required a significant
9 investment of time by Stueve Siegel Hanson paralegals, who spoke to many class members
10 after notice was issued, including assisting individuals with submitting claims, updating
11 addresses, and understanding their settlement allocations.

12 38. Class members were given 90 days from the mailing date to submit objections
13 or, in the case of Mid-Contract Rate Reduction Class Members only, request exclusion.

14 39. During and after the notice stage, Mr. Ricke has also communicated regularly
15 with the Settlement Administrator. Based on those communications, he understands that the
16 notice process complied with the approved plan, that over 7,750 notice forms were successfully
17 delivered, and that no opt out requests or objections have been received to date. Further,
18 approximately 316 claims have been made for mid-rate contract reductions, with 85 of those
19 claims documented and the remainder undocumented. As to FLSA payments, the average
20 payment is estimated to be \$980.00, with around \$9,000.00 estimated to be the highest payment
21 to a collective member.

22 40. Even after final approval, Class Counsel anticipates devoting at least an
23 additional 100 hours to administering the settlement, monitoring distribution, and responding to
24 class member inquiries.

Class Counsel's Contingent Representation of Plaintiffs Involved Substantial Risk

41. Class Counsel has represented the Plaintiffs and Settlement Class on a contingent basis, bearing significant risk at each stage of the case. Indeed, at the very outset of the case, Class Counsel confronted the question of at what point in the case a court should assess the standing of unnamed class members, an issue that is still unsettled in the Ninth Circuit. Class Counsel thus engaged in comprehensive briefing of the issue, eventually amending their Complaint to add additional named Plaintiffs.

42. And while we are confident in the merits of the Plaintiffs' claims, we also recognize the potential challenges to them. For example, Plaintiffs' bait-and-switch theory, which is asserted based on both common law grounds and state statutes across seven states, is a novel one that was untested at the time that Class Counsel filed the initial complaint. NuWest has vigorously defended against these claims (and previewed that it would continue to do so if the litigation continued), asserting that it had the contractual right to modify rates mid-assignment and disputing the existence of any misrepresentation or reliance by the nurses.

43. Further, while Plaintiffs' federal and state overtime claims are supported by well-developed law, they also faced unique issues including a settlement in another case and changes to NuWest's contractual stipend language in the midst of the relevant time period. NuWest has contended that the stipends were lawful reimbursements and that its mid-2022 changes cured any alleged deficiencies.

44. Finally, all the risks attendant to class and collective certification would also need to be overcome. NuWest has previewed that it would contest both class certification and Plaintiffs' damages methodologies—which, if successful, could have significantly limited or barred recovery.

45. Despite these substantial risks, Class Counsel undertook this representation of Plaintiffs to the exclusion of other paying work, devoting substantial time as well as out-of-pocket expenses to this litigation. Our firms have not been compensated for the lodestar and

1 expenses detailed below, which, as explained, are all fair and reasonable under the
2 circumstances of this complicated case.

3 **Class Counsel's Advanced Fees and Costs**

4 46. To prepare this Declaration, we reviewed the time records maintained by our
5 firms in their time and billing systems. Throughout this case, all attorneys and legal staff
6 utilized the firms' standard billing practices to track and maintain contemporaneous time
7 records in 6-minute increments.

8 47. Our two firms worked together to prosecute this action as efficiently as possible
9 and to minimize any overlap in our work. In our extensive experience litigating class actions,
10 and given the work required to litigate and then resolve this action, the number of hours
11 devoted by Class Counsel to prosecuting this case is reasonable.

12 48. To calculate our firm's lodestars for this case, we collected time entries through
13 May 20, 2025 and brought all hourly rates to current 2025 rates. Stueve Siegel Hanson
14 timekeepers, consisting of six attorneys and four paralegals, billed 2,277.20 hours to this case
15 yielding a lodestar of \$1,812,744.5.⁷ **Appendix 1** to this Declaration identifies the timekeepers
16 who worked on this case, their role in the case, the number of hours they each worked on it, and
17 attaches a firm resume for each attorney.

18 49. Tousley Brain Stephens timekeepers billed 98.10 hours to this case yielding a
19 lodestar of \$90,736.00. **Appendix 1** identifies the timekeepers who worked on this case, their
20 role in the case, and the number of hours they each worked on it.

21 50. Between the two firms, Class Counsel's Total Lodestar is \$1,903,480.50.

22
23
24 ⁷ In an exercise of billing judgment, Stueve Siegel Hanson has not included any time from
25 attorneys or staff members who spent less than 60 hours on this case. This results in the
26 removal of the time of some partners, associates and staff members who worked on important
tasks including research and administrative tasks.

51. The hourly rates for the lawyers and professional staff who worked on this case, set forth in the attached **Appendix 1**, are also reasonable. In some cases, the hourly rates outlined are the firm's rates for both contingent and non-contingent, hourly work. For example, in 2024, Mr. Hanson and Mr. Ricke were engaged in an hourly, non-contingent employment matter where the client was billed at \$1,325 per hour for Mr. Hanson's time and \$925 per hour for Mr. Ricke's time (standard 2024 rates). Likewise, beginning in 2022 and continuing into 2023, Mr. Hanson and Mr. Ricke were engaged in an hourly, non-contingent matter where the clients were billed at Mr. Hanson and Mr. Ricke's 2022 hourly rates of \$1,050 and \$675 per hour, respectively.

52. In addition, Stueve Siegel Hanson's hourly rates have routinely been approved in connection with contested fee applications, lodestar attorneys' fees applications and lodestar cross-checks for attorneys' fees awarded as a percentage of a fund. *See, e.g., O'Dell v. Aya Healthcare*, 753 F. Supp. 3d 1155, 1161 (S.D. Cal. Oct. 15, 2024) (finding on contested fee application in a travel nurse case very similar to this one that Stueve Siegel Hanson's attorneys' hourly rates, including Mr. Moore's 2024 rate of \$975 and Ms. Zainulbhai's 2024 rate of \$775 are "reasonable") (*see also* S.D. Cal. ECF No. 3:22-cv-01151-CAB-MMP, Doc No. 107-2 at 6); *Kruger v. Lely N. Am., Inc.*, 2023 WL 5665215, at *1 (D. Minn. Sept. 1, 2023) (approving fees as a percentage of the fund with partner hourly rates of up to \$1,225 and Mr. Merrill's 2023 billing rate at \$625); *Torretto v. Donnelley Fin. Sols., Inc.*, 2023 WL 123201, at *4 (S.D.N.Y. Jan. 5, 2023) (approving lodestar fee application of Stueve Siegel Hanson, which included Mr. Moore's 2022 rate of \$825 and Ms. Zainulbhai's 2022 rate of \$650); *Maldonado v. MGM Resorts International*, Case No. 1:20-CV-05599, ECF 64 (D.N.J. July 6, 2022), Transcript of Final Approval Hearing at 15:5–16 (approving blended hourly rate of approximately \$725 per hour finding that "the lodestar is \$1,164,738 based on 1,600 hours of work by counsel The reasonable lodestar supports the approval of the fee as requested."); *Jackson County v. Trinity Industries, Inc.*, Case No. 1516-CV23684, 2022 WL 4235745, at *2

(Mo. Cir. Ct. Aug. 30, 2022) (awarding Stueve Siegel Hanson and co-counsel \$11,400,000 in attorneys' fees and costs in lodestar fee application and noting that "Class Counsel's blended rate of \$662 per hour is reasonable based on the skill, experience, and reputation of counsel," including Mr. Ricke's standard hourly rate of \$675 in 2022); *In re Equifax Inc. Customer Data Sec. Breach Litig.*, 2020 WL 256132, at *39 (N.D. Ga. Jan. 13, 2020) (approving partner rates ranging from \$750–\$1,050 per hour in large-scale data breach class action with Stueve Siegel Hanson serving as Co-Lead Counsel); *Reyes v. Experian Info. Sols., Inc.*, 2020 WL 5172713, at *4 (C.D. Cal. July 30, 2020) (approving Stueve Siegel Hanson's "sufficiently document[ed] and justify[d]" hourly rates for purposes of cross-check, including Mr. Moore's 2019 rate of \$700).

53. Tousley Brain Stephens' rates have similarly been approved in many recent cases, including cases before this Court. *See, e.g., In re MCG Health Data Sec. Issue Litig.*, Case No. 2:22-cv-00849-RSM (Dkt. 95) (W.D. Wash.); *Colacurcio v. Insight Venture Partners VII, L.P.*, Case No. 2:20-cv-01856-RSM (Dkt. 109) (W.D. Wash.); *Gonzalez v. Banner Bank*, 4:20-cv-05151-TOR (Dkt. 51) (E.D. Wash. Feb. 11, 2022); *In re Premera Blue Cross Customer Data Security Breach Litig.*, Case No. 3:15-md-2633-SI (Dkt. 312) (D. Or. Mar. 2, 2020); *In re Navistar MaxxForce Engines Marketing, Sales Practices and Products Liability Litig.*, Master Case No. 1:14-cv-10318 (Dkt. 746) (N.D. Ill. Jan. 21, 2020); *Armon et al. v. Washington State University*, King County Superior Court Case No. 17-2-23244-1 SEA (Nov. 9 Final Approval Order at 10); *Glenn v. Hyundai*, Case Number 8:15-cv-02052 (C.D. Cal.).

54. Class Counsel has also advanced significant expenses that were reasonably necessary to prosecute this case. These expenses total \$82,809.62 in unreimbursed costs. In addition to fees for pro hac vice admissions, other court filing fees, expert fees, copy and print charges, and online research fees, this amount includes mediator fees for the two in-person mediations and numerous follow-up communications that were required to achieve a resolution, as well as travel expenses, including for airfare, meals, and lodging incurred in connection with

attorneys' travel to Chicago for these mediations. These expenses were reasonably and necessarily incurred to prosecute the litigation and secure its favorable resolution. **Appendix 2** contains a summary of the expenses by category.

Plaintiffs' Service to the Class and Collective

55. Each of the twelve named Plaintiffs, who worked across seven different states, devoted their time and bore substantial risk in order to prosecute their claims and secure a favorable settlement on behalf of other class and collective members. They each spoke with attorneys and paralegals multiple times about their claims and worked with them to have their relevant documents, including emails, paystubs, contracts, and text messages from their phones, collected. This involved coordinating with Class Counsel to collect documents across multiple systems. And once Class Counsel had enough information to draft the Complaints, each Plaintiff reviewed the relevant allegations for accuracy and have remained in contact with Class Counsel throughout the litigation.

56. Some of the Plaintiffs were also served written discovery, to which they worked with Counsel to respond.

57. The risk they bore in prosecuting these claims on behalf of other class and collective members was substantial. They were each willing to publicly come forward against NuWest, a large employer in a field in which they still work or may work in the future.

58. In our view, the Plaintiffs' efforts and the risk that they bore were essential to bringing about the Settlement, and the agreed-upon award of \$5,000 is fair and adequate for their service.

1 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is
2 true and correct.

3 Executed on June 4, 2025, in Kansas City, Missouri.

4 By: s/ Alexander T. Ricke
5 Alexander T. Ricke

6 Executed on June 4, 2025, in Kansas City, Missouri.

7 By: s/ J. Austin Moore
8 J. Austin Moore

9 Executed on June 4, 2025, in Seattle, Washington.

10 By: s/ Kaleigh N. Boyd
11 Kaleigh N. Boyd
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DECLARATION OF CLASS COUNSEL IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS'
FEES, EXPENSE REIMBURSEMENT, AND SERVICE
AWARDS

Case No. 2:22-cv-01117-RSM - 21

TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

EXHIBIT 1



WHO WE ARE

For more than 20 years, Stueve Siegel Hanson has achieved exceptional litigation results through an unconventional business model for law firms: Our payment for legal services depends entirely on the results we achieve.

Through this approach, we have recovered billions of dollars in damages and relief for consumers, entrepreneurs, employees, farmers, small and large businesses, and a variety of economic underdogs.

The cases we handle address some of the most complex areas of the law, including antitrust, intellectual property, Fair Labor Standards Act collective actions, consumer and securities class actions, cybersecurity, franchise disputes and other complex business litigation.

Our team of lawyers includes some of the best-trained and most experienced trial lawyers in the country. Stueve Siegel Hanson's founders were partners at some of the nation's largest law firms; they are joined by attorneys trained at top law schools, prominent corporate firms and judicial clerkships. Together, we share a drive to level the playing field in litigation and work toward justice for all.

We are honored to have been recognized as a repeat *Law360* Practice Group of the Year, among the *National Law Journal's* Elite Trial Lawyers, and as *Chambers USA* Leading Lawyers – but we are equally proud to be recognized for our contributions to the profession outside the courtroom.

Of our investment in diverse law and journalism students, *Missouri Lawyers Weekly* wrote: “Any firm can talk about promoting DEI, but Stueve Siegel Hanson has put its money where its mouth is when it comes to creating a more equitable environment.”

OUR MISSION

Stueve Siegel Hanson provides aggressive, cutting-edge representation in litigation. Our law firm serves companies in business disputes as well as individuals harmed by dangerous products, unfair employers or unsavory business practices.

Because we work on a contingency model, our fees are based on the results we achieve. This means our trial lawyers have the same interests you do: Succeed for you and we succeed ourselves, fail you and we fail ourselves.

We believe the pursuit of justice should not be subject to the dysfunction of the billable hour, which rewards attorneys more for time than the results achieved. We take pride in winning efficiently and effectively as our clients' partner in the courtroom.

We invest in our firm, our profession and our community. We recruit the brightest attorneys from the nation's top law firms, and together we maintain a culture of camaraderie and respect. We apply new technology to further our efficiency, communication and creativity. We give our time and talents to pro bono projects, community service and bar organizations. While we take considerable pride in earning awards and recognition, we are most fulfilled by results, referrals and repeat business.

JUDICIAL PRAISE

"I've always been impressed with the professionalism and the quality of work that has been done in this case by both the plaintiffs and the defendants. On more than one occasion, it has made it difficult for the Court because the work has been so good."

Hon. Nanette Laughrey

U.S. District Court for the Western District of Missouri
Nobles, et al., v. State Farm Mutual Automobile Insurance Co.

"The complex and difficult nature of this litigation, which spanned across multiple jurisdictions and which involved multiple types of plaintiffs and claims, required a great deal of skill from plaintiffs' counsel, including because they were opposed by excellent attorneys retained by Syngenta. That high standard was met in this case, as the Court finds that the most prominent and productive plaintiffs' counsel in this litigation were very experienced had very good reputations, were excellent attorneys, and performed excellent work. In appointing lead counsel, the various courts made sure that plaintiffs would have the very best representation...

In this Court's view, the work performed by plaintiffs' counsel was consistently excellent, as evidenced at least in part by plaintiffs' significant victories with respect to dispositive motion practice, class certification, and trial."

Hon. John Lungstrum

U.S. District Court for the District of Kansas
In Re: Syngenta AG MIR 162 Corn Litigation

"The most compelling evidence of the qualifications and dedication of proposed class counsel is their work in this case. Considering how far this action has come despite a grant of summary judgment in Defendant's favor and a reversal on appeal, proposed class counsel have made a strong showing of their commitment to helping the class vigorously prosecute this case."

Hon. Andrew J. Guilford

U.S. District Court for the Central District of California
Reyes v. Experian

"I believe this was an extremely difficult case. I also believe that it was an extremely hard fought case, but I don't mean hard fought in any negative sense. I think that counsel for both sides of the case did an excellent job...

I congratulate the plaintiffs and I also congratulate the defense lawyers on the very, very fine job that both sides did in a case that did indeed pose novel and difficult issues."

Hon. Audrey G. Fleissig

U.S. District Court for the Eastern District of Missouri
William Perrin, et al., v. Papa John's International, Inc.

"The experience, reputation and ability of class counsel is outstanding."

Hon. Michael Manners

Circuit Court of Jackson County, Missouri

Berry v. Volkswagen Grp. of Am., Inc.

"It appears that plaintiffs' counsel's experience in wage-hour class actions has unmatched depth."

Hon. J. Thomas Marten

U.S. District Court for the District of Kansas

Garcia v. Tyson Foods, Inc.

CLASS AND COLLECTIVE ACTIONS

Since opening its doors in 2001, Stueve Siegel Hanson has obtained substantial results in a wide range of complex commercial, class, and collective actions while serving as lead or co-lead counsel.

Over the past decade, verdicts and settlements include:

Antitrust

- Obtaining \$53 million in settlements between a class of direct purchasers of automotive lighting products and several manufacturers accused of participating in a price fixing scheme.
- Obtaining a \$25 million settlement in a nationwide antitrust class action regarding price fixing of aftermarket automotive sheet metal parts.
- Obtaining a \$7.25 billion settlement in a massive price-fixing case brought by a class of U.S. merchants against Visa, Mastercard and their member banks.
- Obtaining \$33 million in nationwide class action alleging price fixing for certain polyurethanes in Urethanes antitrust case.
- Obtaining a \$25 million settlement in a class action lawsuit that alleged Blue Rhino and certain competitors conspired to reduce the amount of propane gas in cylinders sold to customers. The firm obtained a \$10 million settlement in a related suit against AmeriGas.

Data Privacy

- Obtaining a historic \$1.5 billion settlement in a nationwide class action stemming from credit reporting firm Equifax's massive 2017 data breach.
- Obtaining \$500 million, plus additional benefits, for victims of the T-Mobile data breach.
- Obtaining a \$190 million settlement in a class action following a Capital One data breach that compromised the confidential information of nearly 100 million credit applicants.
- Obtaining a \$115 million settlement (at the time, the largest data breach settlement in U.S. history) resulting from a 2015 data breach affecting Anthem, Inc., one of the nation's largest for profit managed health care companies.
- Obtaining a \$38 million settlement with Meta relating to alleged insufficient disclosures of location-tracking practices in the Facebook application.
- Obtaining two settlements totaling \$29 million to resolve consumer class action claims against Experian, one of the "big three" credit reporting agencies, arising out of the company's reporting of delinquent loan accounts.
- Obtaining a \$10 million settlement in a class action resulting from a data breach at Target Corp.
- Obtaining a \$3.25 million settlement in data privacy litigation on behalf of more than 61,000 optometrists whose personal information was compromised by the national optometry board.
- Obtaining a \$2.3 million settlement in a class action stemming from a data breach at global technology company Citrix's internal network.
- Obtaining a \$1.3 million settlement on behalf of 7,000 employees of litigation services provider UnitedLex following a data breach resulting in extensive tax fraud.

Catastrophic Injury

- Obtaining \$39.5 million in settlements from three refiners on behalf of adjacent homeowners who were living above a large plume of gasoline leaked from the refineries and connecting pipelines.

Commercial Litigation

- Obtaining a \$1.51 billion settlement – the largest agribusiness settlement in U.S. history – for U.S. corn growers, grain handling facilities and ethanol production plants that purchased corn seeds prematurely sold by Syngenta.
- Obtaining a \$218 million jury verdict for a class of Kansas corn producers who purchased corn seeds prematurely sold by Syngenta.
- Obtaining a \$56 million settlement on behalf of a class of government entities against Trinity Industries and its manufacturing arm, Trinity Highway Products, to remove and replace the companies' 4-inch ET Plus guardrail end terminals on Missouri roads.
- Obtaining a \$55 million settlement for U.S. dairy farmers who purchased the Classic model of the voluntary milking system (VMS) manufactured and sold by DeLaval Inc.
- Obtaining a \$49.75 million settlement in the United States with Lely on behalf of dairy farmers who purchased its robotic milking system, the Lely Astronaut A4.
- Obtaining more than \$44 million in restitution and \$7.9 million in cash for dentists against Align Technology, Inc. in a nationwide deceptive trade practices case.

Consumer Class Action

- Obtaining up to \$220 million in damages for all Missouri residents who purchased the prescription pain reliever Vioxx before it was removed from the market.
- Obtaining more than \$75 million in relief for purchasers of Hyundai vehicles for Hyundai's overstatement of horsepower in vehicles.
- Obtaining \$29.5 million in settlements for overdraft fees charged to customers from UMB Bank, Bank of Oklahoma and Intrust Bank.
- Obtaining \$19.4 million for purchasers of H&R Block's Express IRA product related to allegedly false representations made during the sales presentation.

Cost of Insurance

- Obtaining an appellate victory against Kansas City Life maintaining the full amount of damages awarded by the jury for overcharges to the cash values of the class of Missouri policyholders' universal life insurance policies and obtaining an additional award of prejudgment interest to bring the total judgment to over \$48 million.
- Obtaining three jury verdicts of over \$33 million in three class action jury trials against Kansas City Life on behalf of Missouri and Kansas policy owners.
- Obtaining a \$2.25 billion settlement in a class action lawsuit against The Lincoln National Life Insurance Company over alleged life insurance policy overcharges.

- Obtaining two nationwide class action settlements with State Farm for \$325 million and \$65 million on behalf of policy owners alleging the insurer improperly included non-mortality factors in calculating the cost of insurance charge under the insurance contract.
- Obtaining a \$59.75 million settlement in a nationwide class action lawsuit against John Hancock Life Insurance Company (U.S.A.) over alleged life insurance policy overcharges.
- Obtaining a \$325 million settlement in a nationwide class action against State Farm on behalf of policy owners alleging the insurer improperly included non-mortality factors in calculating the cost of insurance charge under the insurance contract.
- Obtaining a \$34 million jury verdict in a class action trial against State Farm on behalf of Missouri policy owners alleging the insurer improperly included non-mortality factors in calculating the cost of insurance charge under the insurance contract. The jury verdict was affirmed by the Eighth Circuit on appeal and the appellate court awarded an additional \$5 million in prejudgment interest bringing the total recovery to nearly \$40 million.

Wage and Hour

- Obtaining a \$73 million settlement on behalf of current and former Bank of America retail banking and call center employees who alleged violations of the Fair Labor Standards Act.
- Obtaining approximately \$50 million in settlements on behalf of DirecTV satellite technicians who were denied overtime and minimum wages in a California state court class action, more than 50 federal mass actions, and a collective arbitration.
- Obtaining a \$27.5 million settlement for a class of loan originators who were misclassified as exempt and denied overtime.
- Obtaining a \$25 million settlement for a class of mortgage consultants for unpaid overtime as lead counsel in multidistrict litigation.
- Obtaining a \$24 million settlement to resolve a collective arbitration and more than 50 federal mass actions involving misclassified satellite technicians denied overtime and minimum wages.
- Obtaining a \$14.5 million settlement for a class of inventory associates for unpaid overtime.
- Obtaining a \$12.5 million settlement for multiple classes and collective of pizza delivery drivers alleging vehicle expenses reduced their wages below the minimum wage.
- Obtaining a \$12.5 million settlement for classes of workers at two MGM casinos for tip credit violations.
- Obtaining a \$10.5 million settlement for a class of bank employees for misclassification as being exempt from overtime.
- Obtaining a \$9.8 million settlement for collectives of workers at three Rush Street Gaming casinos for tip credit and wage deduction violations.
- Obtaining an \$8.5 million settlement for a collective of employees in the hospitality industry for unpaid minimum wages.
- Obtaining a \$7.7 million settlement for a class of loan account servicers misclassified as exempt and denied overtime.
- Obtaining a \$7.5 million settlement for class of loan processors in multidistrict litigation.

- Obtaining \$6 million settlement for a class of workers at Wind Creek Casino for tip credit and wage deduction violations.
- Obtaining a \$5.5 million settlement for a class of workers at Rivers Casino Schenectady for tip credit and overtime violations.
- Obtaining dozens of settlements between \$1 million and \$5 million for classes and collectives seeking unpaid overtime and minimum wages.



STUEVE SIEGEL HANSON

460 Nichols Road, Suite 200
Kansas City, Missouri 64112
stuevesiegel.com
816.714.7100



EXHIBIT 2

Attorneys



MAILING ADDRESS

PO Box 34628, PMB 75109 Seattle, WA 98124-1628

PHYSICAL & PACKAGES

1200 Fifth Avenue, Suite 1700, Seattle, WA 98101-3147

TEL (206) 682-5600 | FAX (206) 682-2992

TOUSLEY BRAIN STEPHENS PLLC has prosecuted numerous multi-million dollar class actions, including the following representative cases in the areas of data privacy, consumer protection, product liability, and securities.

Data Privacy

- Appointed lead counsel in *In re Premera Blue Cross Customer Data Security Breach Litigation*, multi-district litigation pending in the U.S. District Court for the District of Oregon. The lawsuit alleges that Premera allowed a massive breach of its data systems, permitting hackers access to the personal, medical, and financial information of more than 11 million Premera subscribers and employees. In 2019, the Court approved a \$74 million in compensation and data security enhancement settlement. At the time it was the greatest per capita class recovery in a health care data breach.
- Appointed co-lead counsel in *In re MCG Health Data Security Issue Litigation*, in the U.S. District Court for the Western District of Washington. Plaintiffs alleged MCG was negligent in connection with a 2023 data breach. The Court finally approved an \$8.8 million settlement.
- Appointed as co-lead and interim class counsel in *In re Dominion Dental Services USA, Inc. Data Breach Litigation*, in the Eastern District of Virginia. The lawsuit alleged that Dominion Dental Services and other affiliated companies allowed a nine-year long data breach, allowing hackers access to the personal, medical, and financial information of nearly three million individual subscribers. The case settled for monetary relief in excess of \$3 million and injunctive relief valued at approximately \$2,769,500.
- Co-lead counsel in *Garcia v. Washington State Department of Licensing*, Superior Court, King County, Washington. This data breach involved the Department of Licensing's professional licensing system. The court finally approved a \$3.6 million common fund settlement plus injunctive relief.
- Co-lead counsel in *Armon v. Washington State Univ.*, Superior Court, King County, Washington. This data breach case involved a stolen hard drive containing personal information of over one million individuals. The court approved a \$5.26 million settlement, plus injunctive relief.
- Served on the plaintiffs' steering committee in multi-district litigation to prosecute claims of financial institutions in the *In re The Home Depot, Inc. Customer Data Security Breach Litigation*, No. 14-md-02583 (N.D. Georgia) related to its 2014 data breach. The

financial institutions sought to recover losses they incurred in reissuing cancelled credit cards and paying fraud claims. Hon. Thomas W. Thrash, Jr., United States District Court Judge for the Northern District of Georgia, granted final approval to a \$43.5 million settlement to cover financial institution losses, attorneys' fees and costs.

Consumer Protection

- As co-counsel and sole trial counsel in *Larsen v. PTT, LLC*, obtained a \$24.9 million jury verdict in the Western District of Washington in a class action alleging violations of Washington's Recovery of Money Lost at Gambling Act and Washington's Consumer Protection Act.
- Appointed sole class counsel in *Ikuseghan v. Multicare Health System*, U.S. District Court for the Western District of Washington to represent a nationwide class asserting Telephone Consumer Protection Act (TCPA) claims. In approving the settlement and fee award, the court noted that "class counsel obtained an extraordinarily good result for the class following an arm's-length negotiation. Under the approved settlement, class members will receive as much as they would have received had they successfully litigated their claims under the TCPA. This recovery is significantly superior to other TCPA class action settlements that have been approved in this Circuit." With individual class member recoveries ranging from \$2,500 to over \$19,000 per approved claim, the settlement is believed to be the largest individual class member recovery in any TCPA case.
- Appointed class counsel in *Gonzalez v. Banner Bank*, representing a class of accountholders who were charged excessive overdraft fees. The court approved a settlement of over \$1,000,000.
- As co-lead counsel in *Nelson v. Appleway Chevrolet, Inc.*, Superior Court, Spokane County, Washington (*see also* 160 Wn.2d 173 (2007)), we successfully represented purchasers of vehicles, parts, and services against certain automobile dealers in Washington who were illegally charging purchasers Business and Occupation tax. The class members received full refunds of all illegally collected taxes in addition to attorneys' fees and costs after the Washington Supreme Court affirmed the trial court judgment.
- As co-lead counsel in *Cole v. Wells Fargo Bank N.A.*, U.S. District Court, Western District of Washington, we successfully settled this case on behalf of a national class of consumers charged excessive fees on their accounts. Class members received full refunds of all excessive fees, together with interest, attorneys' fees and costs. Judge Lasnik, W.D. WA, noted this settlement was an example of the kind of justice class actions could achieve.
- As co-lead counsel in *Michael Spafford, Jr. v. Echostar Communications, Corporation*, U.S. District Court, Western District of Washington, we successfully obtained an injunction on behalf of Washington consumers prohibiting defendant from using

automatic dialing and announcing devices to sell satellite television subscriptions and equipment in violation of Washington law.

Securities

- As sole lead class counsel in *Colacurcio, et al. v. Insight Venture Partners VII, L.P., et al.*, we represented a class of investors who sold shares of Smartsheet Inc. stock in a tender offer, alleging defendants failed to disclose material information about the company's plans to conduct an IPO in connection with their offer to buy the plaintiffs' stock. The court granted final approval of a \$26.2 million settlement.
- As sole class counsel in *Johnson v. Amgen Boulder, Inc.*, U.S. District Court, Western District of Washington, we represented a national class that invested approximately \$50 million with the world's largest biotechnology company to fund the development of a genetically engineered molecule. That case settled for payments totaling \$82 million.
- As sole class counsel in *Trimble et al. v. Holmes Harbor Sewer District et al.*, Superior Court, Island County, Washington, we represented a national class of bondholders. We achieved a 100% recovery for investors who had purchased unlawfully issued bonds through several broker dealers.
- As sole class counsel in *Wolf et al. v. Asiamerica et al.*, U.S. District Court, Western District of Washington, Washington, we represented a national class in a securities fraud action against an international leveraged buy-out corporation. The case settled for approximately 120% of the class's investment, plus attorneys' fees and costs.
- As liaison counsel in *In re Washington Mutual Mortgage-Backed Securities Litigation*, U.S. District Court, Western District of Washington, we represented a class of purchasers of mortgage-backed certificates issued and underwritten by Washington Mutual and related entities. The named Plaintiffs alleged that the defendants violated federal securities laws by misrepresenting the underwriting procedures used to originate the mortgage loan collateral. The case settled for \$26 million.

Product Liability

- Appointed preliminary class counsel in *Washburn v. Porsche*, U.S. District Court, Western District of Washington to represent a nationwide class of people who purchased Porsche vehicles with sunroofs. Plaintiff alleged the sunroofs were prone to water intrusion. The settlement, which is pending final approval, significantly extended the sunroof warranty for the class vehicles, provided for free repairs and reimbursed past repair costs, and preventative maintenance for approximately 345,000 vehicles.
- Appointed co-lead class counsel in *Glenn v. Hyundai*, U.S. District Court for the Central District of California to represent a nationwide class of people who purchased Hyundai vehicles with panoramic sunroofs. Plaintiffs alleged the sunroofs were prone to spontaneous shattering. The settlement, which significantly extended the sunroof warranty for the class vehicles, provided for free repairs and reimbursed past repair costs, as well as \$200 cash for anyone who experienced sunroof shattering, and a \$1,000 trade in allowance was valued at over \$30 million.

- Designated by lead counsel in *In re Navistar Maxxforce Engines* to head the root cause analysis and liability expert teams in multidistrict litigation in the U.S. District Court for the Northern District of Illinois. Plaintiffs alleged that Navistar produced diesel truck engines with defective emissions systems. The Court approved a \$135 million settlement.
- As co-lead counsel in the *In re Louisiana-Pacific Inner Seal Siding* class action, U.S. District Court, District of Oregon, we initially settled one of the largest product liability class action settlements in the United States for \$275 million. In November 1998, this settlement was augmented by additional commitments for a total of more than \$500 million, over \$240 million of which was paid to Washington residents.
- As co-lead counsel in the *Richison v. American Cemwood Corp.*, Superior Court, San Joaquin County, California, we settled this litigation, related to defective shingles, creating a guaranteed \$105-million settlement fund for a national class in the first phase of litigation. The second phase, against Cemwood's insurers, created an additional \$83-million settlement fund in 2003.
- As co-lead counsel in the *Behr Wood Sealants* settlement, Superior Court, San Joaquin County, California, we created a national settlement fund in 2003 of up to \$107.5 million, plus \$25 million in attorneys' fees.
- As co-lead counsel for the plaintiff class in *Clemans v. New Werner Co, et al.*, U.S. District Court, Western District of Washington, we successfully obtained free replacement ladders for a national class of approximately 300,000 consumers. The class alleged that Werner pull-down attic ladders were unreasonably dangerous because of defective hinges. The settlement was valued at \$48 million dollars.
- Co-counsel for national class of homeowners with allegedly defective roofing shingles in *In re IKO Roofing Shingle Products Liability Litigation*, U.S. District Court, Central District of Illinois; 757 F.3d 599 (7th Cir. 2014). The settled for extended warranties, replacement shingles or cash value of replacement shingles all with an estimated value of \$30 million.
- As co-counsel for a health benefits trust in *Neurontin Marketing Sales Practices and Products Liability Litigation*, MDL 1629, we represented a national class alleging that in an effort to boost profits, Pfizer, Inc. and Warner-Lambert Co. sold the drug Neurontin for uses for which it was neither approved by the U.S. Food and Drug Administration nor medically effective. Pfizer Inc. agreed to pay \$325 million to resolve the class's claim that Pfizer defrauded insurers and other healthcare benefit providers by its off label marketing of Neurontin.
- As co-lead counsel in *Delay v. Hurd Millwork Co.*, Superior Court, Spokane County, Washington, we represented a Western States class of individuals that purchased windows allegedly filled with inert gas. The case settled for \$5.3 million.
- As sole class counsel in *Barrett v. PABCO*, Superior Court, King County, Washington, a national roofing shingles product liability case, we settled the case on an unlimited claims-made basis in 2006. That settlement more than doubled the value of compensation available to homeowners under a Washington State Attorney General

Consent Decree, and opened claims to every qualified homeowner in the nation, including those who were not original purchasers of the roofing product.

- As co-lead counsel in *Grays Harbor Christian School v. Carrier Corporation*, U.S. District Court, Western District of Washington, we successfully represented national consumers to whom Carrier allegedly sold defective high efficiency furnaces. The case settled on a national and international basis when Carrier agreed to compensate consumers for past failures and fix the alleged defect for free in the future. Three million consumers were covered under the settlement, which was valued at more than \$300 million.

Appendix 1

Stueve Siegel Hanson LLP Lodestar Through May 20, 2025

Timekeeper	Title	Years of Experience	Role in Case	Hours	Rate	Lodestar
George Hanson	Partner	33	All stages, primarily attending both mediations and negotiating resolution.	216.40	\$1,425.00	\$308,370.00
J. Austin Moore	Partner	14	All stages, including substantial time devoted to negotiating discovery, working on mediation statement, and attending both mediations.	169.40	\$1,050.00	\$177,870.00
Alexander Ricke	Partner	13	All stages, including substantial time reviewing complaints, negotiating discovery, and attending both mediations.	419.30	\$975.00	\$408,817.50
Yasmin Zainulbhai	Senior Counsel	16	Researching and briefing NuWest's Motion to Dismiss and Plaintiffs' Motion for Collective Certification.	276.10	\$850.00	\$234,685.00
Crystal Cook Leftridge	Associate	12	Communicating with named Plaintiffs and developing their claims; drafting and amending complaints; assisting with Conditional Certification; and responding to discovery.	152.10	\$775.00	\$117,877.50
Ross Merrill	Associate	10	Communicating with named Plaintiffs and developing their claims; drafting and amending complaints; analyzing	453.50	\$750.00	\$340,125.00

			NuWest's provided data in advance of mediation and drafting mediation statement; attending mediation.			
Margaret Brulez	Paralegal		Communicating with named Plaintiffs; collecting and processing plaintiff and class member documents; and communicating with class members once notice issued.	181.3	\$375.00	\$67,987.50
Katrina Cervantez	Paralegal		Preparing representation agreements for named Plaintiffs; reviewing and processing consent to join forms for filing; and preparing mass communications to class members.	201.3	\$375.00	\$75,487.50
Erika Reyes	Paralegal		Communicating with class members after settlement notices issued.	63.8	\$375.00	\$23,925.00
Vong Pommachanh	Paralegal		Communicating with named Plaintiffs; communicating with class members; collecting documents from named Plaintiffs and class members and producing plaintiff discovery; and filing consent to join forms.	144	\$400.00	\$57,600.00
			Totals:	2,277.2		\$1,812,744.5

**Tousley Brain Stephens Lodestar
Through May 20, 2025**

Timekeeper	Title	Years of Experience	Role in Case	Hours	Rate	Lodestar
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Kim D. Stephens	Partner	44	Reviewing pleadings and other materials and attending initial mediation.	38.4	\$1,140.00	\$43,776.00
Kaleigh N. Boyd	Partner	8	Reviewing pleadings and other materials and attending initial mediation.	52	\$800.00	\$41,600.00
Rebecca Solomon	Partner	12.5	Reviewing pleadings and other materials.	2.3	\$900.00	\$2,070.00
Cecily C. Jordan	Partner	10	Reviewing pleadings and other materials.	2.8	\$850.00	\$2,380.00
Eve Rashby	Paralegal	>20	Assisting with filings, including consents to join.	2.6	\$350.00	\$910.00
			Totals:	98.1		\$90,736.00

Stueve Siegel Hanson

Attorney Resumes

GEORGE A. HANSON

PARTNER



T 816.714.7115
hanson@stuevesiegel.com

George Hanson prosecutes high-stakes cases against some of the nation's largest corporations and consistently delivers excellent results for his clients. He has vast experience and a proven track record representing plaintiffs in traditional business litigation, including breach of contract, breach of fiduciary duty, intellectual property, tortious interference and more.

George has significant experience negotiating and litigating on behalf of senior executives when they are terminated, depart their current positions, or act as whistleblowers revealing unlawful conduct. He protects executive compensation, bonuses and incentives, future earned commissions, and the ability to start new employment. And he navigates disputes involving contracts, unfair competition, trade secrets, noncompete and non-solicitation agreements, severance agreements, retaliation and more.

George also has earned a national reputation for prosecuting wage and hour cases on behalf of disenfranchised workers, protecting their right to "a fair day's pay for a fair day's work." After a landmark trial where he delivered a victory for a class of meat-packing workers, a distinguished federal judge described George's wage and hour experience as having "unmatched depth."

George has been named lead or co-lead attorney in more than 100 wage and hour actions filed in state and federal courts across the country and been appointed lead counsel in three Multidistrict Litigations (MDLs). He has appeared in 34 states, litigating matters involving overtime, minimum wage, work without pay, unreimbursed business expenses, donning and doffing, and independent contractor misclassification. George is passionate about leveling the playing field for workers and closing the gender wage gap. As a result of George's work, employees have recovered more than \$300 million in settlements and judgments in wage and hour cases.

George has served clients in a number of industries, including financial services, hospitality and food service, cable and satellite television, pizza delivery, pharmaceutical companies and retail. George recently led a nationwide Fair Labor Standards Act litigation against DIRECTV over claims of minimum wage, overtime and independent misclassification violations.

The litigation ultimately involved more than 3,000 plaintiffs in three collective actions and many hundreds of individual cases; it resulted in a series of favorable settlements for the workers involved.

George has been named among the *Kansas City Business Journal's* "Best of the Bar," is a Missouri/Kansas Super Lawyer and is listed in *Best Lawyers in America* in three categories: commercial litigation, employment law, and mass torts/class actions. He has been honored by the *National Law Journal* as a Plaintiffs' Lawyer "Trailblazer," named a *Best Lawyers in America* "Lawyer of the Year" for mass tort/class action litigation and both a "Local Litigation Star" and a "Labor and Employment Star" by *Benchmark Plaintiffs*.

George frequently presents on wage-and-hour law at seminars and continuing legal education programs across the country. George also has been a guest lecturer at the University of Missouri – Kansas City School of Law, the University of Kansas School of Law, and the Washington University School of Law. He is an author of multiple publications in wage-and-hour law and has served as a Senior Editor for the American Bar Association's "Fair Labor Standards Act," the leading treatise in the field.

George spends his free time at his "home on the range" in rural Greenwood County, Kansas, where he runs cattle and grows corn, soybeans, milo, sunflowers and wheat, and helps his son wrangle their two pet snakes.

EXPERIENCE

PROFESSIONAL HISTORY

Upon graduation, George accepted a judicial clerk position with the Honorable Harriet Lansing of the Minnesota Court of Appeals. After completing his judicial clerkship in 1993, George joined Blackwell Sanders Matheny Weary & Lombardi, now Husch Blackwell Sanders, as an associate in the Labor and Employment Department. He was elected to the firm's partnership in 1999, and served as Chair of the Hiring Committee. During his tenure at Blackwell Sanders, George represented many of the region's leading companies, including Hallmark Cards, UtiliCorp United, Saint Luke's/Shawnee Mission Heath System and The Kansas City Star. In 2001, George left Blackwell and joined Stueve Siegel Hanson LLP as a partner to develop his litigation practice in a more results-oriented and entrepreneurial environment.

George is an experienced commercial litigator and trial attorney. George has successfully tried many cases to judges and juries in both state and federal court, and has extensive experience representing clients in arbitration. In addition to trial work, George has developed an active appellate practice and has successfully argued numerous cases before state appellate courts in Missouri, Kansas and Illinois, and federal appellate courts in the Eighth, Ninth and Tenth Circuits.

In addition to complex commercial litigation and trial work, George's practice currently focuses on the representation of employees in large wage and hour class and collective actions, including workers in the financial services, meat processing, pharmaceutical and call center industries. In the past five years, George has been lead or co-lead counsel in more than 40 wage and hour actions filed in state and federal courts in Kansas, Missouri, California, Illinois, New York, Minnesota, Oregon, Washington and Louisiana. To date, these wage and hour cases have obtained relief in excess of \$50 million on behalf of firm clients. George is also a frequent speaker regarding trial practice and wage and hour matters nationwide.

RECENT LITIGATION HIGHLIGHTS

In re Wells Fargo Loan Processor Overtime Litigation. George was one of the lead counsel representing class plaintiffs in multidistrict wage and hour litigation consolidated in the Northern District of California. George argued the certification motion on behalf of the class, and in 2007, the Honorable Marilyn Hall Patel granted plaintiffs' motion and certified a class consisting of 25,000 current and former Wells Fargo loan officers employed nationwide. The Court approved a settlement in August 2011.

In re Wells Fargo Home Mortgage Overtime Pay Litigation. George represented a class of loan originators who were classified as ineligible for overtime pay. The case settled for \$20 million in 2010.

Marshall v. R.J. Reynolds. George was lead counsel in several wage and hour class and collective actions brought against R.J. Reynolds on behalf of a class of retail representatives currently and formerly employed by R.J. Reynolds nationwide. In 2007, the Honorable Richard E. Dorr of the Western District of Missouri certified a nationwide FLSA class consisting of approximately 1,500 eligible class members. In early 2010, the cases were settled in the United States District Court for the Western District of Missouri, the United States District Court for the Western District of New York and the United States District Court for the Southern District of California.

Norman v. Dell. George was lead counsel on behalf of a certified class of consumer sales representatives employed by Dell in call centers located in Roseburg, Oregon, Nashville, Tennessee, Oklahoma City, Oklahoma and Round Rock, Texas. In 2008, the Honorable Thomas Coffin of the U.S. District Court for the District of Oregon certified the case as a collective action under the FLSA and ordered that notice be provided to eligible class members. George has instituted similar litigation against Dell in the U.S. District Court for the Northern District of Texas on behalf of a class of business sales representatives. Confidential settlement approved in 2009.

Perry v. National City. George was lead counsel and represented a certified class of current and former loan officers employed by National City Bank in a wage and hour collective action pending in the Southern District of Illinois. In 2007, the Honorable David H. Herndon certified a collective action consisting of approximately 4,500 current and former National City loan officers. After extensive summary judgment and related briefing, the parties reached a Court-approved class settlement in the amount of \$27.5 million.

West v. First Franklin. George was lead counsel on a wage and hour collective action brought on behalf of approximately loan account managers against First Franklin Corporation. In 2007, the District of Kansas approved a class settlement in the amount of \$8.7 million.

Garner v. Regis Corporation. George was lead counsel on behalf of approximately 1,300 current and former salon managers and stylists in a certified wage and hour collective action against Regis Corporation, the world's largest owner and operator of hair and retail product salons. In August 2004, the trial judge for the Western District of Missouri certified the case as a collective action pursuant to the Fair Labor Standards Act. The parties subsequently reached a Court-approved confidential settlement of the case in June of 2006.

Gieseke v. First Horizon. George was lead counsel in a wage and hour collective action brought against First Horizon Bank on behalf of a class of current and former loan officers. The case was certified as a collective action by the Honorable Carlos Murguia of the United States District Court for the District of Kansas. In 2008, the parties reached a Court-approved confidential settlement on behalf of more than 600 class members.

Qualls v. Sanofi-Aventis. George was lead counsel in a wage and hour collective action filed in the United States District Court for the Western District of Missouri against Sanofi-Aventis. The class consisted of current and former manufacturing and packaging operators at defendant's facility in Kansas City, Missouri. In 2006, the trial court approved a confidential settlement on behalf of all class members.

Call Center Litigation. An additional focus of George's recent practice has been prosecuting wage and hour actions against the owners and operators of call centers that engage in an illegal practice of denying customer service workers compensation for all working time. Actions have been filed in federal and state courts across the country, including in New York, Missouri, Kansas, California and Washington, and include such defendants as ClientLogic, TeleTech, Southwestern Bell Telephone Company, CenturyTel and Sprint. Confidential settlements were reached in all of these cases.

RECENT TRIAL AND ARBITRATION RESULTS

Garcia v. Tyson. George was lead counsel in a wage and hour class and collective action against Tyson Foods in the United States District Court for the District of Kansas. Plaintiffs alleged that Tyson, the worlds' largest processor of poultry and red meat, illegally deprived earned wages from its hourly work force employed at its Holcomb, Kansas facility. A key legal victory was obtained in 2007 when the trial court denied Tyson's motion for summary judgment, a decision subsequently upheld by the Tenth Circuit Court of Appeals. The trial court granted class and collective action certification of a class of approximately 5,000 workers. In March 2011, a federal jury in Kansas found against Tyson Foods and Tyson Fresh Meats for violating the Fair Labor Standards Act (FLSA) and the Kansas Wage Payment Act (KWPA). Jury verdict for the plaintiff class was affirmed by the 10th Circuit in August 2014.

Kelly v. State Farm. In August of 2005, George (along with his partner Norm Siegel) won a \$26.5 million jury verdict on behalf of five State Farm agents who had accused State Farm of violating their agents' Agreements. The verdict came after a three-week trial in Independence, Missouri. Plaintiffs alleged that their contracts were improperly terminated in retaliation for speaking out against State Farm's wrongful conduct towards policyholders. The verdict ranked among the top 50 nationwide in 2005.

Horizon Holdings v. Genmar Holdings. In November 2002, George was the lead trial lawyer in a two-week jury trial in the United States District Court for the District of Kansas. The case involved claims for breach of a purchase agreement and employment contracts brought by a small business owner against the world's largest manufacturer of recreational boats. The jury returned a verdict of \$2.58 million in favor of plaintiffs, and later awarded an additional \$865,000 in attorneys' fees. The entire judgment totaling approximately \$3.6 million was upheld after appeal to the Tenth Circuit.

Vanhamme v. 7-Eleven. George was lead trial counsel in a breach of contract and false imprisonment case brought against 7-Eleven on behalf of a terminated franchise owner. After the jury returned a verdict against 7-Eleven and an individual manager on the false imprisonment claim, including a finding of punitive damages, the parties reached a confidential settlement.

O'Grady v. Aquila. George was lead counsel and successfully defended Aquila in an action brought by a former energy trader asserting claims of breach of contract and negligent misrepresentation. After successfully compelling the case to arbitration from state court, the case was tried in a multi-day arbitration proceeding. The arbitrator ultimately denied claimant any recovery on the in excess of \$5 million claimed, and returned a full defense judgment on all claims.

PENDING LITIGATION

Litigation Against Financial Services Companies. In addition to the cases identified above, George has led the Firm's litigation team on the prosecution of numerous wage and hour class and collective actions on behalf of loan officers and loan processors against many of the nation's largest financial institutions. These include cases that have settled or are currently pending against J.P. Morgan/Chase, Merrill Lynch, Bank of Blue Valley and Principal Financial.

3M Defective Earplug Litigation: George is currently representing active military service members and veterans who suffered hearing loss, tinnitus, and other health issues after using 3M earplugs — the Combat Arms, Version 2 (CAEv2) model. These earplugs were reportedly standard-issue for military service members deploying to Afghanistan or Iraq from 2003 to 2015.

HONORS & RECOGNITIONS

Best Lawyers® in America - Employment Law/Individuals "Lawyer of the Year" in Kansas City, MO (2022 and 2025)

Missouri Lawyers Media POWER List for Employment Law

Best Lawyers® Mass Tort Litigation/Class Actions-Plaintiffs "Lawyer of the Year" in Kansas City, MO (2014, 2016)

Best Lawyers® in America - Commercial Litigation; Employment Law-Individuals; Mass Tort Litigation/Class Actions - Plaintiffs; Litigation-Labor and Employment (2014-present)

Best of the Bar, Kansas City Business Journal (2005-2016)

Super Lawyer - BuMissouri & Kansas Super Lawyers (2006-present)

AV Preeminent® Peer Review Rated - Martindale Hubbell

Local Litigation Star for the State of Missouri - *Benchmark Plaintiffs* (2013-2015)

EDUCATION

University of Minnesota Law School

J.D., *cum laude*, 1992

Oberlin College

B.A., History, High Honors, 1988

ADMISSIONS

Missouri, 1993

Kansas, 1994

U.S. District Court Eastern District of Missouri

U.S. District Court Western District of Missouri

U.S. District Court District of Kansas

U.S. District Court District of Colorado

U.S. District Court Central District of Illinois

U.S. District Court Eastern District of Wisconsin

U.S. District Court Eastern District of Arkansas

U.S. District Court Western District of Arkansas

U.S. District Court Eastern District of Michigan

U.S. Court of Appeals 3rd Circuit

U.S. Court of Appeals 4th Circuit

U.S. Court of Appeals 8th Circuit

U.S. Court of Appeals 9th Circuit

U.S. Court of Appeals 10th Circuit

U.S. Court of Appeals 11th Circuit

U.S. Supreme Court

J. AUSTIN MOORE

PARTNER



T 816.714.7105
moore@stuevesiegel.com

Austin Moore litigates high-stakes cases. He practices in state and federal courts across the country and regularly takes on major corporations in nationwide class actions. Over the last decade, Austin has recovered hundreds of millions of dollars for consumers and victims of personal injuries.

The *National Law Journal* recently selected Austin as one of the "Rising Stars of the Plaintiff Bar" in its 2023 Elite Trial Lawyers Awards. Austin has also been recognized by *Law360* as one of the "Top Attorneys Under 40" in the country, named a "Rising Star" in class action law by *Super Lawyers*, and honored as an "Up and Coming Lawyer" by *Missouri Lawyers Weekly*.

Austin focuses his practice on three primary practice areas:

Data Breach and Privacy Litigation. Austin is a national leader in data breach and privacy cases. He has played key roles representing consumers in many of the nation's largest data breach class actions, including lawsuits against T-Mobile, Target, the Home Depot, Anthem Insurance, Equifax, and Marriott. Austin's recent successes include:

- Co-lead counsel in \$2.3 million settlement on behalf of employees of Citrix
- Co-lead counsel in \$3.25 million settlement on behalf of optometrists
- Member of leadership teams that achieved the historic \$1.5 billion Equifax settlement and \$500 million T-Mobile data breach settlement

Austin has also served as appellate counsel in multiple precedent-setting data breach cases addressing Article III injury. He is the past president of the Data Breach and Privacy section of the American Association for Justice and currently serves as a member of the Sedona Conference working groups on Data Security and Privacy Liability and HIPAA.

Consumer Class Actions. Austin represents consumers and employees who have been harmed by corporate misconduct, including false advertising, deceptive practices, and underpaid wages.

Austin's recent wins include:

- Obtaining \$29 million in settlements as co-lead counsel in two pioneering cases against Experian arising out of the agency's reporting of delinquent loan accounts, resulting in one of the largest recoveries in history under the Fair Credit Reporting Act
- Co-lead counsel in a \$17.5 million settlement against Kimberly-Clark relating to the sale of contaminated flushable wipes products

Austin is currently representing travel nurses and other healthcare workers who were subject to "take-it-or-leave-it" pay-rate reductions in the middle of their contracts.

Sexual Abuse Liability. Austin advocates for victims of sexual abuse in civil cases against their perpetrators and other negligent parties. He respects the sensitivity of these cases by working with local counseling centers and adopting a trauma-informed approach to his legal representation. Austin's recent results include:

- \$8.2 million verdict for sexual assault victim who sued assailant for civil assault and battery
- \$1.5 million settlement in nursing home resident sexual assault case
- Confidential settlement reached against ridesharing giant Uber after female rider was sexually assaulted by driver with criminal background
- Confidential settlements for underage female employee who was sexually assaulted by manager on premises and hospitality worker who was frequently abused by customers at work

Before joining Stueve Siegel Hanson in 2013, Austin was in private practice in St. Louis, where he primarily defended class action cases. He credits this experience with helping him understand how defense lawyers will approach a case – and helping him craft litigation strategies that secure a courtroom advantage.

EXPERIENCE

Current Cases

T-Mobile Data Breach Litigation (Western District of Missouri) – Austin is a member of the leadership team representing consumers multi-district litigation against T-Mobile after a massive data breach affecting 77 million current, former, and potential customers. In June 2023, the court granted final approval to a \$500 million settlement on behalf of victims.

Travel Nurse Unpaid Wages Litigation - Austin is representing travel nurses against numerous staffing agencies for making “take-it-or-leave-it” pay-rate reductions in the middle of their contracts and failing to pay sufficient overtime wages. Austin's representation has been featured in *Newsweek*, *NBC News*, and *Kaiser Health News* among others.

Quest Diagnostics Data Breach Litigation (District of New Jersey) - Austin is working with lead counsel representing more than 11.5 million victims in multi-district litigation against Quest Diagnostics after its vendor, debt collector American Medical Collection Agency, suffered a massive data breach.

Broward Health Data Breach Litigation (Southern District of Florida) – Austin is representing more than 1.3 million patients of the Broward Health system after a data breach exposed their personal, financial, and medical information in violation of HIPAA and related state laws.

UC San Diego Health Data Breach Litigation (Superior Court of San Diego) – Austin is part of the leadership team appointed to represent more than 500,000 patients of the UC San Diego Health system after their financial and medical records, including treatment information, laboratory results, and medical diagnoses, were stolen by hackers in violation of HIPAA and related state laws.

Marriott Data Breach Litigation (District of Maryland) – Austin is working with lead counsel representing consumers multi-district litigation against Marriott and Starwood Hotels following a four-year long data breach compromising 383 million guest records. Austin is part of the briefing teams that achieved favorable rulings on the motions to dismiss and class certification.

Recent Litigation Highlights (Privacy and Consumer Class Actions)

Kimberly-Clark Flushable Wipes Litigation (Northern District of Texas)

– Austin served as co-lead counsel in class action lawsuit against Kimberly-Clark, owner of toilet paper brand Cottonelle, after a harmful bacteria was detected in its flushable wipes products. On March 14, 2024, the court granted final approval to a settlement providing up to \$17.5 million in cash reimbursements and extensive other classwide relief.

Mediant Data Breach Litigation (Southern District of New York) -

Austin was appointed as co-lead counsel in this case resulting from a data breach that compromised the Social Security numbers, Tax IDs, bank accounts, and securities holdings information of more than 220,000 investors. In January 2023, a federal judge granted final approval to a settlement that provides extensive relief for victims.

Ring Privacy Litigation (Central District of California) - Austin

successfully represented multiple families whose indoor Ring camera devices were hacked allowing them to be spied on and harassed inside their own homes. The cases asserted that Ring knowingly failed to implement basic security protocols to prevent the unauthorized access, including two-factor identification and alerts of suspicious log-ins.

OPM Data Breach Litigation (District of Columbia) – Austin

represented government employees and contractors against the U.S. Office of Personnel Management (OPM) for a data breach affecting 21.5 million individuals. Following a successful appeal in the D.C. Circuit, the court granted final approval to a \$63 million settlement on behalf of victims with claims under the Privacy Act in October 2022.

Equifax Data Breach Litigation (Northern District of Georgia) – Austin

worked alongside co-lead counsel Norman Siegel representing consumers in multi-district litigation against Equifax following its massive data breach impacting 147 million Americans. In December 2019, the Court granted final approval to a historic settlement that includes up to \$505.5 million in cash benefits and requires Equifax to spend at least \$1 billion upgrading its security over five years.

Experian FCRA Litigation (Central District of California) – Austin was appointed as class counsel in two cases that resulted in settlements totaling \$29 million against credit reporting agency Experian arising out of the agency’s reporting of delinquent loan accounts. Austin led all aspects of the cases including devising the novel case theory, conducting fact and expert discovery, and briefing and arguing substantive motions, including a successful motion for class certification and three fully-briefed appeals.

Citrix Data Breach Litigation (Southern District of Florida) – Austin was appointed as co-lead counsel in consolidated litigation against technology company Citrix, Inc. after the company suffered a 5-month data breach affecting nearly 24,000 current and former employees. In June 2021, the court approved a \$2.3 million settlement that offers an array of benefits to class members.

NBEO Data Breach Lawsuit (District of Maryland) – Austin was appointed as class counsel on behalf of optometrists who had their personal information compromised by the national optometry board. Following nearly three years of litigation that included a successful appeal, the court approved an “outstanding” \$3.25 million settlement.

Anthem Data Breach Litigation (Northern District of California) – In August 2018, a federal district court granted final approval of a \$115 million settlement to consumers whose personal information was hacked from Anthem Blue Cross/Blue Shield insurance companies. Austin was responsible for overseeing the plaintiff vetting and selection process and subsequent plaintiff discovery efforts.

Home Depot Data Breach Litigation (Northern District of Georgia) – Austin was a key member of the leadership group appointed to represent consumers in multi-district litigation against the Home Depot following a massive data breach affecting more than 60 million consumers. In August 2016, the court approved a final settlement valued at over \$29 million. Austin chaired the team of attorneys tasked with investigating the case and handling all substantive briefing in the litigation.

Target Data Breach Litigation (District of Minnesota) – Austin was a member of the leadership team appointed to represent a class of consumers in multi-district litigation against Target over its massive 2013 data breach affecting more than 40 million consumers. In June 2018, the Eighth Circuit affirmed approval of a settlement valued at \$23 million that provided for \$10 million in cash payments to class members. Austin led nationwide plaintiff vetting and discovery efforts in the litigation.

Recent Litigation Highlights (Sexual Abuse Cases)

\$8.2 Million Verdict for Sexual Assault Victim – Austin served as trial counsel on behalf of a sexual assault victim who sued her assailant for civil assault and battery. On June 14, 2019, a Jackson County, Missouri judge awarded the victim more than \$8.2 million in damages that included \$7.2 million in economic and non-economic damages for her “serious and permanent physical, emotional and personal injuries” and an additional \$1 million in punitive damages.

\$1.5 Million Settlement for Nursing Home Victim - Austin obtained a \$1.5 million settlement on behalf of a client who was sexually assaulted at a nursing home by another resident. The confidential settlement was reached on the eve of trial following extensive fact and expert discovery.

Confidential Sexual Assault Settlement – Austin represented a female employee against her employer after suffering frequent sexual harassment and abuse from customers while on the job. Following an extensive investigation, Austin was able to negotiate a confidential seven-figure settlement for his client.

Confidential Sexual Assault Settlement – Austin represented an underage female employee after she was sexually assaulted by her male manager at work and in the course of her employment. After filing a complaint with the U.S. Equal Employment Opportunity Commission, the parties were able to reach a confidential settlement that received final court approval in May 2019.

Uber Sexual Assault Lawsuit (Jackson County, Missouri) – Austin filed a lawsuit against Uber on behalf of a young woman who was raped by her Uber driver. An investigation revealed that prior to the assault, the driver had been convicted of attempted murder and sentenced to 16 years in prison and other women had complained to Uber about the driver’s assaultive and harassing conduct. After more than 18 months of hard-fought litigation, the case was resolved to the mutual satisfaction of the parties in February 2019.

Appellate Litigation

Clemens v. ExecuPharm Inc., 48 F.4th 146 (3d Cir. 2022) - Austin briefed and argued this appeal which resulted in the unanimous reversal of the dismissal of data breach class action for lack of Article III standing to sue and clarified the contours of data breach "injury" within the circuit.

Reyes v. Experian, 856 Fed.Appx. 108 (9th Cir. 2021) – Obtained reversal of trial court’s reduction of attorneys’ fee award where judge who ruled on fees did not preside over litigation and “settlement was the largest Experian has ever agreed to in a case under the Fair Credit Reporting Act.”

Reyes v. Experian, 773 F. App’x 882 (9th Cir. 2019) – Obtained reversal of trial court’s decision to grant summary judgment in favor of Experian in a class action under the Fair Credit Reporting Act, finding novel theory of liability should be weighed by jury.

Hutton v. National Board of Examiners in Optometry, 892 F.3d 613 (4th Cir. 2018) – Obtained reversal of trial court’s dismissal of data breach class action for lack of Article III standing against national optometry board that denied responsibility for breach.

Moss v. First Premier Bank, 835 F. 3d 260 (2d. Cir. 2016) – Austin briefed and argued an appeal addressing whether Federal Arbitration Act permits appointment of a substitute arbitrator where the contractually-designated arbitrator declines to hear the case. In a published opinion, the Second Circuit affirmed district court’s decision to deny arbitration.

Parm v. National Bank of California, 835 F. 3d 1331 (11th Cir. 2016) – Obtained affirmance of district court's order declining to enforce tribal arbitration agreement because it required arbitration before “an illusory and unavailable arbitral forum.”

Flagg v. First Premier Bank, No. 15-14052 (11th Cir. 2016) – Obtained affirmance of district court's order denying arbitration where the arbitrator designated in agreement stopped accepting consumer arbitration claims.

Affordable Communities of Missouri v. Fannie Mae, 714 F.3d 1069 (8th Cir. 2013) – Obtained reversal of trial court’s dismissal of breach of contract claim on behalf of a real estate developer alleging that Fannie Mae subjected it to wrongful loan pre-payment penalties.

Publications

The Impact of Scalia's Death on Forced Arbitration and Consumer Class Actions, Missouri Lawyers Weekly

Securing Data-Breach Claims, Co-Author, Trial Magazine

Are Parens Patriae Suits Subject to Federal Jurisdiction under CAFA? Co-Author, DRI Feature Article

Resale Price Maintenance After *Leegin*: Why Treating Vertical Price-Fixing as "Inherently Suspect" Is the Only Viable Alternative to the Traditional Rule of Reason, 36 Wash. U. J.L. & Pol'y 289 (2011)

HONORS & RECOGNITIONS

Best Lawyers in America: Commercial Litigation and Personal Injury Litigation: Plaintiffs (2025)

The National Law Journal Elite Trial Lawyers Awards "Rising Star of the Plaintiff Bar" (2023)

Law360 "Rising Star" in Cybersecurity and Privacy Law (2019)

Law360 Cybersecurity & Privacy Group of the Year (2020)

Super Lawyers Missouri & Kansas "Rising Star" in Class Action Litigation (2015-2024)

Missouri Lawyers Weekly 2019 "Top 5 Judgments or Bench Awards"

Missouri Lawyers Weekly "Up & Coming Lawyer" (2016)

COMMUNITY & PROFESSIONAL

The Missouri Bar

Illinois State Bar Association

Kansas City Metropolitan Bar Association (KCMBA)

KCMBA Federal Courts Advocates Section, CLE Committee Chair and Jr. Member at Large (2016-2023)

Lawyers Encouraging Academic Performance (LEAP) for Operation Breakthrough

KCMBA Military Matters pro bono legal services to military veterans

Missouri Association of Trial Attorneys (MATA)

American Association for Justice (AAJ), Past President of Data Breach and Privacy Section

Member of Sedona Conference Working Groups on Data Security and Privacy Liability and HIPAA

EDUCATION

Washington University School of Law in St. Louis, J.D.

- Recipient of Mary Collier Hitchcock Prize, awarded to one student annually for outstanding legal writing
- CALI Award for Excellence in Legal Practice II: Advocacy
- Law Review: Washington University Journal of Law & Policy, Associate Editor

University of Mississippi, B.A.

Political Science, *summa cum laude*

- Honors: Phi Beta Kappa; Phi Kappa Phi

ADMISSIONS

Missouri State Bar

Illinois State Bar

U.S. District Court for the District of Kansas

U.S. District Court for the Eastern District of Missouri

U.S. District Court for the Western District of Missouri

U.S. District Court for the Southern District of Illinois

U.S. Court of Appeals for the 2nd Circuit

U.S. Court of Appeals for the 3rd Circuit

U.S. Court of Appeals for the 4th Circuit

U.S. Court of Appeals for the 8th Circuit

U.S. Court of Appeals for the 11th Circuit

ALEXANDER T. RICKE

PARTNER



T 816.714.7141
ricke@stuevesiegel.com

Alex Ricke advocates for individuals and companies when their livelihoods are on the line. Named one of Law360's 2022 "Rising Stars" for Employment, which honors the top legal talent under the age of 40, Alex has a track record of success representing workers, small businesses and individuals against some of the largest companies in the country.

Alex focuses his practice on three primary areas:

Wage and Hour and Employment. Alex has been co-lead counsel in scores of wage and hour cases around the country. Most recently, Alex has built a reputation representing tipped and minimum wage workers at casinos. He has secured settlements worth more than \$70 million for casino workers, including serving as co-lead counsel in the following class and collective settlements:

- \$12.5 million settlement of tip credit claims for minimum wage workers at two MGM casinos.
- \$9.8 million settlement of tip credit and wage deduction claims for minimum wage workers at three Rush Street Gaming casinos (representing 104 percent of unpaid minimum wages).
- \$6 million settlement of tip credit and wage deduction claims for workers at Wind Creek casino.
- \$5.5 million settlement of tip credit and overtime claims for tipped workers at Rivers Casino Schenectady.
- Approximately \$4.5 million in settlements of tip credit, regular rate miscalculation, and wage deduction claims for minimum wage workers at three Tropicana casino properties.
- \$3.05 million settlement of minimum wage claims for workers at Live! Casino.

Alex is currently advocating on behalf of traveling nurses against staffing companies for "bait-and-switch" pay reduction tactics; healthcare workers who are not paid for all hours worked at Envision Healthcare; and female and minority financial advisors against Edward Jones for wage and opportunity discrimination.

Class Actions. Alex has prosecuted class actions for victims of data breaches, anticompetitive practices, and dangerous and defective products.

Most recently, Alex worked as the lead associate and case manager in securing a settlement worth more than \$56 million for Jackson County and a certified class of Missouri counties seeking the cost of removing and replacing Trinity Industries' 4-inch ET Plus guardrail end terminal from Missouri roads. These devices had been removed from the Missouri Department of Transportation's approved product list and were linked to serious injuries and death at the time Jackson County filed its lawsuit in 2015. Missouri Lawyers Media recognized this result as a top three settlement in the State of Missouri in 2022.

Commercial Litigation. Alex represents plaintiffs—often entrepreneurs or small businesses—in all kinds of commercial disputes. Alex recently represented an executive at a startup for unpaid sales commissions for ongoing business in connection with his departure from the company and severance. Alex successfully settled the case and preserved the client's shares of the company, which were worth several hundred thousand dollars when the company was acquired several months later.

Alex has been named a Super Lawyers "Rising Star" each year since 2016. Prior to joining Stueve Siegel Hanson, he practiced at a boutique complex litigation firm, where he prosecuted business and class action cases nationwide.

EXPERIENCE

Current Cases

Defective Guardrail End Terminal Litigation, Circuit Court of Jackson County: Alex is part of a team serving as class counsel for Jackson County, Missouri and a certified class of government entities seeking to recoup the cost of removing and replacing defective and dangerous end terminals from the manufacturer.

Casino Wage and Hour Litigation, Multiple Jurisdictions: Alex is co-lead counsel in four cases challenging habitual wage and hour violations by casinos and hospitality companies for a variety of wage and hour issues, including failure to provide a tip credit notice before paying a sub-minimum wage, failure to include the tip credit in the regular rate of pay for overtime, permitting managers and supervisors' participation in tip pools, deducting gaming licenses from employees' wages, and improper timeclock rounding.

Equal Pay Act Litigation, *Finefrock, et al. v. Five Guys Operations, LLC*, U.S. District Court for the Middle District of Pennsylvania: In a groundbreaking case, Alex obtained conditional collective certification of a group of female General Managers and Assistant General Managers at Five Guys' corporate-owned restaurants under the Equal Pay Act alleging that our clients and other women were paid less than their male colleagues. *See Finefrock v. Five Guys Operations, LLC*, 2018 WL 4599584 (M.D. Pa. Sept. 25, 2018).

Executive Severance Arbitration: Alex currently represents a former executive at a Fortune 1000 company seeking to recover unpaid severance benefits following a change in control.

Recent Litigation Highlights

Confidential FLSA Collective Action Settlement with Fortune 500 Hospitality Company, U.S. District Court for the Western District of Missouri: Alex was co-lead counsel for approximately 14,000 table games dealers and other tipped employees for violations of the FLSA stemming from failure to provide tip credit notice, failure to include the value of the tip credit in the regular rate of pay for overtime, and timeclock rounding. After defeating a motion to dismiss, briefing class certification, and briefing summary judgment, the case was successfully resolved as a collective action.

DIRECTV Wage and Hour Litigation, Multiple Jurisdictions: Alex was part of the litigation team asserting violations of the FLSA and state wage laws against DIRECTV and associated entities on behalf of satellite installation technicians across more than 50 federal cases. In these cases challenging DIRECTV's fissured employment structure (*i.e.*, engaging independent contractors through intermediaries and denying the employment relationship) and failure to pay minimum wage and overtime, he deposed approximately 30 current and former DIRECTV managers. Parachuting into these cases as needed, Alex also successfully argued several motions in jurisdictions around the country. The cases were successfully resolved in 2018.

Confidential FLSA Collective Action Settlement with Fortune 1000 Hospitality Company, U.S. District Court for the Western District of Missouri: Alex was co-lead counsel for approximately 4,000 table games dealers and other tipped employees for violations of the FLSA stemming from failure to provide tip credit notice, failure to include the value of the tip credit in the regular rate of pay for overtime, and timeclock rounding. While class certification was pending, the case was successfully resolved as a collective action.

Confidential Executive Departure Settlement: Alex and George Hanson represented an executive at a Kansas City-based tech start-up for unpaid sales commissions following the client's departure from the company. They successfully negotiated a pre-suit resolution for the client and successfully retained the client's vested shares in the company, which had a significant valuation when the startup was acquired shortly thereafter.

Data Breach Class Action Settlement, *Hapka v. CareCentrix, Inc.*, U.S. District Court for the District of Kansas: Along with Barrett Vahle, Alex had day-to-day management responsibility for this data breach class action alleging that CareCentrix was negligent in permitting its 2015 W-2 Forms to be released to a third-party fraudster in a "spoofing" attack. After successfully defending against a motion to dismiss and an attempt to engage in absent class member discovery, Plaintiff reached a class action settlement with CareCentrix that was granted final approval in February 2018. In approving the settlement, the Court found it "reflects an outstanding result for the Class in a case with a significant level of risk" and that the "relief compares very favorably to settlements in other data breach class actions." *Hapka v. CareCentrix, Inc.*, 2018 WL 1871449, at *4 (D. Kan. Feb. 15, 2018)

Background Check and Overtime Class Action Settlement, *Criddell v. Premier Healthcare Services, LLC*, U.S. District Court for the Central District of California: Alex prosecuted this case from inception through approval of the class and collective action offer of judgment. The Plaintiff asserted claims for violations of the Fair Credit Reporting Act, FLSA, and California Labor Code against a home healthcare provider. In February 2017, the Court certified the FCRA claim as a class action and conditionally certified the FLSA claim as a collective action. In March 2017, Plaintiff accepted a Rule 68 offer of judgment for \$247,854 for the FCRA class (\$101 per class member with checks mailed directly to class members without the need to submit a claim form) and complete overtime damages to the FLSA collective (like the FCRA class, checks were mailed to directly to FLSA collective members without the need to submit a claim form). On behalf of our firm and co-counsel, Alex also recovered a significant attorneys' fee award separate from and in addition to the class and collective recoveries through a vehemently contested arbitration of the issue, which was then adopted and approved by the Court in January 2018.

Defective Product Litigation Against a Major Automotive Manufacturer, U.S. District Court for the Central District of California: Alex coordinated the litigation team that, in April 2016, secured final approval of a nationwide settlement between a class of owners and lessees of approximately 800,000 class vehicles and a major automotive manufacturer. The lawsuit stemmed from allegations that the steering system in the class vehicles was defective and caused the vehicles to “wander” at highway speeds. The settlement followed extensive written and deposition discovery where Alex deposed five corporate executives. The settlement relief provided cash refunds or repairs to class members who made claims.

Confidential Commercial Litigation Settlement, Confidential Jurisdiction: Alex was part of the litigation team that filed a lawsuit on behalf of a bank holding company against a major bank holding company and one of its subsidiaries. The litigation arose out of a merger agreement between the parties whereby Defendants agreed to purchase Alex’s client. However, the merger failed to obtain regulatory approval due to Defendants’ actions in another market in violation of federal regulations. After defeating a motion to dismiss and engaging in discovery, the case was successfully resolved and the purchase agreement was completed.

Antitrust Class Action Settlement, Circuit Court of Jackson County, Missouri: Alex was a part of the litigation team that, in November 2015, secured final approval of a \$3,500,000 settlement between a certified class of Missouri citizens who had purchased milk and cream products and Defendant. The lawsuit stemmed from one of Defendant’s programs whereby Defendant incentivized member farmers to cull their cattle herds, which artificially increased the price of milk and dairy products in Missouri in violation of the Missouri Merchandising Practices Act.

HONORS & RECOGNITIONS

Chambers USA, Band 2: Labor & Employment: Mainly Plaintiffs

Best Lawyers in America, 2025: Employment Law: Individuals and Litigation: Labor and Employment

Law360 Rising Star, Employment Law, 2022

Missouri & Kansas *Super Lawyers*, Rising Star, 2016-2022

Missouri Lawyers Media No. 3 Top Settlement of 2022 for \$56 million reached in *Jackson County v. Trinity Industries Inc.*

COMMUNITY & PROFESSIONAL

The Missouri Bar

The Illinois State Bar Association

The Kansas Bar Association

Missouri Association of Trial Attorneys

Kansas City Metropolitan Bar Association

The Mizzou Alumni Association

Illinois State Bar

The Missouri Bar

Kansas Bar Association

Kansas City Metropolitan Bar Association

EDUCATION

University of Missouri School of Law

J.D., 2012

University of Missouri

Bachelor of Journalism, 2009

ADMISSIONS

Missouri, 2012

Illinois, 2013

Kansas, 2014

U.S. District Court Western District of Missouri, 2012

U.S. District Court Eastern District of Missouri, 2012

U.S. District Court District of Kansas, 2013

U.S. District Court District of Colorado, 2015

U.S. District Court Southern District of Indiana, 2020

U.S. Court of Appeals 7th Circuit, 2022

YASMIN ZAINULBHAI

SENIOR COUNSEL



T 816.714.7145
zainulbhai@stuevesiegel.com

Yasmin Zainulbhai's practice is focused on legal writing, research, and strategy, including drafting substantive memoranda and appellate briefs.

Yasmin honed her legal writing and analysis skills while serving as a law clerk to Judge Jon O. Newman of the United States Court of Appeals for the Second Circuit and to Judge Ann M. Donnelly of the Eastern District of New York.

Prior to joining Stueve Siegel Hanson, Yasmin's work spanned both public and private practice. She served as an Assistant Corporation Counsel to the City of New York, in its Appeals Division, and practiced commercial litigation for several years at Patterson Belknap Webb & Tyler in New York City. She is committed to pro bono work, with a particular interest in serving children and protecting the procedural and substantive rights of criminal defendants.

Since joining Stueve Siegel Hanson in 2022, Yasmin has briefed multiple appeals before the Eighth and Ninth Circuits. Her practice has also focused on the firm's cases seeking to rectify wage and hour violations in the travel nurse staffing industry. To that end, she has served as lead drafter on motions challenging arbitration agreements, motions for collective certification, and oppositions to motions to dismiss the travel nurse plaintiffs' substantive wage-and-hour and class claims in jurisdictions throughout the country.

EDUCATION

Fordham University School of Law

J.D., *magna cum laude*, 2009

- Louis Stein Law & Ethics Scholar
- Fordham Urban Law Journal
- Archibald R. Murray Public Service Award

Wesleyan University

B.A., College of Letters, 2004

ADMISSIONS

Missouri

New York

U.S. District Court Southern District of New York

U.S. District Court Western District of Missouri

U.S. Court of Appeals 2nd Circuit

U.S. Court of Appeals 9th Circuit

CRYSTAL COOK LEFTRIDGE

ATTORNEY



T 816.714.7107
cook@stuevesiegel.com

Crystal Cook Leftridge advocates for workers who have been taken advantage of by their employers. She represents individuals in a broad range of wage and hour litigation, including allegations of unpaid overtime, off-the-clock work, misclassification, and gender wage discrimination.

One hallmark of her practice was Fair Labor Standards Act (FLSA) litigation against DIRECTV. The litigation stemmed from claims of minimum wage, overtime and misclassification violations; it ultimately involved more than 3,000 plaintiffs in two collective actions and hundreds of individual cases filed nationwide. Crystal managed more than 600 depositions and endless discovery in the DIRECTV disputes, which resolved in a series of favorable settlements.

Although Crystal focuses primarily on wage and hour litigation, she also brings her litigation experience – and passion for justice – to Stueve Siegel Hanson's Dangerous Prescription Drugs Practice. She has handled large-scale class action lawsuits and mass tort actions involving Taxotere, Risperdal and other pharmaceutical products. Recently she has been heavily involved in a case where she and a team of attorneys are representing service members and veterans who suffered hearing loss following the use of allegedly defective earplugs that company 3M knowingly distributed to the military.

Crystal brings strong communication and organization skills to every case – skills she honed before law school as an Executive Assistant in the White House. During her two years at the White House, Crystal's duties included correspondence, curation and event planning; she credits her experience working with heads of state for her ability to be unflappable even in the most high-stakes or high-stress litigation.

Crystal frequently presents on legal career options to students in her hometown of Hays, Kansas, and her alma mater schools, Fort Hays State University and the University of Kansas School of Law. Crystal is also an adjunct professor at Fort Hays State University where she teaches an online upper-level course of American Civil Liberties. She is a mentee in the Association of Women Lawyers' Denise Henning Connections program; a graduate of the Kansas City Metropolitan Bar Association Leadership Academy; and a tutor for grade school students through Lawyers Encouraging Academic Performance.

EXPERIENCE

Wage and Hour

Travel Nurse Litigation – Crystal is on the team challenging habitual breach of contract and wage and hour violations by travel nursing agencies. The team is holding travel nursing agencies accountable for mid-contract pay rate changes and a variety of wage and hour issues (both federal and state), including failure to include weekly stipends and other wages in the regular rate of pay for overtime. Crystal works closely with our travel nurse clients as we investigate violations against multiple travel nurse agencies across the country.

DIRECTV– Crystal is the case manager for numerous of the individual cases filed on behalf of nearly 400 plaintiffs in over 35 federal courts across the country (including Arizona, California, Colorado, Florida, Illinois, Indiana, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin). The firm is representing these individuals in their FLSA claims including minimum wage, overtime, and misclassification violations against DIRECTV, DirectSat USA, LLC, MasTec North America, and Multiband Corp.

Arndt et al. v. DIRECTV, Inc.- Crystal is a member of the firm's team pursuing this FLSA collective action in Arbitration against DIRECTV for failure to pay W-2 installation technicians for the time they spent completing mandatory tasks before, after, and during their work day, as well as miscalculating their overtime pay.

Prescription Drug and Defective Device Litigation

Crystal is on the firm's legal team representing clients in their legal claims against pharmaceutical companies and manufacturing companies. Crystal plays an integral role in managing our thousands of individual clients through the intake, vetting, discovery, and settlement process.

Kimberly-Clark (ND TX) Crystal helps to oversee the complex case management of the class action and individual personal injury claims against Kimberly-Clark on behalf of consumers of the recalled Cottonelle flushable wipes. The recall involved a bacteria detected in the Cottonelle products leading to both economic losses and personal injury claims on behalf of consumers across the country and Canada.

3M Combat Earplugs Multidistrict Litigation (ND Fla.) Crystal also manages our service-member clients in the 3M Combat Earplugs Multidistrict Litigation. We represent service members from across the country who wore the 3M Combat earplugs and then suffered from hearing loss and tinnitus.

Additionally, Crystal works on the litigation teams representing individuals that were prescribed Testosterone Replacement Therapy, Proton Pump Inhibitors, and Taxotere, a breast cancer drug.

Data Breach

Marriott Data Breach Litigation (D. Maryland) Crystal works on our litigation team representing consumers in the multi-district litigation against Marriott and Starwood Hotels following a four-year long data breach compromising 383 million guest records.

In Re: The Home Depot, Inc. Customer Data Security Breach Litigation (N.D. Georgia) (Data Breach Litigation) – Crystal is a member of the leadership group appointed to represent consumers in multi-district litigation against The Home Depot, Inc. following a massive data breach that compromised the payment card data of 40 million U.S. customers and e-mail address of 52-53 million U.S. customers. In March 2016, the Court preliminarily approved a settlement creating a \$13 million cash fund for customers who suffered out-of-pocket losses, unreimbursed charges, or time spent remedying issues related to the Home Depot data breach. Home Depot also agreed to fund 18 months of identity theft monitoring services for customers who had their payment card data compromised, and significantly upgrade its data security practices.

In Re: Target Consumer Data Security Breach Litigation (D. Minnesota 2015) (Data Breach Litigation) – Crystal was a member of the leadership team appointed to represent a class of consumers in multi-district litigation against Target Corp. following the announcement that hackers had stolen the personal and financial information of millions of Target customers. In November 2015, the district court approved final settlement providing for monetary relief of \$10 million to consumers nationwide and injunctive relief requiring Target to significantly improve its data security practices. The settlement was recognized by *Missouri Lawyers Weekly* as one of the largest out-of-state settlements in 2015.

HONORS & RECOGNITIONS

Best Lawyers in America: Ones to Watch – 2024-2025

Missouri Lawyers Media Women's Justice Awards, Litigation Practitioner Award – 2022

Kansas/Missouri Super Lawyers "Rising Stars" – 2019-2023

CALI Awards of Excellence for the Top Grade in Construction Law

COMMUNITY & PROFESSIONAL

Association for Women Lawyers (AWL) – Board of Directors 2023-present; Golf Tournament Committee 2018-present

American Association of Justice and Women’s Trial Lawyer Caucus

American Heart Association – Circle of Red Member 2024

KC Infertility Board Member – 2025

KCMBBA - Federal Courts Advocates Section; Bar Leadership Academy

KCMBF Military Matters – Committee Member 2020-2022; 5K Planning Committee 2019-2022

AWL Denise Henning Connections Mentee, Class of 2018

AWLF - 2020 Service Project Committee

LEAP for Operation Breakthrough

LAKC – Member

Missouri Bar – Member

Kansas Bar – Member

EDUCATION

University of Kansas School of Law

J.D., 2013

Fort Hays State University

B.A., 2007

- Honors: Cum Laude; Phi Sigma Alpha

ADMISSIONS

Colorado

Kansas

Missouri

U.S. District Court Eastern District of Arkansas

U.S. District Court Western District of Arkansas

U.S. District Court District of Colorado

U.S. District Court Northern District of Florida

U.S. District Court Western District of Missouri

U.S. District Court Eastern District of Wisconsin

U.S. District Court Eastern District of Michigan

K. ROSS MERRILL

ATTORNEY



T 816.714.7136
merrill@stuevesiegel.com

Ross Merrill represents businesses and individuals in a wide array of disputes, namely as to breach of contract, fraud, unfair business practices, and lost profits. He specializes in complex litigation in state and federal court, where he leverages his experience and background in behavioral economics to build his client's best case.

Before joining the firm in 2020, Ross spent five years in "Big Law," as a general liability litigation associate at an international AmLaw 100 firm, defending construction and product defect cases. While there he acquired valuable knowledge of defense firms' playbook – insight that he now uses to drive litigation strategy from the plaintiffs' side at Stueve Siegel Hanson.

Since joining the firm, Ross has handled numerous individual and class, collective, and representative cases. In 2022, he helped dairy farms win a \$55 million dollar settlement against one of the largest producers of robotic milking systems in the world, DeLaval. In that case, numerous U.S. dairy farms came forward with the same problem, an allegedly defective robot (the VMS Classic), sold in the U.S. from roughly 2008 to 2018. After investigating the issues, including extensive e-discovery, depositions, and expert testimony, Ross helped reach a class settlement compensating farms with mostly six- and seven-figure lump sum cash payments.

In 2023, following the DeLaval settlement, Ross helped another group of dairy farms win a \$122 million settlement against the largest producer of robotic milking systems in America, Lely. This time an even larger group of farms came forward with another allegedly defective robot from the same era of robotic milking (the Astronaut 4 or A4), sold in the U.S. from roughly 2011 to 2018. Once again, Ross helped reach a class resolution after investigating the case, taking part in a settlement that provided the option of cash payments or a trade-in program.

Understanding that some farms wanted to continue using robotic milkers from Lely, the next generation model (the A5), Ross advocated for a flexible business solution that ultimately provided farms with brand new A5s at a significant discount, saving them hundreds of thousands of dollars apiece.

In addition, Ross has handled and continues to handle a variety of cases in the healthcare and agricultural sectors. Since 2020, Ross has been on the firm's dairy team, prosecuting both class and individual cases for dairy farms. The dairy team has reached numerous settlements and continues to litigate on behalf of dairy farmers in state, federal, and bankruptcy court.

Since 2022, Ross has also been on the firm's travel nursing team, investigating the staffing agencies who place travel nurses on temporary assignments at hospitals and other facilities across the country only to change or disregard the pay rates in their contracts once they travel to location and have little choice but to continue working at reduced rates. The travel nurse team has initiated legal action – individual, class, collective, and representative actions, as well as arbitrations – against over ten agencies for certain unfair business practices and labor code violations.

HONORS & RECOGNITIONS

Best Lawyers in America: Ones to Watch, 2023-present

EDUCATION

University of Missouri-Kansas City School of Law

J.D., 2015

- Honors: Dean's List; Top Oralist, Oral Argument Competition; National Moot Court Team and Negotiation Team

University of Pennsylvania

B.A., 2011

- Division I Men's Golf Team

ADMISSIONS

Missouri

U.S. District Court for the Western District of Missouri

U.S. District Court Western District of Michigan

U.S. Court of Appeals 11th Circuit

District of Columbia



STUEVE SIEGEL HANSON

460 Nichols Road, Suite 200
Kansas City, Missouri 64112
stuevesiegel.com
816.714.7100



Appendix 2

Stueve Siegel Hanson Expenses Through May 20, 2025

Expense Category	Amount
Internal Print & Copy	\$280.20
Postage	\$8.53
Meals	\$3,593.99
Court fees	\$1,354.00
Experts/Consultants	\$2,712.50
Mediators	\$14,650.00
Online Research (PACER)	\$9.10
Online Research (Westlaw)	\$50,219.79
Data Hosting/Storage	\$252.30
Airfare	\$2,671.68
Federal Express/UPS	\$58.39
Ground Transportation	\$719.22
Lodging	\$2,163.46
Total:	\$78,693.16

Tousley Brain Stephens Expenses Through May 20, 2025

Expense Category	Amount
Reproductions	\$.22
Messenger	\$160.00
Online Research	\$316.39

Travel	\$3,639.85
Total:	\$4,116.46