

Exhibit E

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DANIEL FINERMAN and DONNA
DEVINO, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

MARRIOTT OWNERSHIP RESORTS,
INC., a foreign corporation, and
INTERNATIONAL CRUISE &
EXCURSION GALLERY, INC., a foreign
corporation,

Defendants.

CASE NO: 3:14-cv-1154-J-32MCR

**DECLARATION OF STEVEN TEPPLER IN SUPPORT OF MOTION FOR
AN AWARD OF ATTORNEYS' FEES, COSTS AND EXPENSES**

Steven W. Teppler, hereby declares under penalty of perjury and pursuant to 28 U.S.C. § 1746 as follows:

1. I lead the Complex and Technology Related Litigation practice at the Abbott Law Group. Abbott Law Group's offices are located in Jacksonville Florida; however, the firm's practice is nationwide. Abbott Law Group is comprised of outstanding trial lawyers who have recovered multiple seven figure verdicts. Importantly, Abbott Law Group attorneys are also engaged in both practice and educational activities in connection with The Florida Bar, the American Bar Association, and various law schools. Abbott Law Group attorneys have extensive

involvement in engaged in cutting edge litigation involving cybersecurity, computer forensics, and electronic discovery.

2. My practice – which spans over 37 years, began with a small commercial law firm in New York City, and has also included in-house finance-related positions at Smith Barney Harris Upham, and the Federal National Mortgage Association. I hold six patents in the field of cryptography, began my involvement in electronic discovery in 1998, and have been involved in technology related litigation since 1999. I have been involved in class action and mass tort matters since 2009. Drawing from this varied experience, I started the complex litigation practice at the Abbott Law Group in 2014, and have since represented consumers, businesses, and municipalities in a numerous class actions involving such diverse claims and topics as data breaches, defective pharmaceutical and other products, common law fraud, deceptive trade practices, and consumer privacy. The following are representative matters in which I am or have been involved.

3. I serve on the Plaintiffs’ Executive Committee in *In re: Intuit Data Litigation*, 15-cv-1778 (N.D. Cal.), which involves various types of tax refund fraud affecting millions of U.S. Taxpayers.

4. I have been appointed to serve on the Plaintiffs’ Steering Committee (discovery and electronic discovery) in *In re: Onglyza (Saxagliptin) and Kombiglyze XR (Saxagliptin and Metformin) Products Liability Litigation*, MDL 2809 (E.D. Ky.)

5. I serve as co-lead counsel in *Payne, et. al., v. Amazon.com, Inc.*, 2017-cv-02313 (D. S.C.) and in *Heise, et al., v. Europtics, Inc.*, 2017-CV-33274 (Denver District Court). These cases involve the sale of potentially millions of glasses that are alleged to be unsafe for viewing solar eclipses.

6. I serve as a member of the Plaintiffs' Steering Committee (electronic discovery) in *In Re: Benicar (Olmesartan) Products Liability Litigation*, MDL 2606 (D. N.J.), and in the related New Jersey complex matter *Rahman et al., v. Daiichi Sankyo, Inc., et al.* Consolidated Docket No. ATL-L-504014, where I negotiated the stipulations directed to protocol for the discovery of electronically stored information, search terms and methodology context, and protective orders.

7. I serve as co-lead counsel in *Surfside Non-Surgical Orthopedics P.A. v. Allscripts Healthcare Solutions, Inc.*, 18-cv-00566 (N.D. Ill.), and representing a proposed class of healthcare providers who suffered prolonged significant or total business interruption as a result of a "ransomware" attack incident affecting defendant Allscripts. I also direct, on behalf of Plaintiff and the proposed class, negotiations involving electronic discovery, search terms and methodology, and other early discovery related context-setting stipulations.

8. I serve as co-counsel in *Orr, et al., v. International Hotels Group, PLC, et al.*, 17-cv-01622 (N.D. Ga.), a data breach matter which resulted in payment card information used to make fraudulent debit card charges.

9. I serve as co-counsel for the City of Sarasota, Florida and the City of Palmetto, Florida in *In re: National Prescription Opiate Litigation*, MDL 2804 (N.D. Ohio). I previously represented the City of Sarasota in *In Re: Oil Spill Rig by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.)

10. I serve as co-counsel in *In re: vTech Data Breach Litigation*, 1:15-CV-10889 (N.D. Ill.), a data breach case involving a high technology interactive product and service that exposed children's' names, dates of birth, pictures and addresses to the world.

11. I served as lead counsel in *Archer-Hayes, et al., v. Toytalk Inc., and Mattel, Inc. et al.*, BC-603467 (L.A. Sup. Ct.), which involved an artificial intelligence-enhanced interactive doll that recorded, collected, stored and used recordings of children's voices without their consent. The complaint alleged that the recording, collection and non-consensual use of these recording violated various consumer fraud statutes as well as the Child Online Privacy Protection Act (COPPA) 15 U.S.C. § 6501 *et. seq.*

12. I represented the Illinois Consumer Class plaintiff *In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.) and assisted in the discovery process for that plaintiff. The settlement in the Target consumer litigation, which received final court approval in 2015 (now on appeal, oral argument has been held), provides a \$10 million non-reversionary fund for distribution to consumers and important equitable relief to protect consumers' privacy rights.

13. I am currently a member in good standing of the bars of Florida, New York, Illinois, and the District of Columbia, and of all the bars to which I have been admitted, including the United States Supreme Court, the United States Court of Appeals for the Second, Eleventh and District of Columbia Circuits, the United States District Courts of the Northern, Middle and Southern Districts of Florida, the Southern, Eastern, and Western Districts of New York, the District of Columbia, and the Northern District of Illinois.

14. I teach Electronic Discovery and Information Governance as an Adjunct Professor at Nova Southeastern University School of Law and at Ave Maria Law School and have written extensively on issues pertaining to the discovery, preservation, authentication and security of electronically stored information.

15. I am the current co-chair of the American Bar Association (“ABA”) Information Security Committee, a member (and founding past-co-chair) of the ABA’s Internet of Things Committee, a member and founding past co-chair of the ABA’s Electronic Discovery and Digital Evidence Committee. I am also member and co-chair of the Electronic Discovery Committee of Business Law Section of the Florida Bar, which contributed to the drafting of the 2012 electronic discovery amendments to the Florida Rules of Civil Procedure. I am also a past co-chair and newly appointed current member (as of July 2018) of the Florida Bar’s Standing Committee on Professional Ethics. During my prior service on (and during 2013-2014 as an advisor to) that committee, I made substantial contributions to four professional ethics advisory opinions directed to technology related issues (AO-06-2 [Metadata Mining]; AO-07-2 [Offshoring]; AO-10-2 [Storage Media Sanitization]; and AO 14-1 [Social Media Preservation]).

16. John Yanchunis brought my firm, and me in particular, into this case to handle the all aspects of the electronic discovery needs of this, and for the most part, the focus of my activities was restricted to that function. In this case, I engaged in extensive separate and dissimilar sets of meet and confer negotiations involving electronic discovery, ESI protocols, search terms and methodology with counsel for both ICE and MORI. These negotiations were complicated and protracted in no small part owing to Defendant ICE’s multiple counsel substitutions during the course of this litigation. Plaintiffs’ counsel also prepared, and negotiated subpoenas duces tecum, as discoverable and highly relevant ESI from non-parties was sought during the course of this litigation.

17. Negotiating and obtaining discovery from both the ICE and MORI defendants was intensive and ongoing, and involved the review of more than 24,000 pages of documents and records in which Plaintiffs’ counsel actively and significantly participated. Plaintiffs’ counsel

assisted in the preparation of various discovery requests and discovery related motions, including 3 motions to compel, a motion to stay).

18. In addition, and among other tasks, my firm prepared for and defended the depositions of one of the named Plaintiffs, Donna Devino, in New Jersey and prepared for and took the deposition of one of Defendant's experts. Plaintiffs' counsel also prepared for, attended, and participated in two mediation sessions in Orlando, Florida.

19. My hourly rate has increased over time based on my experience and my accomplishments in my practice. My rate of \$800 per hour which I charge for my time is commensurate with hourly rates charged by my contemporaries around the country, including those rates charged by lawyers with my level of experience who practice in the area of class litigation across the nation. F. Catfish Abbott is a trial attorney with more than 38 years of experience handling complex single event catastrophic injury claims, and lectures nationwide on matters related to jury selection. Mr. Abbott's rate of \$850 per hour is commensurate with attorneys of similar experience and accomplishments. Brittany R. Ford is an associate with Abbott Law Group, a 2015 graduate of the University of Miami Law School, and was the Online Editor of the University of Miami Law Review. Ms. Ford's rate of \$350 per hour is commensurate with her experience. Sandra O'Neill (nee Hartman) provided three hours of paralegal work in this matter. Her billing rate of \$125 per hour is commensurate with her 27 years of experience. Prior to submitting the motion for attorneys' fees, costs and expenses, I compared and confirmed our hourly rate with lawyers at other law firms whose practice is focused on class litigation.

20. Again, based upon my research, our rates are within the range of lawyers with our level of experience.

21. My firm's lodestar of 781.2 hours as of May 1, 2018 amounts to \$442,000. Other law firms have also represented Plaintiffs and the class and have spent cumulatively a significant amount of time in the case. Additional time will be spent to prepare for and attend the fairness hearing, defend any appeals taken from the final judgment approving settlement, and ensure that the distribution of settlement proceeds to class members is done in a timely manner in accordance with the terms of the settlement. I assert that the attorneys' fees sought in the motion for attorneys' fee is reasonable and seeks fair and reasonable compensation for undertaking this case on a contingency basis, and for obtaining the relief for Plaintiffs and the class. By the time all of these tasks are performed, lodestar will more than likely exceed the sum of \$450,000. As set forth in the Settlement Agreement, the attorneys' fees, costs and expenses sought in this motion will not reduce the benefits payable to the class.

22. The chart below reflects the amount of time spent by me and members of my firm in the prosecution of this case:

Name	Title	Hourly Rate	Time Spent	Total Billed
Steven W. Teppler	Attorney	\$800	314.90	\$251,920.00
F. Catfish Abbott	Attorney	\$850	55.10	\$46,835.00
Brittany R. Ford	Attorney	\$350	408.20	\$142,870.00
Sandra O'Neill (nee Hartman)	Paralegal	\$125	3.0	\$375.00
Total				\$442,000.00

23. A breakdown of my firm's costs and expenses are reflected below.

Description	Subtotals	Totals Per Category
Professional Services		
Federal Express/Couriers	\$ 153.37	
Court Reporter	\$1755.58	
Process Server	\$60.00	
Misc. Admin.	\$128.95	
	Total	\$ 2,097.90
Travel Expenses		
Steven Teppler	\$935.21	
F. Catfish Abbott	\$1,990.15	
	Total	\$ 2,925.36
	Grand Total	\$ 5,023.26

24. Additional costs and expenses will be incurred before our work is done in this case, as is true of the additional services which we will provide to the class.

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

Executed this 2nd day of May, 2018 at Jacksonville, Florida.

By: 
 Steven W. Teppler, Esq.