

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

<p>JADYN NEWMAN, individually and on behalf of classes of similarly situated individuals,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>AUDIENCEVIEW TICKETING CORPORATION and UNIVERSITYTICKETS.COM, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 1:23-cv-03764-VEC</p>
<p>RICHARD Z. TOLEDO, individually and on behalf of classes of similarly situated individuals,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>AUDIENCEVIEW TICKETING CORPORATION and UNIVERSITYTICKETS.COM, INC.,</p> <p style="text-align: center;">Defendants.</p>	

DECLARATION OF KILEY GROMBACHER

I, Kiley Grombacher, swear and state as follows:

1. I am a partner at the law firm Bradley Grombacher LLP, counsel of record for Plaintiffs in this matter. I am a member in good standing of the bar of the State of California, among others. My firm has been appointed as Lead Counsel in this case by the Court, working alongside Glancy Prongay & Murray LLP ("GPM"). Attached hereto as **Exhibit A** is a true and correct copy of our firm's resume. I respectfully submit this Declaration in Support of Plaintiffs' Motion for Attorneys'

Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards. I have personal knowledge of the facts set forth in this affidavit, and if called upon to testify, I could and would competently testify thereto.

2. I believe that the requested fee and expense award, which represents 30% of the Settlement Fund, is fair and reasonable under New York state and federal court precedent, particularly considering the risks Plaintiffs faced in litigating this matter and the substantial relief obtained for Class Members.

3. As a partner at Bradley Grombacher LLP, I have been integrally involved in every aspect of this case since its inception. Bradley Grombacher LLP is a nationally recognized plaintiffs' firm specializing in complex litigation, including data breach, consumer protection, and employment law cases. Our firm has a proven track record of obtaining meaningful results in high-stakes class actions. Since the inception of this case, I have been actively involved in all stages of the litigation. This includes overseeing the drafting of the consolidated complaint, addressing Defendants' motion to dismiss, and preparing the First Amended Complaint to strengthen Plaintiffs' claims, preparing for and participating in mediation and subsequent settlement negotiations. I worked closely with the Honorable Morton Denlow during mediation, where substantive relief for the Class was negotiated in an adversarial and arms-length process. I also led the drafting and filing of the Motion for Preliminary Approval of the Settlement, ensuring compliance with Court requirements and effectively advocating for the interests of the Class.

4. The work undertaken by Bradley Grombacher LLP, in conjunction with GPM, required substantial time and resources. The legal and factual issues presented in this case, arising from a sophisticated data breach, were highly complex. These issues necessitated extensive legal research and analysis on data breach jurisprudence, standing, causation, and class-wide damages. Given the

novel legal questions and the evolving legal landscape surrounding data security cases, this litigation posed significant risks to recovery.

BACKGROUND OF THE LITIGATION

5. This litigation commenced in May 2023 when Plaintiff Jady Newnman, through my office filed the initial complaint in the United States District Court for the Southern District of New York. Shortly thereafter, Plaintiff Richard Toledo, through the law office of Mastando and Artrip and GPM, filed a related action, which was consolidated with Newman's case.

6. The consolidated complaint alleged that Defendants AudienceView Ticketing Corporation and UniversityTickets.com, Inc. failed to maintain adequate data security practices, resulting in a data breach in February 2023 that compromised the Payment Card Information ("PCI") of over 13,000 individuals, including cardholder names, payment card numbers, and expiration dates.

7. Defendants filed a motion to dismiss the consolidated complaint on October 2, 2023, challenging Plaintiffs' standing and the adequacy of their claims. I worked closely with co-counsel to craft a comprehensive response to Defendants' arguments, culminating in the filing of the First Amended Complaint on October 16, 2023. This amended filing strengthened the allegations regarding Defendants' failure to implement industry-standard data security measures, mooted the pending motion to dismiss and enabling the case to proceed.

8. Throughout the litigation, Bradley Grombacher LLP has been instrumental in coordinating discovery, negotiating with opposing counsel, and addressing substantive legal challenges. Our efforts culminated in settlement discussions that began in early 2024 and intensified during a formal mediation session held on May 28, 2024, before the Honorable Morton Denlow. During these negotiations, I worked directly with co-counsel to advocate for the Class, ultimately securing

meaningful monetary compensation and substantial data security improvements for Class Members.

Work on the Motion for Preliminary Approval

9. After the settlement agreement was reached, I led the preparation of the Motion for Preliminary Approval of the Settlement. This required detailed review and revision of the settlement terms, and preparation of the notice documents to ensure compliance with federal and local rules. The motion was filed in September 2024 and was subsequently granted by the Court.

10. Since the Preliminary Approval Order, I have continued to monitor the settlement administration process. My work continues to include preparing for the upcoming Fairness Hearing, scheduled for April 10, 2025, and overseeing the distribution of settlement benefits to Class Members.

CLASS COUNSEL'S HOURS, LODESTAR, AND EXPENSES

11. Bradley Grombacher LLP has collectively expended 86.3 hours in prosecuting this matter, amounting to a total lodestar of \$70,620 at an average hourly rate of \$775. These hours reflect the substantial efforts undertaken by Bradley Grombacher attorneys and professional staff to litigate and resolve this complex class action efficiently and effectively.

12. A chart with the billing is attached hereto as **Exhibit B**.

13. Bradley Grombacher LLP's hourly rates are consistent with market rates charged by attorneys of similar experience and expertise in complex class action litigation. Courts within New York and across the country routinely approve rates comparable to or higher than those requested here. The requested lodestar reflects reasonable and necessary time spent by Bradley Grombacher LLP in successfully resolving this matter. If requested, Class Counsel's voluminous time and billing records can be made available upon request for the Court's review.

14. In addition to time expended, Bradley Grombacher LLP has incurred \$7,411.58 in unreimbursed litigation expenses, including costs for court filings, mediation fees, expert consultations, travel expenses, legal research, and document production. These expenses were reasonable and necessary to achieve the successful outcome obtained for the Class. Attached as **Exhibit C** is a true and correct copy of the expenses incurred.

VALUE OF THE SETTLEMENT RELIEF

15. The total value of the Settlement to Class Members is approximately \$435,000. This figure includes payments for Out-of-Pocket Losses (up to \$5,000), Attested Time claims (up to \$100), and Alternative Cash Payments (\$75 per claimant). Importantly, the Settlement Fund is non-reversionary, ensuring that all funds will be distributed to benefit the Class.

16. Additionally, the Settlement requires Defendants to implement enhanced data security measures designed to prevent future breaches. These measures add substantial value to the Settlement by reducing the risk of future harm to Class Members.

CLASS REPRESENTATIVE SERVICE AWARDS

17. The Settlement provides for Service Awards of \$3,500 each for Plaintiffs Jady Newnman and Richard Toledo. These awards recognize the time, effort, and commitment demonstrated by the Class Representatives in pursuing this litigation on behalf of the Class.

18. Both Plaintiffs actively participated in the case by providing information for the pleadings, assisting in discovery, remaining informed about case developments, and contributing to the successful resolution of the matter. The requested Service Awards are reasonable and consistent with awards granted in comparable class action settlements.

CONCLUSION

19. Based on my experience and knowledge of this case, I believe that the requested attorneys' fees, litigation expenses, and Service Awards are fair, reasonable, and justified considering the risks undertaken, the complexity of the issues presented, and the significant relief obtained for the Class. It is my opinion that all the Second Circuit factors support the fee request.

Dated: December 30, 2024

/s/ Kiley Grombacher

Kiley Grombacher
Bradley Grombacher LLP
31365 Oak Crest Drive, Suite 24
Westlake Village, California 91361
Phone: (866) 881-0403
Email: kgrombacher@bradleygrombacher.com

EXHIBIT A



BRADLEY/GROMBACHER LLP

www.bradleygrombacher.com

Bradley/Grombacher LLP (the "Firm") is a law firm based in Los Angeles, California. The Firm is actively engaged in complex litigation, emphasizing on consumer, human rights, and employment class actions. The Firm is well-respected for both the zealous advocacy with which it represents its clients' interests, as well as, the highly-professional and ethical manner by which it achieves results. The Firm's unparalleled experience and capabilities in these fields are based upon the talents of its attorneys who have successfully prosecuted hundreds of class-action lawsuits.

Bradley/Grombacher LLP was formed in 2016, and, since that time, the Firm has recovered more than Fifty Million dollars (\$50,000,000) for injured class members. Prior to such formation, the Partners at Bradley/Grombacher LLP were instrumental in recovering over Eight Hundred Million dollars (\$800,000,000) on behalf of workers and consumers including the following settlements:

- a. **Gutierrez v. State Farm Mutual**, Superior Court for the State of California, County of Los Angeles. The case settled for \$135 million just prior to trial.
- b. **Bednar v. Allstate Insurance Company**, Superior Court for the State of California, County of Los Angeles. The case settled for \$120 million just prior to trial.
- c. **Roberts v. Coast National Insurance**, Superior Court for the State of California, County of Orange. The case settled at arbitration for an amount in excess of \$18 million.
- d. **CNA Class Action Litigation**, Superior Court for the State of California, County of Los Angeles. The case settled for \$33 million.

- e. **Dotson v. Royal SunAlliance**, Superior Court for the State of California, County of Orange. The case settled for \$12.3 million.
- f. **Parris v. Lowe's Home Improvement**, Superior Court for the State of California, County of Los Angeles. The case settled for \$29.5 million.
- g. **Pardo v. Toyota Motor Sales, et al.**, Superior Court for the State of California, County of Los Angeles. The case settled for \$7.75 million.
- h. **Smith/Ballard v. Wal-Mart Stores, Inc.** The action was certified and settled for \$86 million.
- i. **Hoyng v. AON**, Superior Court for the State of California, County of Los Angeles. The case settled for \$10.5 million.
- j. **Heather Stern et al v. New Cingular Wireless Services Inc.**, United States District Court for the Central District of California. Class action settlement worth up to \$250 million.
- k. **In Re Bank of America Wage and Hour Employment Practices Litigation**, MDL 2138, United States District Court for the District of Kansas. The case settled for \$73 million.
- l. **H & R Block Litigation**, United States District Court for the Northern District of California. Class certified, and settlement of \$35 million.
- m. **Roberts v. TJ Maxx of CA LLC.**, United States District Court for the Northern District of California. Class action settlement of \$8.5 million.
- n. **Brenner v. Kevita, Inc.**, Superior Court, State of California, County of Ventura (Case No. 56-2017-00502340-CU-FR-VTA). Settlement with total estimated value of available monetary benefits that could have been claim equaling more than \$5,000,000 and injunctive relief valuing between \$26,200,446.76 and \$34,397,145.69.

Principals



Kiley Lynn Grombacher

Kiley Grombacher been a member of the State Bar of California since 2006.

Ms. Grombacher's involvement in various forms of class action litigation spans more than a decade during which time I have litigated hundreds of class actions. Ms. Grombacher began my legal career at Arias, Ozzello & Gignac where I specialized in and gained extensive experience litigating consumer cases. Thereafter, Ms. Grombacher joined Marlin & Saltzman in 2010 where she focused her practice almost exclusively on class, collective and enforcement actions including the reported case, *Faulkinbury v. Boyd & Associates*, which clarified the holding in a seminal case, *Brinker Restaurant Corp. v. Superior Court* to establish that legality of certain company policies could be determined on a class-wide basis even if the application of the polices varies by individual.

Ms. Grombacher has been appointed either lead or co-lead counsel including cases in multi-district litigation or coordinated proceedings where I worked collaboratively and cooperatively with co-counsel to bring about an efficient and beneficial resolution for all class members as the above results demonstrate.

Ms. Grombacher has argued cases before trial courts and courts of appeal. Her writings on legal topics pertaining to class and representative actions have appeared in professional publications and she has been called upon to speak at conferences and seminars for professional organizations. I have also been honored as a Rising Star and/or Super Lawyer in the area of class actions by Los Angeles Magazine for multiple years including the current year.



Marcus Bradley

Marcus Bradley is the founder and senior partner of Bradley/Grombacher LLP. An accomplished trial attorney with more than 22 years of litigation experience, Mark represents clients in matters including complex consumer litigation, class actions, mass torts, product liability, personal injury, and more. e is licensed to practice in all California

state courts and the U.S. district courts for the northern, central, southern and eastern districts of California as well as the U.S. Court of Appeals for the Ninth Circuit.

Active in professional organizations, Mark is a member of the American Association for Justice, the Consumer Attorneys of California, the Consumer Attorneys of Los Angeles, the Los Angeles County Bar Association, and The State Bar of California, among other groups. He also participates in numerous charitable and community organizations.

Mark's writings on legal topics have been widely published and he is frequently called upon to speak at conferences and seminars for professional organizations.

EXHIBIT B

Bradley Grombacher LLP- Hour/Lodestar Summary
Newman v Audienceview

Billor	Firm Position	Rate	Hours	Total
Kiley Grombacher	Partner	\$900	58.1	\$52,290
Fernando Valle	Associate	\$650	28.2	18,330
	average rate	\$ 775.00	\$ 86.30	\$ 70,620.00

EXHIBIT C

BRADLEY GROMBACHER LLP
Transaction Report
 All Dates

Date	Name	Memo/Description	Debit	Credit	Balance
Newman v. Audience View - 20230504					
05/09/2023	The State Bar of California	Certificate of Good Standing - Kiley Grombacher	25.63		25.63
05/09/2023	The State Bar of California	Certificate of Good Standing - Marcus Bradley	25.63		51.26
05/18/2023	NEW YORK NORTHERN DISTRICT COURT	PHV Fee Marcus Bradley	200.00		251.26
05/18/2023	NEW YORK NORTHERN DISTRICT COURT	PHV Fee- Kiley Grombacher	200.00		451.26
05/18/2023	NEW YORK NORTHERN DISTRICT COURT	PHV Fee Fernando Valle	200.00		651.26
06/20/2023	Siri & Glimstad LLP	Filing Fee Reimbursement	402.00		1,053.26
06/30/2023	FIRST LEGAL NETWORK	Filing and Service Costs	123.85		1,177.11
06/30/2023	FIRST LEGAL NETWORK	Filing and Service Costs	237.35		1,414.46
08/25/2023	Delta Air	Flight - Transportation for Initial Status Conference	1,498.90		2,913.36
10/25/2023	Uber	Uber to Courthouse from hotel 20230504	56.07		2,969.43
10/25/2023	NYC Interboro Management	taxi into city for case management conference	98.88		3,068.31.11
10/28/2023	LAX Parking	airport parking for initial conference	180.00		3,248.31
10/28/2023	The Lowell Hotel	Hotel for case management conference	800.00		4,048.31
04/22/2024	JAMS INC	mediation fee		3,363.27	7,411.58
Total for Newman v. Audience View - 20230504			\$	7,411.58	
TOTAL			\$	7,411.58	\$ 7,411.58

Saturday, Dec 28, 2024 04:12:19 PM GMT-8 - Accrual Basis